

NARAL PRO-CHOICE AMERICA



2008  

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CONGRESSIONAL  

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RECORD ON  

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CHOICE

NARAL Pro-Choice America  
believes every woman has the  
right to make personal decisions  
regarding the full range of  
reproductive choices, including  
preventing unintended pregnancy,  
bearing healthy children, and  
choosing legal abortion.



**NARAL**  
Pro-Choice America



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## **CONGRESSIONAL RECORD ON CHOICE 110th CONGRESS, 2nd SESSION**

November 4, 2008 was an historic day for the pro-choice movement. Sen. Barack Obama (D-IL) was elected president of the United States, putting the White House back into pro-choice hands. In addition, building upon the successes of the 2006 midterm elections, pro-choice forces strengthened their ranks in Congress, with a net pick-up of 21 new pro-choice seats in the House and five in the Senate. Consequently, the pro-choice movement finds itself on the cusp of a tremendous opportunity: not only to make significant headway into reversing some of President Bush's worst policies, but also to start advancing pro-choice initiatives on a national level.

However, significant challenges remain. Despite our electoral gains, pro-choice lawmakers are still outnumbered in the 111th Congress, which consists of only 186 fully pro-choice House members out of 435, and 40 of 100 senators. Moreover, with the appointments of Chief Justice John Roberts and Justice Samuel Alito, President Bush shored up the conservative base of the Supreme Court for years to come. And anti-choice forces in Congress have

shown they will not shy away from continuing their assaults on reproductive freedom.

NARAL Pro-Choice America's *2008 Congressional Record on Choice* documents the key Senate votes taken during the second session of the 110th Congress. (Note: there were no scored House votes in 2008.) Though less frequently than in years past, this year anti-choice lawmakers continued to attack reproductive rights on the following fronts:

**Hyde Amendment:** Sen. David Vitter (R-LA) sponsored an amendment to "recodify" the Hyde funding ban on abortion care at Indian Health Service clinics.

**Child Custody Protection Act:** Sen. John Ensign (R-NV) attempted to create a reserve fund for enforcement of the Child Custody Protection Act, despite the fact that this anti-choice measure isn't even law. Thankfully, the effort failed.

**"Unborn Child" Regulation:** For the second consecutive year, Sen. Wayne Allard (R-CO) tried to codify the Bush administration's controversial "unborn child" regulation. The effort failed once again.

**Abortion Bans:** Finally, because Congress remains dominated numerically by anti-choice forces, bans remain in effect on abortion access for women who depend on the federal government for their health care—Medicaid and Medicare clients, U.S. servicewomen and military dependents, federal employees, low-income residents of the District of Columbia, and women in federal prison.

In addition to these legislative assaults, the Bush administration, in its final full year in

office, made a series of last-ditch assaults on reproductive freedom:

**HHS Regulation:** In August, at the behest of anti-choice activists, the Department of Health and Human Services issued a draft regulation that would dramatically expand the potential for women to be denied access to birth control and other critical reproductive-health services and information. A final version of the regulation was published on December 19.

**Honaker Nomination:** Richard Honaker, a controversial anti-choice ideologue nominated to be a federal district judge in 2007, has a long history of activism against a woman's right to choose: while serving in the Wyoming legislature he repeatedly, but unsuccessfully, attempted to ban legal abortion. Despite President Bush's continued insistence, the Senate held a hearing but took no further action on the nomination, and it officially expired.

**Conrad Nomination:** President Bush and his anti-choice allies also pushed hard throughout the year for the confirmation of Robert Conrad to a circuit-court judgeship. Conrad has a long history of hostility toward legal abortion, such as when he referred to Planned Parenthood as a "radical, pro-abortion fringe group...that knowingly kills unborn babies." Fortunately, this nomination expired as well.

In spite of these constant attacks on reproductive health, and thanks to a second consecutive year of pro-choice leadership in Congress, fair-minded lawmakers managed to make progress on a number of fronts. At the time of this publication, none of the individual appropriations bills has been com-

pleted; instead, Congress passed a continuing resolution funding all government programs through early 2009. However, a number of positive steps were taken in these as-yet unfinished budget bills:

**Title X:** Title X (ten), the nation’s cornerstone family-planning program for low-income women, was flat-funded for years by the Bush administration until Congress—led by pro-choice lawmakers—finally secured a much-needed increase last year. In 2008, the House recommended yet another significant funding boost for this program.

**“Abstinence-Only” Programs:** Over the past eight years, the Bush administration has spent more than \$1 billion in taxpayer dollars on “abstinence-only” programs. In 2008, the House reversed course and did not give these dangerous and discredited programs a funding increase, while the Senate bill went even further by recommending a \$28 million cut. In addition, the House held a hearing in April that further exposed the federal government’s failed “abstinence-only” policy.

**Family-Planning Services Overseas:** The USAID family-planning account pays for contraceptive services for the world’s poorest women. This year, both chambers of Congress recommended significant and long-overdue funding increases for this program, reversing years of Bush administration financial neglect. Moreover, both the House and Senate Foreign Operations bills this year contained language—not included in the continuing resolution, but commendable nonetheless—

directing the president to release funding for the United Nations Population Fund.

