



UNCLASSIFIED

December 05, 2008

## INFORMATION MEMORANDUM

TO: The Transition Team

FROM: GLIFAA – J. Michelle Schohn

SUBJECT: Beyond MOH: Equal Treatment for LGBT Foreign Service employees

As President of Gays and Lesbians in Foreign Affairs Agencies, I would like to bring to your attention the numerous issues which affect the Department's Lesbian, Gay, Bisexual and Transgendered (LGBT) employees. We believe a clear mandate for change is needed from the Administration to assist LGBT employees in continuing to serve our country – whether at State or other foreign affairs agencies (USAID, FCS, FAS, Peace Corps, MCC).

As the high profile resignation of Ambassador Michael Guest demonstrates, LGBT foreign service employees are forced to choose between their families and their career at a time when their country needs them most. While the Department offers diplomatic protections, visas, employment options, and training to Eligible Family Members (EFMs) (attachment 1) as currently defined, same-sex domestic partners remain second-class citizens. LGBT personnel are forced to fund expensive travel for their partners to post while the Department reimburses for a variety of moving expenses, including the cost of travel for the family pet.

Many of these concerns were raised in several letters from four members of Congress, including the Chair and Ranking Member of the House Committee on Foreign Affairs (attachment 2). They reminded Secretary Rice that even within the current legal framework she has wide latitude to take action on these issues, and in fact they suggested the simplest fix would be to amend the definition of an EFM to include same-sex domestic partners.

However, the majority of these concerns remain unaddressed by the Department.

Clearly, a guiding hand within the Department is needed to assist in bringing about equality for LGBT personnel and our families. GLIFAA asks that the new State Department and USAID senior leadership issue clear instructions early in the new Administration that every effort will be made to create an equal environment for LGBT personnel and our families, including our partners. We then seek an action plan to ensure tangible steps are finally taken. To this effect, among other steps, we propose the appointment of a new senior State Department/USAID LGBT advisor, placed directly within the office of the Undersecretary for Management, with a primary function of working directly with GLIFAA, HR, L, H, OCR, FSI, AFSA, other bureaus/offices/entities, and other foreign affairs agencies to develop solutions, including legislative remedies, to the problems LGBT employees and our families in all foreign affairs agencies face.

A lack of benefits for same sex partners not only adversely affects recruitment and retention of talented, high performing employees but creates great emotional and financial costs for these employees. Many key concerns can be addressed via the stroke of the pen; the easiest “fix to the problem” is to include same-sex partners in the category of Eligible Family Member (EFM) (attachment 3). A strong advisor and advocate for LGBT employees in all foreign affairs agencies could help bring about those changes.

The members of GLIFAA have great hope that the winds of change will finally bring equality for LGBT personnel in foreign affairs agencies. We look forward to working closely with the new leadership of our agencies in pursuit of this important goal.

Attachments:

1. GLIFAA position paper
2. Letters from Congressional Leaders to the Secretary
3. GLIFAA transition document
4. USAID letter to Customs and Immigration Services



## GLIFAA Position Paper

*Lesbian, Gay, Bisexual, and Transgender (LGBT) Foreign Service Officers and Specialists are on the front lines of America's diplomatic corps, working to build a world of peace, stability, and prosperity. Despite our dedicated service, our partners are still denied the rights and privileges accorded to married spouses – everything from diplomatic visas to language training. In fact, the State Department will reimburse an employee for a variety of expenses when he moves overseas, including the cost of transporting his pet, but not the cost of transporting a life partner.*

*To begin addressing the inequalities that LGBT employees face, GLIFAA requests that:*

- **State Department and USAID senior leadership issue clear instructions** early in the new Administration that every effort will be made to create an equal environment for LGBT personnel and our families, including our partners
- **The new Secretary meet early with our organization** to hear our concerns and chart a way forward with a clear action plan for bringing about equal treatment
- **A senior-level person be appointed as a LGBT advisor**, placed directly with M, with a primary function of bringing about equality for LGBT personnel and their families.
- **As an initial step, same-sex domestic partners be included under the definition of an Eligible Family Member (EFM).**

