

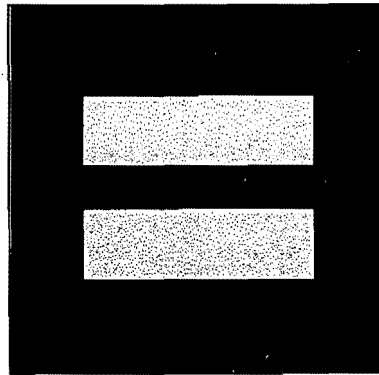
HUMAN
RIGHTS
CAMPAIGN

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WORKING FOR LESBIAN AND GAY
EQUAL RIGHTS.



HUMAN
RIGHTS
CAMPAIGN

EMPLOYMENT NON-DISCRIMINATION ACT (ENDA) H.R. 2355/S. 1276

Issue

Currently no federal law protects individuals from discrimination on the basis of sexual orientation. While 11 states and over 100 localities have passed some form of protection, it is still perfectly legal to fire or refuse to hire someone simply because they are lesbian, gay or bisexual in 39 states in the country. While it is difficult to quantify, hundreds of documented cases of workplace discrimination have proven that this is a real and pervasive problem in American society.

The Employment Non-Discrimination Act (ENDA) would prohibit discrimination in the workplace on the basis of sexual orientation. ENDA does not create any "special rights," but rather it simply affords to all Americans basic employment protection from discrimination based on irrational prejudice. The bill, however, is narrowly drafted. It explicitly prohibits preferential treatment and quotas; exempts small businesses (fewer than 15 employees), religious organizations, and the military; and does not require the provision of benefits to domestic partners. The bill prohibits the EEOC from collecting or requiring the collection of statistics based on sexual orientation, and it prohibits the imposition of affirmative action.

The legislation enjoys strong bipartisan support in the House (167 cosponsors) and the Senate (36 cosponsors), and is fully supported by the Clinton Administration.

History and Context

Federal

The first federal civil rights bill addressing sexual orientation was introduced in the mid 1970's in the House of Representatives by New York Congresswoman Bella Abzug (D). That bill amended the underlying civil rights statute to include sexual orientation in the areas of employment, housing, public accommodations and federal services. Similar bills have been introduced into every Congress since.

With the election of President Clinton, the national lesbian and gay organizations renewed their commitment to working on and passing a federal law banning discrimination on the basis of sexual orientation. After the difficult and losing debate on gays in the military, the groups decided to narrow the focus of the legislation to the issue of employment discrimination as the first step in the national debate for full civil rights for lesbian, gay and bisexual Americans. ENDA was developed and introduced by Sen. Edward Kennedy (D-MA) and Representative Gerry Studds (D-MA) in July of 1994. Since that time, ENDA has enjoyed broad based and growing support in Congress, the civil rights community, the business community, and with the American public. In September of 1996, ENDA lost by one vote, 49 – 50 on the floor of the Senate. Today, prospects for ENDA remain good, although opposition by the Republican leadership has made progress difficult.

States

The first state law passed in 1983 in Wisconsin, and local communities have fought hard, often for 10-15 years in a particular state, to pass the other 10 state laws, for a total of 11 as of August 1999. Nevada is the most recent, passing in Spring of 1999, and will not be effective until the fall.

The New York gay and lesbian community has fought for a New York state law for almost 20 years. Their efforts have been blocked by the Republican Senate, particularly Senate Majority Leader Joe Bruno. The New York state bill, the Sexual Orientation Non-Discrimination Act (SONDA), has passed the NY Assembly for years, but has never had even a vote on the NY Senate floor.

Policy Recommendation

- Support, cosponsor and work for passage of the Employment Non-Discrimination Act.

SAME-SEX MARRIAGE / DOMESTIC PARTNER BENEFITS

Issue

Many lesbian and gay Americans are in committed, long-term relationships often taking on many of the responsibilities associated with civil marriage. Unlike legally married people, however, lesbian and gay people cannot share in the economic and legal benefits of civil marriage.