**Prevention Agenda:** In addition to appropriations accomplishments, pro-choice lawmakers continued to champion a host of legislative measures to prevent unintended pregnancy and reduce the need for abortion, including the Prevention First Act, the Responsible Education About Life Act, the Compassionate Care for Servicewomen Act, the Equity in Prescription Insurance and Contraceptive Coverage Act, and the Access to Birth Control Act, among others.

**Freedom of Choice Act:** Last year, pro-choice lawmakers, led by Sen. Barbara Boxer (D-CA) and Rep. Jerrold Nadler (D-NY), reintroduced the Freedom of Choice Act, a bill to codify a woman's right to choose in federal law. By year's end, 128 lawmakers had signed on as cosponsors—the highest number in recent times.

As 2009 begins, NARAL Pro-Choice America is determined to take advantage of this year's historic election results. Defenders of reproductive freedom have waited years for such a significant opportunity. Inspired by our forbearers and energized by our current leaders, we look ahead to the future with great determination and optimism. This is our time, and we are ready to fight for the values we hold most dear.



## SENATE VOTES

- 1. Hyde Amendment.** Indian Health Care Improvement Act Amendments of 2007, S.1200. Vitter (R-LA) amendment to “recodify” the Hyde amendment for all Indian Health Service (IHS) clinics. The Hyde amendment already prohibits publicly funded abortion care in virtually every federal health program, including at IHS centers, in all cases except rape, incest, or life endangerment. The restriction has applied to all IHS clinics since 1988, so recodifying it is superfluous and unnecessary. Passed 52-42; a pro-choice vote (+) was against the amendment (2/26/08).
- 2. Child Custody Protection Act.** FY’09 budget resolution, S.Con.Res.70. Ensign (R-NV) amendment to allocate funds to enforce the controversial Child Custody Protection Act (CCPA)—legislation that has not even been passed into law. CCPA would make it a federal crime for anyone other than a parent to accompany a minor to an out-of-state provider for abortion services if the young woman’s home state has a strict parental-involvement mandate.



Rejected 49-49; a pro-choice vote (+) was against the amendment (3/13/08).

3. **“Unborn Child” Regulation.** FY’09 budget resolution, S.Con.Res.70. Allard (R-CO) amendment to codify the Bush administration’s “unborn child” regulation that allows states to make an embryo or fetus—but not a pregnant woman—eligible for health-care coverage. The amendment was an effort to erode further the legal framework for abortion rights by making an embryo, from the moment of conception, a separate beneficiary of government programs. Rejected 46-52; a pro-choice vote (+) was against the amendment (3/14/08).

# SENATE VOTES 2008

	Hyde Amendment	CCPA	"Unborn Child" Regulation	%
	1	2	3	%
<b>ALABAMA</b>				
Richard Shelby	-	-	-	0
Jeff Sessions	-	-	-	0
<b>ALASKA</b>				
Ted Stevens	-	-	-	0
Lisa Murkowski	-	-	+	20
<b>ARIZONA</b>				
John McCain	A	A	-	0
Jon Kyl	-	-	-	0
<b>ARKANSAS</b>				
BLANCHE LINCOLN	+	+	+	100
MARK PRYOR	-	+	+	60
<b>CALIFORNIA</b>				
DIANNE FEINSTEIN	+	+	+	100
BARBARA BOXER	+	+	+	100
<b>COLORADO</b>				
Wayne Allard	-	-	-	0
KEN SALAZAR	-	+	+	60
<b>CONNECTICUT</b>				
CHRISTOPHER DODD	A	+	+	100
<i>Joseph Lieberman</i>	+	+	+	100
<b>DELAWARE</b>				
JOSEPH BIDEN	+	+	+	100
THOMAS CARPER	+	+	+	100
<b>FLORIDA</b>				
BILL NELSON	+	+	+	100
Mel Martinez	-	-	-	0
<b>GEORGIA</b>				
Saxby Chambliss	-	-	-	0
Johnny Isakson	-	-	-	0

1 2 3 %

# SENATE VOTES 2008

(continued)

	Hyde Amendment	CCPA	"Unborn Child" Regulation	%
	1	2	3	%
<b>HAWAII</b>				
DANIEL INOUE	+	+	+	100
DANIEL AKAKA	+	+	+	100
<b>IDAHO</b>				
Larry Craig	-	-	-	0
Michael Crapo	-	-	-	0
<b>ILLINOIS</b>				
RICHARD DURBIN	+	+	+	100
BARACK OBAMA	A	+	+	100
<b>INDIANA</b>				
Richard Lugar	-	-	-	0
EVAN BAYH	-	+	+	60
<b>IOWA</b>				
Charles Grassley	-	-	-	0
TOM HARKIN	+	+	+	100
<b>KANSAS</b>				
Sam Brownback	-	-	-	0
Pat Roberts	-	-	-	0
<b>KENTUCKY</b>				
Mitch McConnell	-	-	-	0
Jim Bunning	-	-	-	0
<b>LOUISIANA</b>				
MARY LANDRIEU	-	-	+	20
David Vitter	-	-	-	0
<b>MAINE</b>				
Olympia Snowe	+	+	+	100
Susan Collins	+	+	+	100
<b>MARYLAND</b>				
BARBARA MIKULSKI	+	+	+	100
BENJAMIN CARDIN	+	+	+	100

