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Policy Brief.....September 25, 2001

DC DOMESTIC PARTNERSHIP AMENDMENT

WELDON AMENDMENT TO DC APPROPRIATIONS:

On Tuesday, September 25, Rep. Dave Weldon (R-FL) will offer an amendment on the House floor to amend the DC appropriations bill back to the FULL funding ban on implementing the DC domestic partners bill—a ban that has been in effect through both Democrat- and Republican-controlled Congresses since 1992. The amendment will merely strike the word “federal” in Sec. 118 to return the provision to current law banning *all* funds in the bill—both federal and DC.

TEXT OF RIDER AS SIGNED INTO LAW LAST YEAR:

(Full Funding Ban in Effect since 1992)

SEC. 124. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

[Public Law: 106-553]

TEXT AS AMENDMENT BY REP. KOLBE LAST WEEK:

SEC. 118. None of the ~~funds~~ federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

EFFECTS OF THE DC LAW:

The 1992 Health Care Benefits Expansion Act (D.C. Act 9-188, April 15, 1992) provides:

- 1) The following Definitions (Section 2)
 - “Domestic partner” means a person with whom an individual maintains a committed relationship
 - “Committed Relationship” means a familial relationship between 2 individuals characterized by mutual caring and the sharing of a mutual residence”
- 2) Domestic Partnership registration procedures for DC and private sector employees (Section 3)
- 3) Recourse to “any court of competent jurisdiction” in civil suits to “recover damages” for false declarations of domestic partnership or failure notify DC of the termination of domestic partnership status (Section 4)
- 4) Access to all health care facilities for a “family member” defined in 2 (7) as “A) a domestic partner; or B) A dependent child of a domestic partner” (Section 5)
- 5) District employees with leave for domestic partner sickness, “maternity or paternity leave,” adoption, and funerals (Section 6)
- 6) Optional family health insurance benefits for “family members” as defined in 2 (7) (“ A domestic partner; or A dependent child of a domestic partner” (Section 7)
- 7) For a study by the “Mayor” of offering employees in the Federal Employees Health Benefits Program (FEHBP) a “supplemental health insurance program for their domestic partners and their family members” (Section 8)
- 8) Record keeping requirements for the mayor to maintain “adequate records of declarations of domestic partnership, termination statements” etc. (Section 9)
- 9) “Tax deductions for employers offering health insurance coverage for domestic partners and family members” (Section 11)

CONGRESSIONAL OVERSIGHT CONSTITUTIONAL

Article 1, Section 8, clause 17 of the Constitution gives Congress the power "to exercise exclusive Legislation in all Cases whatsoever" over DC.

PREVIOUS FLOOR VOTES:

- Sept. 24, 1992, 235-173, Roll Call #420, DeLay Motion to Recommit with instructions to ban all funding of DC law
- June 30, 1993, 251-177, Roll Call #313, Istook Amendment full funding ban
- November 1, 1995, 249-172, Roll call # 759, Hostettler Amendment to REPEAL DC law

LEGISLATIVE BACKGROUND:

The DC City Council passed a law in 1992 and every year since, as part of the annual appropriations bills, Congress has prohibited federal or DC funds from going to implement this law.

In 1992, Rep. Tom DeLay (R-TX) then in the minority of a Democrat-controlled Congress offered a motion to recommit the entire DC appropriations bill and force them to put the funding ban on DC domestic partners back in. Rep. DeLay's motion passed on Sept. 24, 1992, in a 235-173 vote (Roll Call #420). The ban ultimately was signed into law.

The following year the DC funding bill came to the House floor without a ban on DC domestic partners. Rep. Ernest Istook (R-OK) offered an amendment to reinstate the funding ban, which prevailed on June 30, 1993, in a 251-177 vote (Roll Call #313). The ban ultimately was signed into law.

After Republicans took over in January of 1995, Rep. John Hostettler (R-IN) offered an amendment on the House floor to repeal DC's domestic partnership law. His amendment passed on 11/1/95, in a 249-172 vote (Roll call # 759).

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=1995&rollnumber=759>

[After the government shutdown, it is believed the law that was signed contained a full funding ban]

Since 1995, every DC Appropriations bill reported from committee in the House has contained a funding ban (both federal and DC funds) on implementing the DC domestic partnership bill.