History and Context

Although the Defense of Marriage Act (DOMA) passed in 1996 and in 1998 Hawaii modified their state constitution to define marriage as a "union between one man and one woman," the fight for equal marriage rights is not over. In November 1998, Vermont's Supreme Court heard arguments on a case brought by three couples after their applications for marriage licenses were denied. After having initially been dismissed, the case *Baker vs. Vermont* was appealed to the state Supreme Court. A decision is expected in the summer of 1999.

Lesbian and gay Americans came close to having the ability to legally marry when a Hawaii circuit court judge ruled in 1996 that it was illegal to prevent people of the same sex from marrying under the state constitution. In November 1998, however, the state of Hawaii passed a constitutional amendment allowing the state Legislature to define marriage as a union between one man and one woman. Alaska also voted on a constitutional amendment. Unlike the Hawaii measure, however, the majority vote in Alaska automatically amended the constitution to define civil marriage.

Under the United States Constitution's "full faith and credit" clause, states are required to recognize certain obligations established in another state. Civil marriage is one of those obligations. Should a state allow same-sex couples to marry, the other states, according to many legal scholars, would have to recognize that union and provide all the legal and economic benefits currently given to married people.

In response, the Federal government passed DOMA in September, 1996. DOMA was written as an attempt to permit the federal government and all 50 states to deny recognition of gay marriages performed in any other state. DOMA also purports to allow the federal government to continue denying same-sex couples hundreds of legal rights and responsibilities that come with civil marriage, most of which cannot be arranged privately or contracted through other means. As of March 1999, 29 states have also passed legislation very similar to the federal law, and each year more DOMA-like legislation is introduced in remaining state legislatures. Many legal scholars believe, though, that DOMA is unconstitutional and that the statute will be challenged in court as soon as any state legally recognizes a same-sex couple.

Domestic Partner Recognition and Benefits

Although there have been many setbacks in the effort for equal marriage rights for gays and lesbians, there is broadening public support for the concept of domestic partner recognition and benefits.

In 1982, the Village Voice, a New York City weekly, became the first employer to offer domestic partner benefits to its lesbian and gay employees. By 1990, there were fewer than two dozen U.S. employers that offered "spousal equivalent" benefits to their gay employees' partners. In 1992, Lotus Development Corp. became the first publicly traded company to offer such benefits. In 1999, United Airlines, the world's largest airline, became the first major U.S. airline to offer full domestic partner benefits. Today, the number of colleges, governments and private corporations that offer domestic partner, or DP, benefits has grown exponentially, including 68 companies in the Fortune 500. A 1997 survey by KPMG Peat Marwick found that 13 percent of U.S. employers extended health care benefits to domestic partners. In growing numbers, both public and private employers across the country have recognized DP benefits as an inexpensive way to address the changing needs of employees and promote fairness and equality in the workplace.

Policy Recommendations

While advancing the goal of legalized same-sex marriage may not be politically feasible at this time, there are several policies that can be advanced to enhance and protect the rights of domestic partners:

- Remedy the tax inequity for employer-provided health benefits.
- Ensure that all benefits provided to Federal Government employees through the FEHBP apply to domestic partners and their children as well as to family members related by blood or marriage.
- Broaden the entities covered by the Family and Medical Leave Act.
- Recognize the rights and unique needs of domestic partners in immigration policy.
- Provide domestic-partner health benefits to all Federal Government employees.
- Oppose state DOMA like measures as divisive and unnecessary

HATE CRIMES

Issue

The recent and brutal murders of Matthew Shepard in Wyoming, Billy Jack Gaither in Alabama and Gary Matson and Winfield Mower in California leave no doubt of the ugly and deadly nature of the hate crimes against lesbian, gay, bisexual and transgender Americans. According to statistics collected by the Federal Bureau of Investigations (FBI) since 1991, sexual orientation has consistently ranked as the third highest category of hate crimes, after race and religion.