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# SENATE VOTES 2008

(continued)

	Hyde Amendment	CCPA	"Unborn Child" Regulation	%
	1	2	3	%
<b>MASSACHUSETTS</b>				
EDWARD KENNEDY	+	+	+	100
JOHN KERRY	+	+	+	100
<b>MICHIGAN</b>				
CARL LEVIN	+	+	+	100
DEBBIE STABENOW	+	+	+	100
<b>MINNESOTA</b>				
Norm Coleman	-	-	-	0
AMY KLOBUCHAR	+	+	+	100
<b>MISSISSIPPI</b>				
Thad Cochran	-	+	-	40
Roger Wicker	-	-	-	0
<b>MISSOURI</b>				
Christopher Bond	-	-	-	0
CLAIRE McCASKILL	+	+	+	100
<b>MONTANA</b>				
MAX BAUCUS	+	+	+	100
JON TESTER	+	+	+	100
<b>NEBRASKA</b>				
Chuck Hagel	-	-	-	0
E. BENJAMIN NELSON	-	-	-	0
<b>NEVADA</b>				
HARRY REID	-	-	+	20
John Ensign	-	-	-	0
<b>NEW HAMPSHIRE</b>				
Judd Gregg	-	-	-	0
John Sununu	-	-	-	0
<b>NEW JERSEY</b>				
FRANK LAUTENBERG	+	+	+	100
ROBERT MENENDEZ	+	+	+	100

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1 2 3 %

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# SENATE VOTES 2008

(continued)

	Hyde Amendment	CCPA	"Unborn Child" Regulation	%
	1	2	3	%
<b>NEW MEXICO</b>				
Pete Domenici	-	-	A	0
JEFF BINGAMAN	+	+	+	100
<b>NEW YORK</b>				
CHARLES SCHUMER	+	+	+	100
HILLARY RODHAM CLINTON	A	+	+	100
<b>NORTH CAROLINA</b>				
Elizabeth Dole	-	-	-	0
Richard Burr	-	-	-	0
<b>NORTH DAKOTA</b>				
KENT CONRAD	+	+	+	100
BYRON DORGAN	+	+	+	100
<b>OHIO</b>				
George Voinovich	-	-	-	0
SHERROD BROWN	+	+	+	100
<b>OKLAHOMA</b>				
James Inhofe	-	-	-	0
Tom Coburn	-	-	-	0
<b>OREGON</b>				
RON WYDEN	+	+	+	100
Gordon Smith	-	-	-	0
<b>PENNSYLVANIA</b>				
Arlen Specter	+	+	+	100
ROBERT CASEY	-	-	-	0
<b>RHODE ISLAND</b>				
JACK REED	+	+	+	100
SHELDON WHITEHOUSE	+	+	+	100
<b>SOUTH CAROLINA</b>				
Lindsey Graham	-	-	-	0
Jim DeMint	-	-	-	0
<hr/>				
	1	2	3	%

# SENATE VOTES 2008

(continued)

	Hyde Amendment	CCPA	"Unborn Child" Regulation	%
	1	2	3	%
<b>SOUTH DAKOTA</b>				
TIM JOHNSON	-	-	+	20
John Thune	-	-	-	0
<b>TENNESSEE</b>				
Lamar Alexander	-	-	-	0
Bob Corker	-	-	-	0
<b>TEXAS</b>				
Kay Bailey Hutchison	-	-	-	0
John Cornyn	A	-	-	0
<b>UTAH</b>				
Orrin Hatch	-	-	-	0
Robert Bennett	-	-	-	0
<b>VERMONT</b>				
PATRICK LEAHY	+	+	+	100
<i>Bernard Sanders</i>	+	+	+	100
<b>VIRGINIA</b>				
John Warner	A	-	-	0
JAMES WEBB JR.	+	+	+	100
<b>WASHINGTON</b>				
PATTY MURRAY	+	+	+	100
MARIA CANTWELL	+	+	+	100
<b>WEST VIRGINIA</b>				
ROBERT BYRD	-	A	A	20
JOHN ROCKEFELLER IV	+	+	+	100
<b>WISCONSIN</b>				
HERB KOHL	+	+	+	100
RUSSELL FEINGOLD	+	+	+	100
<b>WYOMING</b>				
Michael Enzi	-	-	-	0
John Barasso	-	-	-	0

1 2 3 %



## LEGEND

DEMOCRATS – All capitals  
Republicans – Initial capitals  
*Independents* – Italics

+ pro-choice vote  
- anti-choice vote  
A absent\*

\* Total score may reflect past vote or confirmed position on issue.



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