

Hearing on the Domestic Partnership Benefits and Obligations Act of 2009
(H.R. 2517)
Subcommittee on Federal Workforce, Postal Service, and
the District of Columbia

Wednesday, June 8, 2009
Rayburn House Office Building, room 2154

Testimony by Michael Guest,
former career Foreign Service officer

I thank the Chairman and the members of this subcommittee for inviting me to share my perspective on the Domestic Partnership Benefits and Obligations Act of 2009.

For me, this legislation is intensely personal. For 26 years, I served our country in the Department of State as a career Foreign Service officer. I came to that career out of deep love for the United States, and for the principles it represents. I saw the Foreign Service as an opportunity to advance American interests and to make the world a better place. I was proud to represent our country abroad and am proud of my achievements.

In December 2007, I ended my career after having sought, without success, to convince Department leaders to amend personnel policies that discriminated against Foreign Service personnel who are gay. Some of these policies affect all government agencies, and I will return to that point in a moment. But partners of gay and lesbian Foreign Service personnel faced a staggering array of inequities that came into play when they were assigned, at regular intervals, to serve their country abroad. Until President Obama's recent order to correct these deficiencies, partners were not:

- trained, as spouses are trained, in how to recognize a potential terrorist or counter-intelligence threat – thereby putting their lives and the security of our embassy communities at risk;
- trained in the informal community leadership roles that they, like spouses at senior levels (Ambassador or Deputy Chief of Mission), are expected to fill;
- provided with equal access to embassy medical services, even in countries where medical care is poor or dangerous;

- provided emergency medications (e.g., Tamiflu in the event of an avian flu outbreak) that are important to the embassy community's ability to cope with contagious epidemics;
- evacuated, as other family members would be, should a medical condition arise that could not be treated locally;
- assured that, in the event of danger or instability, they would be evacuated with other members of the embassy community;
- offered the protections that diplomatic passports afford;
- offered visa support, to allow them to remain with their families throughout their posting;
- allowed to compete for open jobs at the embassy, even where they might be best-qualified to contribute ideally to embassy effectiveness;
- trained in languages and area studies, to empower their ability to represent our country effectively in diplomatic settings;
- offered embassy ID cards and compound access equivalent to that offered to the families of straight employees;
- given separate maintenance allowance when employees answer the call to serve at unaccompanied posts;
- included in family size calculations for cost of living adjustments, post housing assignments, or other miscellaneous allowances associated with transfers overseas; or
- offered paid transportation to and from post, even though the costs of transferring an employee's pet is reimbursed – a point that has as much to do with morale as it does employee benefits.

Over the better part of three years, I drew these inequitable policies to the attention of two successive Department of State Directors General; the Assistant Secretary for Civil Rights; the Director of the Foreign Service Institute; the Under Secretary for Management; the Under Secretary for Political Affairs; and ultimately, Secretary Rice. In those conversations, meetings, e-mails and letters, I noted that the Department's choice of making marriage the fulcrum for decisions on training, protections and benefits was adverse to both workplace fairness and workplace needs. I stressed that failure to correct these inequities had impaired the effectiveness of our diplomatic platforms; impacted considerations of gay and lesbian families regarding service in dangerous or unhealthy locales; reduced post morale and hindered the ability of ambassadors to foster a "one team, one mission" spirit; and indeed put lives and embassy communities quite literally at risk. I also underscored that these discriminatory policies stood against principles

of equality, fairness and respect for diversity – principles that not only are important to our country’s founding and functioning, but that American diplomats are charged to promote abroad.

In most conversations, I was told that I was right, that these policies were unfair and should be changed. But no action resulted. Knowing that I would be given another overseas posting before any new Administration could be expected to act, I ended my career. I simply could not ask my partner, who had put his career on hold to support me, to accept second-class citizenship again. Nor could I accept being asked to urge upon other countries the American principles noted above, when the cabinet agency that directed me to do so knowingly dishonored those principles at home.

I am, of course, deeply grateful to President Obama and Secretary Clinton for having acted to end State Department-specific discriminatory policies, to the extent Executive Branch directives can do so. But a range of discriminatory policies remain in place in federal law, adversely affecting gay and lesbian families across the federal workplace. Unlike spouses, partners of gay and lesbian employees are not covered by federal employee health, group life insurance, and long-term care plans. Employees cannot take medical and emergency leave to care for a partner who is sick or dying. And partners, unlike spouses, aren’t eligible for benefits from employees’ retirement and disability plans. In essence, the employment package offered to gay and lesbian federal employees falls vastly short of what their straight colleagues, who perform identical work, receive.

The Domestic Partnership Benefits and Obligations Act would redress these and other workplace imbalances. In so doing, it would provide a critically important floor of protection for LGBT families. It would chip away at the number of citizens who lack affordable health insurance in this country. It would reduce the financial strain on gay and lesbian families, for whom separate health care plans can be a major, even unaffordable cost. It would help the federal government become more inclusive and representative by eliminating major financial disincentives for gay and lesbian Americans to serve their country. And it would establish the federal government as abiding by the important principle of fair workplace treatment of all employees, a principle that should be above partisan political debate.

Many proponents of this bill stress that it will help the federal government attract and retain top-caliber talent. According to survey information

compiled by the Human Rights Campaign, health benefits for partners are now offered by well over half of Fortune 500 companies. Many smaller private sector companies follow that best practice. With a wave of baby boom-generation employees expected to retire from federal service in the coming years, the federal government should not want its personnel policies to drive talent in other directions. Nor should it want to lose, because of these inequities, a single employee in whom it has invested over years.

But for me, the essential arguments in favor of this bill are less about employer interests than they are about people and principle. Advocates of this legislation are not seeking “special rights,” as opponents sometimes claim. Rather, they are asking for gay and lesbian families the same rights that you and your families enjoy – no more, but also no less. Surely men and women who work side-by-side, under equal conditions of service, deserve equal pay, protections and benefits. Surely no factor that’s flatly irrelevant to the jobs we perform – whether race, sexual orientation, gender, or gender identity – should be used to justify unfair and unequal treatment. And surely the American people can be brought to understand that families matter not only to straight Americans, but also to those of us who are gay. Anything short of fully equal treatment in the federal workforce dishonors the service of LGBT Americans, fails our families and, indeed, tarnishes our country’s integrity and principles.

When I ended my career in December 2007, I spoke of the choice I felt compelled to make between service to my country and obligations to my partner, who is my family. Indeed, as Rep. Tom Lantos, a personal hero of mine, said shortly before his untimely death, “There is no rational explanation for a same-sex domestic partner to be treated as a second-class citizen. ... These dedicated men and women serve their country, yet our government does not honor the basic rights of the benefits they have earned for themselves and their families.”

For the sake of those who honor our country with their service, and for their families, and indeed for the fabric and integrity of our country, I urge that this bill be moved quickly to the President’s desk for signature. And I urge that it receive full bipartisan support, so that workplace equality as an American principle is not seen as a partisan matter.

Thank you.