However, federal law currently allows the federal government to assist in the investigation and prosecution of hate crimes *only* on the basis of race, religion, national origin and color, *and only if* the victim was chosen because they were participating in a federally protected activity (e.g. voting, attending school, etc.). The Justice Department currently has no jurisdiction to assist in bringing perpetrators to justice if the crime is motivated by sexual orientation, even if local law enforcement lacks the resources or the will to properly investigate and prosecute these cases.

The Hate Crimes Prevention Act (HCPA) (S. 622/H.R. 1082) would amend 18 U.S.C. Sec. 245 to remove the federally protected activity requirement and add actual or perceived sexual orientation, gender and disability to the list of covered categories, thus bringing much needed uniformity to the federal law. For the new categories, the legislation would only cover crimes that result in "bodily injury or death" and requires the government to show a nexus with interstate commerce. Even then, the Attorney General or his or her designee, must certify in writing the need for federal involvement.

HCPA is bipartisan and has 39 Senate cosponsors and 182 House cosponsors as of August 1999. The legislation enjoys broad support among civil rights, religious, and law enforcement organizations. Public opinion polls also show strong support among the American public, particularly with young people. The Clinton Administration has actively supported the legislation.

History and Context

In 1990, Congress passed and President Bush signed the Hate Crimes Statistics Act (HCSA). The legislation marked the first time ever a federal law included sexual orientation. HCSA requires the FBI to collect statistics on the frequency of hate crimes based on race, religion, national origin and sexual orientation (the bill was later amended to include disability, but does not include gender) and send a report to Congress on those statistics. Reporting of the data to the FBI, however, is voluntary, making it difficult to get accurate and complete statistics on the scope of the problem of hate crimes.

In 1994, the Hate Crime Sentence Enhancement Act became law, which directed the Sentence Guideline Commission to recommend a three offence level increase in the sentencing of federal crimes motivated by bias based on race, religion, national origin,

gender, sexual orientation and disability committed on federal property. While important, this statute has a minimal impact since the overwhelming majority of hate crimes fall under state, not federal, jurisdiction. Forty states have passed some form of hate crimes statute, however only 22 of those laws include sexual orientation. New York State's law *does not* include sexual orientation, largely due to opposition of the NY Senate Republican leadership.

Policy Recommendation

- Support, cosponsor and work to pass the Hate Crimes Prevention Act.
- Support state and local efforts to address hate crimes including passage of state hate crimes legislation.

ADOPTION

Issue

Lesbian and gay Americans are having families and raising happy, healthy and well-cared-for children. Some political groups and legislators on the extreme right at the state and Federal level are pushing for the government to intervene and make new laws against gay parents raising children.

History and Context

It is completely legal for gays and lesbians to adopt in 49 states and the District of Columbia. The only state that currently has a statutory prohibition against adoption by gays and lesbians is Florida. The American Civil Liberties Union is currently challenging the Florida prohibition in court.

State Legislation: For the past several years, political battles have been waged in the states over the issue of same-sex adoption. During this past year, for example, legislation to limit the ability of gays and lesbians to adopt was introduced by six state legislatures: Indiana, Arizona, Oklahoma, Texas, Minnesota, and Arkansas. In all these states, the legislation failed. In addition, in July, an amendment to the FY 2000 District of Columbia Appropriations bill was introduced by Representative Steve Largent (R-OK) that would prohibit joint adoptions by unmarried couples. This amendment was defeated on the floor of the House of Representatives on July 29, 1999 by a vote of 213-215. This was an impressive victory given that the same amendment passed on August 7, 1998 by a vote of 227-192.

New Hampshire Repeal: The New Hampshire State Legislature gave final approval April 22, 1999 to the repeal of a law prohibiting gays to adopt children or serve as foster parents. The Senate voted 18-6 to repeal the 1987 law, which also required heterosexual couples wishing to adopt or be foster parents to sign a form attesting that no adult in the household is gay. The bill passed the House with broad bi-partisan support in March. Governor Jeanne Shaheen signed the bill on Monday, May 3rd.