*GLIFAA further requests the following changes not prohibited by legislation:*

- **Travel Orders:** Inclusion of same-sex domestic partners in travel orders
- **Training:** Provide Foreign Service Institute (FSI) training for same-sex domestic partners, including but not limited to foreign language and area studies
- **Evacuation:** Provide government-funded emergency evacuation/medevac from post
- **Medical Care:** Ensure access to health insurance benefits, post medical facilities, regional medical units and visiting regional medical officers
- **Visas:** Support same-sex partners in obtaining visas and work permits, whether going overseas with an employee or accompanying them to postings in the United States.
- **Employment Preference:** Open employment opportunities at posts to same-sex domestic partners on the same basis as married spouses.
- **Mail:** Allow access to the diplomatic pouch and APO/FPO mail services
- **Badges/ID:** Issue embassy ID cards and compound access for same-sex domestic partners equivalent to that issued married spouses

*GLIFAA also urges Department support of the following two Congressional bills:*

**Domestic Partnership Benefits and Obligations Act** (S. 2521 and H.R. 4838)

- Protects domestic partners both overseas and abroad with government-provided health insurance
- Allows for diplomatic passports and status for domestic partner.

**Uniting American Families Act** (S. 1328 and H.R. 2221)

- Grants naturalization rights for “permanent partners” equivalent to those provided to married spouses
- Allows Foreign Service retirees to come home to the United States with their permanent partners

**Congress of the United States**  
**Washington, DC 20515**

February 21, 2008

The Honorable Condoleezza Rice  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Madam Secretary:

We have followed with great interest and concern the media coverage of the workplace inequities facing gays and lesbians in the U.S. Department of State. As in the case of Former Ambassador to Romania Michael Guest, the inequitable treatment of gay and lesbian Foreign Service Officers (FSOs) and their partners should not be allowed to lead highly qualified employees to leave the State Department at a time when their service is needed more than ever. Many of these inequities could clearly be remedied through your leadership as Secretary, without legislative changes. We write to highlight basic and common-sense policy changes that beg your prompt attention and ask that you act to make eliminating inequities facing gays and lesbians at the State Department a priority.

By not including same-sex partners in the definition of an “Eligible Family Member” (EFM), the Department excludes them from many of the benefits, protections, and services that are enjoyed by family members of married FSOs, and that are important to the safety, effectiveness, and morale of our communities abroad.

We are particularly concerned that the Department has not taken steps to assure the safety and security of non-EFM partners of FSOs. According to the State Department’s own literature, 85% of FSOs are likely to be a victim of crime at some point during their overseas career. While EFMs are encouraged to take formal classes on security through the Foreign Service, same-sex partners are denied access even when there are open seats in the seminar rooms – which is often the case. Partners are not offered access to embassy health services, even in countries where grave health crises exist. They are not included in protocols for the distribution of Tamiflu in the event of an avian flu outbreak, undercutting the most basic preventive step against a potential pandemic outbreak. Further, if an evacuation is ordered, same-sex partners are financially responsible for their own evacuation – creating a frightening choice between safety and resources.

The lack of equitable treatment could force dedicated, intelligent, and needed FSOs and officials to make a needless choice between serving their country and protecting their families. Further, the State Department’s inattention to these disparities places it below parity with best employment practices used in the private sector. Without remedying

these inequities, the State Department will continue to lose in competition to attract and retain qualified personnel.

Madam Secretary, we urge you to take the initiative in addressing those basic concerns that could be handled through internal regulatory changes and would not require Congressional action. Your leadership in these policy areas would make a difference in the safety and morale of those who support American policy goals overseas:

- Inclusion in travel orders for same-sex domestic partners of FSOs
- Access to training, including language and security classes, for same-sex domestic partners of FSOs
- Emergency evacuation and medevac from post when necessary for same-sex domestic partners of FSOs
- Access to post health units for same-sex domestic partners of FSOs
- Visa support for same-sex domestic partners accompanying FSOs to overseas postings, and for same-sex foreign-born domestic partners accompanying FSOs to postings in Washington or elsewhere in the U.S.
- Preferential status for employment at post comparable to that enjoyed by EFM's for same-sex domestic partners of FSOs

Many of these changes might be efficiently addressed through the inclusion of same-sex domestic partners under the definition of an EFM in the Foreign Service Standardized Regulation 040(m). None of the changes above are contrary to the letter or spirit of the Defense of Marriage Act.

Your Family Liaison Office website reads: "Given the difficulties of a career involving frequent relocation and years of service overseas, often under hardship conditions, the Department of State wants to do whatever it can to support all of our employees in keeping their households intact" (see <http://www.state.gov/m/dghr/flo/c23137.htm>). We urge you to follow through with this promise to fully support your diverse workforce.

