

**Congresswoman Tammy Baldwin**  
**Statement for Subcommittee on Federal Workforce,**  
**Postal Service, and the District of Columbia**  
**Hearing on H.R. 2517, the Domestic Partnership Benefits and**  
**Obligations Act**  
**Wednesday, July 8, 2009**

Thank you Chairman Lynch, Ranking Member Chaffetz, and members of the Committee for allowing me the opportunity to testify today at this historic hearing.

I am very pleased that the Domestic Partnership Benefits and Obligations Act (H.R. 2517) is getting its first House hearing. I want to thank OPM Director John Berry for taking the time to testify in support of this legislation. I also wish to thank Ambassador Guest and all our other distinguished panelists for their leadership.

As my colleagues on this Committee know, the federal government employs more than 1.8 million civilian employees, making it the nation's largest civilian employer. Historically, the federal government was a leader in offering important benefits to its employees. This is no longer the case – particularly regarding the extension of benefits to employees with same-sex partners. As it stands, some federal employees do not receive equal pay and benefits for their equal contributions, and the government is not keeping pace with leading private-sector employers in recruiting and retaining top talent.

Indeed, a large number of America's major corporations, as well as state and local governments and educational institutions, have extended employee benefit programs to cover their employees' committed domestic partners. For example, over half of Fortune 500 companies now offer health benefits to employees' domestic partners, up from just 25 percent in 2000. Overall, more than 8,000 private-sector companies make such benefits available to employees' domestic partners, as do several hundred state and local governments and colleges and universities. These employers include top American corporations such as GE, Chevron, Boeing, Texas Instruments, Lockheed Martin, and American Airlines, whom you'll hear from later this afternoon.

Under the Domestic Partnership Benefits and Obligations Act, a federal employee and his or her same-sex domestic partner, who are not related by blood and are living together in a committed intimate relationship, would be eligible to participate in federal retirement benefits, life insurance, health benefits, workers' compensation, and Family and Medical Leave to the same extent as married employees and their spouses. These employees and their domestic partners would likewise be subject to and assume the same obligations as apply to married employees and their spouses, such as anti-nepotism rules and financial disclosure requirements.

I want to make very clear that the bill has strong anti-fraud provisions, requiring employees to file an affidavit of eligibility in order to extend benefits to their domestic partner (and this is significant, especially considering that we do not require married employees to show any documentary evidence of their marriage). Further, the penalties for fraudulent claims for domestic partners would be the same as the current penalties for fraudulent marriage. For example, intentional false statements on the Federal Employee Health Benefits form is punishable by a fine of up to \$10,000 or imprisonment up to 5 years – and the same would apply under this legislation.

Mr. Chairman, I am testifying today both as the lead author of the legislation before us, but also as a lesbian Member of Congress who cannot currently cover my partner of 13 years, Lauren, through the federal benefits programs.

Over the years, Lauren and I have examined the differences between my benefits and my ability to provide for her compared to the benefits enjoyed by my straight, married colleagues in Congress. I can tell you that the difference between my benefits and yours with regard to health insurance alone is measured in five figures.

For example, although the federal government offers its employees and their dependents more than 300 health insurance plans and subsidizes health insurance premiums, I am not eligible to cover Lauren under any plan like my straight married colleagues can. Although I can specify her as a beneficiary for my life insurance, TSP, and any unpaid compensation, if for some reason I didn't sign this paperwork, the "order of precedence" would prevent Lauren from receiving my savings. And heaven forbid if anything happens to me, Lauren is not eligible to receive the survivor annuity from my pension, nor health insurance survivor benefits.

Unlike the spouses of my straight married colleagues, Lauren is also not currently subject to any of the obligations related to my federal service. And this is also disturbing. All Members of Congress file annual financial disclosures. Married Members must file important information about their spouses' income, investments, debts, gifts, etc. Surely, the public interest requires that these obligations apply also to partners of gay and lesbian office holders.

Last month, President Obama signed a Presidential Memorandum on Federal Benefits and Non-Discrimination, which directs the Office of Personnel Management (OPM) and the State Department to extend certain benefits to the same-sex partners of federal employees within the confines of existing federal laws. Although the Memorandum is an important step in providing same-sex partners of federal employees with the benefits already available to spouses of heterosexual employees, it falls short of providing the full range of benefits. President Obama acknowledged that fact when he signed the Memorandum, calling it "just a start." He went on to say that, "As Americans, we are all affected when our promises of equality go unfulfilled." President Obama recognizes that the full extension of benefits will require an Act of Congress and proclaimed his strong support for the Domestic Partnership Benefits and Obligations Act.

Like our President, I strongly believe that we must address the significant inequality in compensation experienced by an estimated 30,000 employees at all levels of the federal government who currently cannot provide benefits to their same-sex domestic partners. The purpose of the Domestic Partnership Benefits and Obligations Act is to ensure that hard-working Americans can no longer be denied equal compensation for equal work just because of who they love. There is certainly nothing more American than ensuring that people have equal job opportunities and are paid fairly for a day's work.

Chairman Lynch, my thanks again to you for inviting me to testify.