Regulatory Setbacks: Some states are now turning to the *regulatory* process to enact their anti-gay adoption policies, rather than the *legislative* process. For example, appointed boards in both Utah and Arkansas this year enacted regulations that would make it more difficult for gays and lesbians to adopt in those states. While more limited than the sweeping legislation we have seen in other states, these regulations are particularly concerning because they are made by unelected boards or commissions that are much more insulated from the political / lobbying process than state legislatures. The policy in Arkansas is being challenged in a six-plaintiff lawsuit led by the ACLU, and the policy in Utah has been re-opened for review because the promulgating board did not follow the proper regulatory procedure in January.

Inter-Country Adoption: A new concern on the same-sex adoption front is a new Federal bill on International Adoptions (S. 682). Sens. Helms (R-NC) and Landrieu (D-LA) introduced this bill in April 1999, which would implement the Hague Convention on Inter-country

adoption. There is a provision in this bill that requires adoptive parents from other nations wishing to adopt children from the United States to be "a married man and woman." While this does not prohibit unmarried people in the United States from becoming adoptive parents, many are concerned that other countries will include similar language in their implementation legislation if we have the provision in our bill. The Senate version of this bill has been referred to the Senate Committee on Foreign Relations and has not yet been marked-up by the Committee. While Congressman Richard Burr (R-NC) has introduced the exact language of the Senate bill in the House, his version of the bill will probably not move in the House. We expect that the Committee-sanctioned version of the bill, without the problematic prohibition on joint adoption by unmarried couples, will be introduced by Reps. Delahunt (D-MA) and Camp (R-MI) in the coming weeks. It is possible that there may be a floor or conference committee fight on this issue as the bill moves forward in the fall.

Policy Recommendations:

- **Encourage all family law decisions to be made by judges, parents and trained professionals, not politicians or the government.**
- **Focus on what is in the best interest of the child, rather than individual political agendas or on anyone's "right" to parent.**
- **Discourage the Congress from imposing its will on the citizens of the District of Columbia regarding this issue.**
- **Reiterate the strong opposition of the children's and adoption communities (including the Child Welfare League of America and the Children's Defense Fund) to any legislation that seeks to limit the availability of loving homes by declaring whole classes of individuals "unfit" to parent.**

RELIGIOUS LIBERTY PROTECTION ACT (RLPA)

Issue

The Religious Liberty Protection Act (RLPA) is designed to protect the important principle of being able to practice one's religion without undue interference from the government. However, as currently drafted, the RLPA is likely to undermine efforts to enforce prohibitions against discrimination on the basis of sexual orientation, and other categories, at the state and local level.

The Religious Liberty Protection Act (RLPA) would prohibit any state or local law from placing a "substantial burden" on a "person's religious exercise," even if the burden results from a rule of general applicability. If challenged, the law in question can only survive if the government can show that the burden on the person's religious exercise is (1) in furtherance of a compelling governmental interest; *and that* (2) the program or activity is the least restrictive means of furthering that compelling interest.

As currently drafted, RLPA lacks any language clarifying that the Act does *not* create a defense to the enforcement of state and local anti-discrimination laws. This inadvertent shortcoming would allow an individual to defend his or her refusal to comply with civil rights laws, claiming that such laws would substantially burden his or her religious exercise rights. This defense would not only effect sexual orientation. Marital status and disability would also be very vulnerable to the "compelling state interest" portion of the test. But even race, religion and national origin could suffer huge set backs under the "least restrictive means" portion of the test. Even if most cases in the race context were to ultimately win, the cost of litigation could take an enormous toll on the practical impact of civil rights laws in employment, housing and public accommodations.

History and Context

In 1990, the Supreme Court issued the *Employment Division of Oregon v. Smith* case that lowered the standard of review that neutral laws are held to if they inadvertently burdened an individual's religious practices. In response, Congress passed and President Bush signed, the Religious Freedom Restoration Act (RFRA) in 1993. RFRA restored the "narrowly tailored to achieve a compelling governmental interest" standard of review for any federal, state or local law that "substantially burdened" an individual's religious practice. In 1997, the Supreme Court issued the *City of Boerne v. Flores* case which struck down the portion of RFRA that applied to state and local laws as unconstitutional.