Madam Secretary, we would be pleased to work with you in addressing these matters and look forward to your timely response.

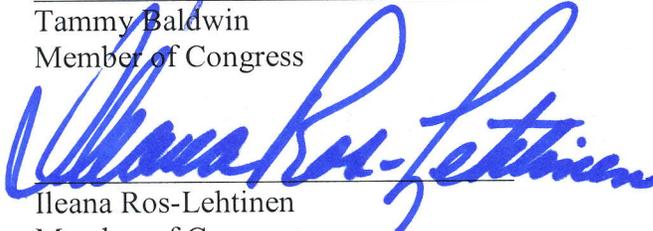
Sincerely,



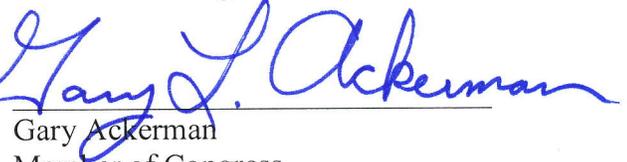
Tammy Baldwin  
Member of Congress



Howard Berman  
Member of Congress



Ileana Ros-Lehtinen  
Member of Congress



Gary Ackerman  
Member of Congress



United States Department of State

Washington, D.C. 20520

APR 17 2008

APR 18 2008

Dear Ms. Baldwin:

Thank you for your letter of February 21 regarding the State Department's treatment of gay and lesbian Foreign Service Officers and their partners.

The Department hires, recruits, assigns, and promotes employees without regard to sexual orientation. To this end, we treat same-sex and opposite-sex unmarried partners of U.S. Government employees stationed abroad in an equivalent manner.

The Department affords certain benefits, as set forth within the personnel section of the Foreign Affairs Manual (at 3 FAM 4180), to the unmarried partners of employees, regardless of their sexual orientation. For the unmarried partners of employees overseas, those benefits include assistance in obtaining appropriate residency permits and travel visas in accordance with local law, consideration for Mission employment if legal requirements are met, inclusion in the Mission warden system and Mission phone book, and inclusion on the same basis as spouses in all events sanctioned by Missions.

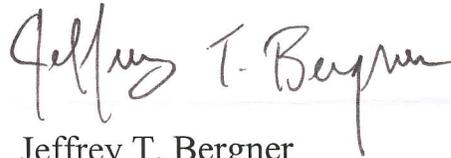
The Director General announced in February that the Security Overseas Seminar, a two-day course at the Foreign Service Institute that is mandatory for all employees prior to their first overseas assignment, would be open to all family members and members of household, including unmarried partners. The Department extended access to security training to members of households in the firm belief that they can be at risk because of

The Honorable  
Tammy Baldwin,  
House of Representatives.

their association with us and, as residents of our households and participants in the Embassy community, can positively contribute to our collective safety.

We hope that this information has been helpful to you. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey T. Bergner". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jeffrey T. Bergner  
Assistant Secretary  
Legislative Affairs

**Congress of the United States**  
**Washington, DC 20515**

May 7, 2008

The Honorable Condoleezza Rice  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Madam Secretary:

We write to express our disappointment with Assistant Secretary for Legislative Affairs Jeffrey T. Bergner's April 17<sup>th</sup> letter written in response to our February 21<sup>st</sup> letter urging you to act through your leadership as Secretary to eliminate inequities facing gays and lesbians at the State Department.

Mr. Bergner's response was unsatisfactory. He cites a limited range of actions that embassies may currently take in support of unmarried partners of Foreign Service Officers (FSOs). We are acutely aware of the limitations facing gay and lesbian Foreign Services Officers and their partners; the central motivation for our initial letter was to request that you consider providing comparable benefits, protections, and services to those enjoyed by family members of married FSOs. And while we were pleased to learn that your Director General has, at last, opened the Security Overseas Seminar to all family members, we would appreciate an explanation of why other partner-related security issues (i.e. health services and evacuation assistance) cannot currently be made available under the same rationale.

