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Statement by American Foreign Service Association (AFSA) President John Naland and Gays and Lesbians in Foreign Affairs Agencies (GLIFAA) President J. Michelle Schohn
Senate Committee on Homeland Security and Government Affairs
Thursday, October 9, 2008
Subject: Domestic Partner Benefits and Obligations Act S. 2521 and H.R. 4838

Mr. Chairman, Ranking Member Collins and distinguished members of the committee, our names are John K. Naland, President of AFSA, and Michelle Schohn, President of GLIFAA, and we are submitting this statement on behalf of the American Foreign Service Association (AFSA) and Gays and Lesbians in Foreign Affairs Agencies (GLIFAA).

We are very pleased to submit the following statement on the Domestic Partner Benefits and Obligations Act for inclusion in the committee's record on this very important matter.

Upon review of S. 2521 and H.R. 4838, the American Foreign Service Association and Gays and Lesbians in Foreign Affairs Agencies wish to convey our support for the important issues raised in these bills. The following story, written by a Foreign Service officer serving our country overseas, exemplifies why it is so critically important that we focus on equity and fairness:

“My partner accompanied me to three overseas posts and, like many spouses, he sacrificed advancement in his own career in order to do so. Unlike other families, however, we paid for his transportation to and from post and home leave, the lawyer's fees for his visa, his tickets to travel with me on rest-and-recreation leave, his language training, his immunizations and medical tests, and his medical

evacuation insurance. Unlike other couples, we went without separate maintenance allowances and augmented foreign transfer allowances, post cost-of-living allowances and air freight allowance. Nor were we eligible for group health insurance. And at one post, we were permanently assigned to a one-bedroom apartment despite being a couple.

“My partner faced the indignity of being searched and escorted every time he entered the mission, was barred from dependent jobs (despite being the most qualified), was denied access to the commissary to do our shopping, was not included in embassy hail-and-farewell receptions, and was not allowed to participate in the Foreign Service Institute’s Security Overseas Seminar. He could not benefit from my pension, and would not receive the small courtesy of being notified by the State Department if his parents died while he was overseas as a result of my service.”

“It amazes me that some opponents worry we became partners on a whim or to get some free ride. We put up with these conditions because we love each other and we love being in the Foreign Service. How many heterosexuals would ever tolerate such treatment of their families?”

Another FSO recently told us that he has had to pay \$30,000 in emergency health care costs, out of pocket, for his uninsured domestic partner. Such incidents, which are all too common, demonstrate how vital it is that domestic partners, both overseas and abroad, receive government-provided health insurance and enhanced dental and vision benefits.

One FSO, who served in Operation Iraqi Freedom during his time in the Army, said he would not be able to support his domestic partner if he served in Iraq again, this time as a Foreign Service officer. Because he and many others want to serve our country’s important foreign policy interests by serving in dangerous places, we support granting those serving in Iraq and Afghanistan a separate maintenance allowance that would enable a domestic partner to remain in post housing while the employee is serving in a war zone or in other critical-need countries, as many of our members are.

Yet another FSO told us a story that describes the humiliation that many of our diplomats face when returning to the U.S. with their loved ones. He

shared with us this story: When he and his partner “landed in Chicago, immigration agents grilled him for two hours. They accused him of being illegal, overstaying, you name it. They found my business card in his luggage and demanded an explanation – as if it was inappropriate for him to have it. He patiently explained the situation numerous times, and was eventually released – but with permission to stay for only three months. Incidentally, two of my colleagues from [my previous post] met their [opposite-sex] spouses after [my partner] and I met. They both are now U.S. citizens traveling on diplomatic passports.” We therefore support another provision in these two bills that will provide diplomatic passports and status for domestic partners.

Finally, we simply believe in fairness and equity. The cost of transporting a pet when moving overseas should no longer weighed more importantly than the cost of transporting a partner. So we support the provision in these bills that includes domestic partners in household-size calculations for housing assignments, cost of living allowances, miscellaneous transfer allowances and home service transfer allowances.

We recognize that there is more work to be done to achieve full equity and fairness. For example, none of these bills would address the Military Readiness Act to repeal “Don’t Ask, Don’t Tell.” We also recognize that these bills do not explicitly apply to all aspects of the State Department’s “Member of Household” category, which also includes opposite-sex partners, adult children, and aging parents. Nor would they benefit the uniformed personnel with whom we serve in war zones.

We continue to urge the State Department to address the issues identified in a February 21, 2008, letter to Secretary Rice from Representatives Tammy Baldwin (D-WI 2), Howard Berman (D-CA 28), Ileana Ros-Lehtinen (R-FL 18), and Gary Ackerman (D-NY 5) on issues that “could be handled through internal regulatory changes and would not require congressional action” and are not “contrary to the letter or spirit of the Defense of Marriage Act.” The representatives suggested that “these changes might be efficiently addressed through the inclusion of same-sex domestic partners under the definition of an EFM [Eligible Family Member.]” We note that the DPBO does not address any of the following that the representatives identified in their letter and which continue to be problems for our employees:

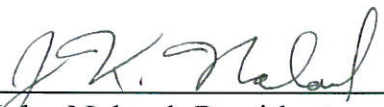
- Travel Orders: Same-sex domestic partners may not currently be included on and employee's travel orders;
- Training: Same-sex domestic partners do not have access to the same training provided to "eligible family members" (current policy forces domestic partners into shortened "FAST" language courses);
- Evacuation: Same-sex domestic partners are not eligible for government-funded emergency and medical evacuation from post;
- Medical Care: Same-sex domestic partners do not have access to post medical facilities, regional medical units and visiting regional medical officers;
- Overseas Visas: Same-sex domestic partners are not assured of post support in obtaining visas, and work permits where applicable, when going overseas with an employee;
- U.S. Visas: Non-citizen same-sex domestic partners are not assured of firm department support in obtaining visas to accompany officers and specialists to postings in the United States; and
- Employment Preference: Same-sex domestic partners are not offered employment opportunities at posts on the same basis as married spouses, and are in some cases specifically excluded from such opportunities.

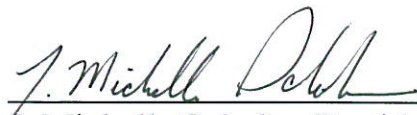
We further believe the following three items, although not specifically mentioned by the representatives, could similarly be achieved without congressional action:

- Mail: Allow access to the diplomatic pouch and APO/FPO mail services for same-sex domestic partners;
- Badges/ID: Issue embassy ID cards and compound access for same-sex domestic partners on a basis equivalent to that used to issue them to married spouses; and
- Unaccompanied Tour Support: Permit same-sex domestic partners to join "family left behind" support groups.

We also note that these bills do not include the provisions of the Uniting American Families Act (S. 1328 and H.R. 2221) in terms of granting immigration sponsorship rights for "permanent partners" equivalent to those provided to married spouses so they may go abroad as American citizens, allowing Foreign Service officers to serve in Washington without visa worries for their partners, and allowing Foreign Service retirees to come home to the United States with their permanent partners.

While the Domestic Partner Benefits and Obligations Act (S. 2521 and H.R. 4838) does not cover all of the issues we deem necessary to recruit and retain the best and the brightest in the Foreign Service and Civil Service of the foreign affairs agencies, we support the issues outlined in these bills as a major step in achieving equity and fairness for those serving our country. Thank you for your consideration of this matter.

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John Naland, President
American Foreign Service Association

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J. Michelle Schohn, President
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