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Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

Opening Statement
Ranking Member Jason Chaffetz

Subcommittee on Federal Workforce, Postal Service and the District of Columbia
Hearing to Examine H.R. 2517, the “Domestic Partnership
Benefits and Obligations Act of 2009”

July 8, 2009

I thank Chairman Lynch for holding this hearing today to discuss H.R. 2517, the “Domestic Partnership Benefits and Obligations Act of 2009.” I would also like to thank Reverends Henry Gaston, Patrick Walker, Donald Sadler, and other members of the Ministers Conference of D.C. and Vicinity for their presence and their participation in this ongoing discussion. I look forward to hearing testimony from our witnesses today.

I, like most people in this country, support traditional marriage. To me, marriage carries a direct religious significance, but perhaps most significant to H.R. 2517 is that the term “marriage” is also a legal matter, as a court of law is involved in the marriage process.

As we attempt to address the legislation is create laws which are “similar” for different people. We are told that because opposite sex couples have the option to marry, they are provided with “similar” benefits. This is trying to introduce a gray area when this issue is black or white—you either have the same benefits, or you do not.

When we talk about domestic partnerships, the discussion is usually predicated on fairness. Part of the reason that the federal government offers the benefits it does to married couples is because the responsibility for that union is shared between the legal system and the federal government, and also frequently with a religious entity. The problem is that when we talk about the fairness and equity of domestic partnerships, it can be difficult to take the blinders off regarding what the bill stands for to see what it actually does. This bill may be trying to establish parity, but what it does is allow homosexual couples more advantages in their ability to get federal benefits than heterosexual couples, as heterosexual couples meeting these standards under this legislation cannot be domestic partners. Ask yourself as you read through the bill’s qualifying terminology

as required by the affidavit to OPM, whether or not a heterosexual couple that is dating and living together can meet all other standards except for the portion regarding the couple's same-sex status. If they can, yet are not afforded the same rights, this bill is directly discriminatory against heterosexual couples.

Getting married is, and ought to be, more demanding than sending a letter to the Office of Personnel Management stating your marriage, and then sending another letter if and when you wish to end your marriage. Meeting the stipulations of the affidavit is the only current requirement under H.R. 2517 for federally-employed domestic partners to receive the same benefits as federally-employed married couples. As stated before, marriage is a legal term. Therefore, marriage, and by extension, divorce, is more complicated. There are those who feel that homosexual couples should be afforded the same rights. But this legislation would create more problems than it claims to solve.

At a time of such economic turmoil, cost must also be a consideration. OPM has estimated that this bill would cost the FEHB program \$41 million in 2010, and \$670 million from 2010 to 2019 and that the cost of the legislation for survivor benefits would increase the total current value of benefits by about \$50 million—\$37 million for non-Postal and \$13 million for Postal. And these numbers don't begin to address potential fraud associated with this legislation, which OPM just last September said "could lead to fraud and abuse in the programs we administer." Our President has promised unprecedented accountability and transparency, but this legislation, which President Obama supports, is full of colloquialisms and self-verified promises, and lacks legally-binding terminology and accountability.

Plus, what is the basis for these assumptions? What percentage of the federal workforce is gay or lesbian? Estimates in this country have ranged from 2% to nearly 10%, however, we are told that historically, less than 1% of employees who have had access to these benefits have taken advantage of them. This, at least to me, sounds like a dangerous estimate. There is no business in this country larger than the federal government, and that size has an impact when you consider a private business's ability to monitor and prevent abuse versus the federal government's more than 2.8 million and growing workforce which extends across the globe.

I recognize the difficulty posited by the lack of a legally binding definition for domestic partnerships. But the challenge in this debate is trying to legally define a same-sex partnership. The fact is that only 11 of the 50 states recognize and legally define same-sex domestic partnerships. With this bill, the federal government is almost guaranteed to run into significant Constitutional and legal issues arising from this bill's creation of a new, legally defined inequity. This effectively makes the benefits of a homosexual couple greater than those for a heterosexual couple, and will clearly open itself up to increased fraud and abuse.

I look forward to hearing what we need to do to avoid trading one injustice for another.