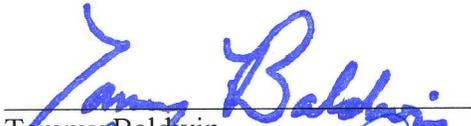
Given that Mr. Bergner's letter does not address many of the points raised in our initial letter, we write again to urge that you take the initiative in addressing the following policy areas:

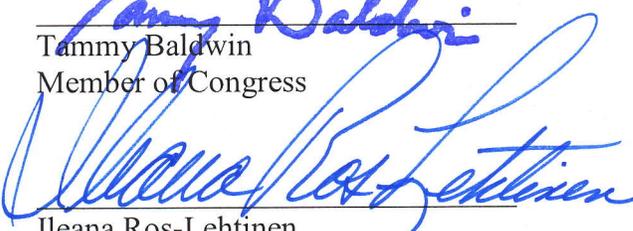
- Inclusion in travel orders for same-sex domestic partners of FSOs
- Access to training, including language classes, for same-sex domestic partners of FSOs
- Emergency evacuation and medevac from post when necessary for same-sex domestic partners of FSOs
- Access to post health units for same-sex domestic partners of FSOs
- Visa support for same-sex domestic partners accompanying FSOs to overseas postings, and for same-sex foreign-born domestic partners accompanying FSOs to postings in Washington or elsewhere in the U.S.
- Preferential status for employment at post comparable to that enjoyed by Eligible Family Members (EFMs) for same-sex domestic partners of FSOs

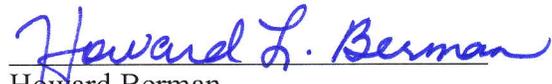
As we already stated, many of these changes might be efficiently addressed through the inclusion of same-sex domestic partners under the definition of an EFM in the Foreign Service Standardized Regulation 040(m). None of the changes above are contrary to the letter or spirit of the Defense of Marriage Act.

Madame Secretary, we again look to your personal leadership on this issue, in the interest of mission effectiveness, workplace equity, and fairness for those who sacrifice so much for our country. We would be pleased to work with you and look forward to your timely response.

Sincerely,

  
\_\_\_\_\_  
Tammy Baldwin  
Member of Congress

  
\_\_\_\_\_  
Ileana Ros-Lehtinen  
Member of Congress

  
\_\_\_\_\_  
Howard Berman  
Member of Congress

  
\_\_\_\_\_  
Gary Ackerman  
Member of Congress



United States Department of State

Washington, D.C. 20520

JUN 23 2008

JUN 20 2008

Dear Ms. Baldwin:

Thank you for your letter of May 7 regarding the Department's treatment of gay and lesbian Foreign Service Officers and their partners.

The Department believes that treatment of Members of Household (MOH) is a matter of great importance. We are currently examining initiatives that would address some of your concerns, taking into account statutory and procedural requirements and any resource considerations. We will keep you informed of our progress in this regard.

Please note that MOH concerns are not limited to the Department's treatment of same sex partners. This is a much broader issue that could affect many Department employees, as well as those of other agencies with personnel stationed abroad. Members of Household include all unmarried partners, parents, children, and even siblings who, despite being adults, are reliant on our Foreign Service members to comprise their households. Any change to our regulations must take into account this broader picture.

We hope that this information has been helpful to you. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey T. Bergner".

Jeffrey T. Bergner  
Assistant Secretary  
Legislative Affairs

The Honorable  
Tammy Baldwin,  
House of Representatives.

## GLIFAA Transition Paper

### ***Regulatory: Include same-sex partners in the Definition of Eligible Family Member***

*Issue:* Amending the Department's restrictive definition of "Eligible Family Member" (EFM), and "Appointment Eligible family member" (AEFM), in the Foreign Affairs Manual (FAM), e.g. sections 14 FAM 511.3 and 3 FAM 7121 respectively, would eliminate a large number of the areas in which families of the Department of State, USAID, and other foreign affairs agencies' employees face unequal treatment and are subject to second-class status.

In the Foreign Service Act of 1980 Congress provided the Department with great leeway in defining family members. The Act does not define EFM or AEFM, speaking instead for the most part only of "family members," without defining this group. Amendments to the FAM amount to internal regulatory changes that could be undertaken by the Department without the need for Congressional approval. Amending the definition of EFM and AEFM to include same-sex domestic partners would address disparities, and is not contrary to the letter or spirit of the Defense of Marriage Act, an opinion which was also noted in recent letters to the Secretary of State by several Members of Congress, including Rep. Berman, Chair of the Foreign Affairs Committee. and the House Subcommittee on the Middle East and South Asia, and Rep. Ros-Lehtinen, Ranking Member on the House Foreign Affairs Committee (see attachment 2).

### ***Background on the Issue:***

The Department already recognizes same-sex households and classifies same-sex partners as well as unmarried opposite-sex partners, adult children, and aging parents as "Members of Household" (MOH). Lack of benefits and basic protections for MOHs – particularly for same-sex partners who do not have the option of marriage -- are not only unfair, but also acutely affect recruitment and retention of talented, high performing employees, when the Department and other Foreign Affairs Agencies are facing critical gaps at the professional staff level. This second-class status creates great emotional and financial costs for these employees and leaves their families vulnerable while abroad at a time of heightened security threats to US interests. Many key concerns can be addressed via the stroke of the pen, by including same-sex partners in the category of Eligible Family Member (EFM), without any legislation.

The best estimate of the number of officers with significant MOH issues that affect their long-term service in State and the foreign affairs agencies is at least 6% of our Foreign Service cadre. About 90% of this group has same-sex partners. This figure has been extrapolated from the AFSA 2008 annual opinion poll of State Department Foreign Service Officers.

*Recommendation:* That the Department extend the definition of Eligible Family Member (EFM) to include same-sex partners per the February 21 and May 7, 2008 letters from four members of the U.S. Congress, including the Chair and Ranking Member of the House Committee on Foreign Affairs to address the following disparities:

- Lack of inclusion in travel orders
- Lack of visa support for foreign postings or assignment to the US
- Lack of access to training, including full language and functional courses
- Lack of eligibility under the Family Member and Temporary Appointments hiring mechanisms
- Lack of status under the AEFM/EFM hiring preference
- Lack of access to the diplomatic pouch and APO/FPO mail services
- Lack of Government-funded emergency evacuation from high threat foreign postings and government-funded medevac from foreign postings during a health care emergency

***Regulatory: Appoint a Senior-level Advisor to Oversee the Immediate Extension of Member of Household Benefits not prohibited by current legislation***

*Issue:* The GLIFAA Board met the Director General of the Foreign Service, Ambassador Harry K. Thomas, Jr., on September 25, 2008. The DG is looking to see what the current Administration can do during December 2008, to address the remaining MOH issues that are not being addressed by the Domestic Partner and Obligations Act. Many of these concerns were also raised in several letters from four members of Congress, including the Chair and Ranking Member of the House Committee on Foreign Affairs. These members of Congress reminded the Secretary that even within the current legal framework she has wide latitude to take action on these issues, and in fact they suggested the simplest fix would be to amend the definition of an EFM to include same-sex domestic partners. The majority of these concerns remain unaddressed by the Department.

*Recommendation:* That a senior-level person be appointed as a LGBT advisor, placed directly with M, with a primary function of bringing about equality for

LGBT personnel and their families by working directly with GLIFAA, HR, L, H, OCR, FSI, AFSA, and other bureaus/offices/entities to develop solutions, including legislative remedies, to the long list of problems LGBT employees in foreign affairs agencies face.

That this advisor oversee that the following are extended immediately to same-sex partner Members of Household: (a) Inclusion on Travel Orders; (b) Extension of health insurance coverage to same-sex partners on a basis equivalent to that used for married spouses; (c) Extension other training opportunities including Rosetta Stone (in addition to FAST language); (d) Emergency evacuation/Medevac at no cost to the employee (in addition to EVT); (e) Access to post health units; (f) Preferential employment status, including extending eligibility for the Professional Associates program, on a basis equivalent to EFMs; (g) Access to mail/APO; (h) Issuance of 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 (i) Permit same-sex domestic partners to join “family left behind” support groups.

***Regulatory: Secure DHS/USCIS Support for Visas/Immigration to Non-American Partners of FSOs***

Issue: USAID Foreign Service Officers are required to have an assignment in Washington, and most FS employees serve at their agency headquarters in Washington or branch offices elsewhere in the U.S., at some point in their careers. FS employees who have non-American Members of Household (MOHs) have great difficulty in bidding for postings in Washington, DC, because they cannot be certain their MOHs can secure U.S. visas and join them for the duration of their postings. This issue is adversely affecting the State, USAID, and other foreign affairs agencies’ ability to recruit and retain FS employees and creates great emotional and financial costs for these employees.

Section 214 (b) of the Immigration and Nationality Act (INA) requires that non-Americans desiring to enter the United States for most purposes be considered “intending immigrants” unless they can demonstrate to an immigration official their strong ties to a country outside the U.S. that will compel them to depart the U.S. after a brief stay.

The Foreign Affairs Manual (FAM) provides the Department of State’s policy on MOHs in 3 FAM 4180 and 12 FAM 442. The Director General reaffirmed the Department’s MOH policy in a May 2005 unclassified cable “Members of Household Policy” in State 092970 (on May 19, 2005).

This provision makes it difficult for non-American MOHs to join American FS employees on postings in the United States unless the non-American already possesses permanent residency (a 'green card') or an employee-sponsored work visa. Even if admitted, the non-American can typically remain for a maximum of six months, and attempts to extend this period of stay can lead immigration officials to conclude the non-American is an 'intending immigrant' and deny entry to the United States. This situation may result in the long-term separation of Foreign Service families.

Because of difficulties facing non-American MOHs wishing to reside in Washington for the period of an FS employee's posting in the United States, many Officers with foreign partners choose not to serve at their agencies' headquarters. This limits the pool of talent available to serve in the U.S. These employees face the difficult decision of choosing between their families and their careers. Gay and lesbian employees are those primarily affected by this issue. The Federal government has a commitment to all FS employees, including gays and lesbians.

The United States does not grant diplomatic visas to the unmarried partners or same-sex spouses of foreign diplomats assigned to the United States. The State Department's Foreign Affairs Manual (9 FAM 41.31 N14.4: Cohabiting Partners, Extended Family Members, and Other Household Members not Eligible for Derivative Status) spells out the terms for MOHs of aliens in long-term non-immigrant status. This policy was announced in State 118790 (on July 9, 2001) and makes clear that B-2 tourist visas are appropriate for cohabitating partners of foreign diplomats and that an expressed desire for an extended stay (e.g.; for the duration of a partner's posting to the U.S.) is not a bar to admission to the U.S. In practice, the U.S. Citizenship and Immigration Services allows a liberal interpretation of the 'intending immigrant' assumption which permits partners of foreign diplomats, in most cases, to come and go freely from the United States during the period of the foreign diplomat's posting to Washington. At present, no such courtesy exists for U.S. FS employees wishing to have their MOHs accompany them on Washington tours of duty. The gray area in current law means that the attitude of an immigration officer can play a significant role in determining a MOH's admissibility. There are no reciprocal visa arrangements for American FS employees who have cohabitating partners.

On June 9, 2005, David Eckerson, then USAID's Director, Office of Human Resources, raised this issue at a Board of the Foreign Service meeting chaired by then Director General Robert Pearson with representatives from all the Foreign

Affairs Agencies. USAID took the initiative to raise Members of Household (MOH) issues upon learning that a USAID MOH who is not a U.S. citizen/resident was turned back by the Department of Homeland Security (DHS) when coming to the United States to join a USAID employee during a U.S. tour. Following the initial discussion, USAID drafted a template for State (attachment). State's Office of the Legal Advisor cleared USAID's template. In fact, State supported USAID's leadership to identify a way to support MOHs, including the entry of non-American MOHs at ports of entry into US. Then-Assistant Secretary of State for Consular Affairs Maura Harty subsequently pursued DHS and State/DGHR Pearson vigorously for their endorsement of the template. Since those discussions, GLIFAA is not aware of any change to the DHS position or whether DG has made a decision on the issue.

Recommendations: (1) That USAID and State issue a letter to U.S. Citizenship and Immigration Services for the entry of non-American MOHs at ports of entry into US to accompany their FS family member assigned to tours in Washington, D.C. A sample template is attached. (2) That State request DHS/USCIS to develop a Standard Operating Procedure (SOP) that will allow non-American Members of Household (MOHs) to accompany their FS domestic partners assigned to tours in Washington, D.C.

***Regulatory: Non discrimination policy that includes gender identity/expression for employees***

Issue: State, USAID, and other foreign affairs agencies' policy does not include prohibition of discrimination based on gender identity or expression. However, the Obama-Biden Transition Project (<http://www.change.gov/page/s/application>) has stated that they do not discriminate on the basis of gender identity.

Recommendation: That State/OCR lead the foreign affairs agencies and issue a non-discrimination statement inclusive of gender identity. That State/OCR take steps toward creating a more accommodating environment for employees regardless of gender identity and that Transgender people not get lost when health insurance is raised under the Domestic Partner Benefits and Obligations Act. That State talk to OPM about health insurance for Transgender people.

A new, updated non-discrimination policy statement should read "It is State's and other foreign affairs agencies' policy to provide equal opportunities regardless of race, color, religion, sex, national origin, age, disability, marital status, political

affiliation, parental status, sexual orientation, and gender identity and gender expression.

***Regulatory: Non discrimination policy for grants and contracts that includes sexual orientation and gender identity/expression***

*Issue:* State and USAID fall behind the private sector in ensuring a diverse workforce, including for non-direct hire employees and Schedule A appointments, ensuring that there are family-friendly posts (regional hubs from which FS Agreement Officers service bilateral Missions), determining if PSC contracts (including Americans, Foreign Service National and Third Country National employees) and other non-direct hire mechanisms can accommodate partner benefits, keeping up with the private sector to retain talent, and creating space for innovation in grant and contract management.

***Recommendations:***

- Update Nondiscrimination clause to be in sync with State, USAID, and other foreign affairs agencies' new, updated personnel policy, e.g. a hortatory statement: "State and the foreign affairs agencies recommend non-discrimination on the basis of race, color, religion, sex, national origin, age, disability, marital status, political affiliation, parental status, sexual orientation, and gender identity and gender expression for U.S. citizens, legal residents, and foreign nationals in the use of State and other foreign affairs agencies' funds."
- This non-discrimination statement on the basis of religion, sexual orientation, gender identity, sexual harassment, reprisal, parental status, marital status, and political affiliation of U.S. citizens, legal residents, and foreign nationals would be above and beyond the May 1986 policy that prohibits discrimination for US citizens or legal residents on the basis of race, color, national origin, age, handicap, or sex, in the use of USAID funds. This statement would reflect a combination of current personnel policy and the non-discrimination statement listed on [change.gov](http://change.gov).
- That evaluations of contract and grant applications include a factor on diversity.
- That the Offices of Acquisitions and Assistance at all foreign affairs agencies File Checklist include diversity as a key component.
- That the Secretary of State, the Administrator of USAID, and heads of all foreign affairs agencies issue a statement that they are interested in doing business with a diverse group of people and being inclusive. That the

departments and agencies are interested in working with diverse staff and partners, including diverse local staff.

- Survey State, USAID, and other foreign affairs agencies' contractors and grantees to find out who has domestic partner benefits.

### ***Legislative Concerns***

***Issue:*** Some MOH concerns may require legislation to be passed. Bills introduced under the last session of Congress, including the Domestic Partner Benefits and Obligations (DPBO) Act (S. 2521 and H.R. 4838) and the Uniting American Families Act (UAFSA) (S. 1328 and H.R. 2221), go a long way towards addressing some of those concerns. DPBO includes support for FS employees serving in Iraq and Afghanistan to obtain Separate Maintenance Allowance (SMA), the ability for partners to remain in housing while employee is serving in these countries, to provide partners with health insurance and enhanced dental and vision benefits, diplomatic passports, inclusion in household size calculations for housing assignments, cost of living allowance, miscellaneous transfer allowance, and home service transfer allowance. UAFSA would grant immigration sponsorship rights for “permanent partners” equivalent to those provided to married spouses so they may go abroad as American citizens, for Foreign Service Officers to serve in Washington without visa worries for their partners, and for Foreign Service retirees to come home to the United States with their permanent partners. Other inequalities, including that HIV status is can still be a medical ineligibility, and those with sodomy convictions are included under 9 FAM 41.23 as Crimes involving Moral Turpitude, will hopefully be addressed in future legislation.

***Recommendation:*** That the new leaders at State, USAID, and other agencies include MOH issues in their legislative agenda and work closely with the next Congress to ensure this vital legislation is passed. Once that legislation is passed, that State develop pathways to expeditious naturalization on a basis equivalent to that of married spouses.

All of us are members of the same team, and it is vital we be publicly acknowledged as equally valued members of that team.

Attachment



[Date]

Dear Madam or Sir:

I am writing to confirm that Foreign Service employee (employee's name) designated (MOH's name), bearer of (country) passport number (number), as a member of (employee's name's) household from (period) pursuant to Department of State and (other agency's name) regulations as described in 3 Foreign Affairs Manual 4181. (Employee's name) is now a Foreign Service employee with (agency) on temporary assignment in Washington, D.C. This assignment will last until at least the end of (date), at which time (name) will be assigned to a (agency) mission overseas.

(Employee's name) has expressed his/her intent to have (MOH's name) accompany him/her to his/her next foreign posting as a member of household. If you require additional information about (employee's name) current or future assignments, please feel free to contact me on (phone number).

Very truly yours,

(Official's name and title)