The Religious Liberty Protection Act (RLPA) is an attempt by Congress to reinstate the strict scrutiny level of review for state and local laws in a manner that will withstand constitutional review. The legislation is supported by a very broad spectrum of religious organizations, as was the Religious Freedom Restoration Act, including the very conservative

Christian Legal Society and the liberal Union of American Hebrew Congregations. This broad coalition, which disagrees on most substantive issues, have held together by agreeing to a "no amendment" strategy on RLPA. While there is no doubt that some of the far right elements of the coalition would use RLPA to subvert civil rights laws, to the dismay of many of the coalition partners who have helped pass them to begin with, this "no amendment" strategy has made the coalition recalcitrant to any effort to amend the legislation to address this issue.

A civil rights provision in RLPA is particularly important because of the lack any federal laws prohibiting employment discrimination on the basis of sexual orientation. The eleven state laws and nearly 200 local laws are the few and very hard fought for civil rights protections available for gay and lesbian Americans. Many of those laws took fifteen years or more of struggle by the local community to pass. Passage of ENDA, while providing some protection, is not enough. ENDA only covers employment, while most state laws also prohibit discrimination in housing and public accommodations. Civil rights protections have long been a partnership of federal and state laws for other categories, such as race, religion, national origin, disability and sex, with some state laws being stronger, having different and/or narrower exemptions and often being more accessible to the average citizen. The only way to safeguard these important, if few, state and local laws, is to amend RLPA.

Policy Recommendation

- **Make support for RLPA contingent on language in the bill that clarifies that RLPA will *not* provide a defense to non-compliance with state or local anti-discrimination laws for anyone except small business, small landlords and religious organizations.**

GAY AND LESBIAN YOUTH

Issue

Anti-gay prejudice is particularly harmful to gay and lesbian youths who are at high risk for attempting suicide. The psychological stresses and stigmatization faced by gay and lesbian youth have devastating consequences, including higher suicide rates than non-gay youth. The extreme right often exploits these facts to attack any positive portrayal of gay people or homosexuality. Social conservatives often twist the data to blame gay and lesbian youth for the anti-gay attacks and homophobia they face. They claim that it is the positive portrayal of gay people that leads young people to "choose" homosexuality, which then creates the psychological stress.

History and Context

A new study by Dr. Robert Garofalo of the Children's Hospital in Boston, published in May in the American Medical Association's Archives of Pediatric & Adolescent Medicine found that students who are gay, lesbian, bisexual or not sure of their sexual orientation are 3.41 times more likely to report a suicide attempt. The study cites the psychological stresses of marginalization, isolation and rejection as factors contributing to this statistic.

In a series of anti-gay attack ads, extreme right wing groups aired a television ad this Spring showing a son thanking his mother for telling him what she regards as the truth about homosexuality, and that he could change through the help of an "ex-gay" ministry. In the ad, the mother says, "My son found out the truth, he could walk away from homosexuality. But he found out too late. He has AIDS."

Typical legislative attacks on gay and lesbian youth include the Hancock amendment to 1994 reauthorization of the Elementary and Secondary Education Act (ESEA). The amendment would have prohibited local education agencies from carrying out any program designed to support gay and lesbian students, including counseling and referrals to outside organizations. The Senate bill also faced the same amendment, offered by Senators Bob Smith (R-NH) and Jesse Helms (R-NC). The amendment was ultimately made unenforceable by language in the conference report prohibiting the federal government from mandating, or controlling a school's instructional content, curriculum, and related activities.

ESEA is up for reauthorization again this year and will be a top priority of the Education and the Workforce Committee in the House, chaired by Rep. Goodling, R-PA. On the Senate side, the Health, Education, Labor, and Pensions Committee, chaired by Sen. Jeffords, R-VT, will manage the reauthorization bill, which the committee is currently drafting.

In another legislative attack, Rep. Souder, R-IN, offered an amendment this year to H.R. 1501, the juvenile justice bill, which would prohibit the use of any funds "directly or indirectly to, discriminate against, denigrate or otherwise undermine the religious or moral beliefs" of students or adults participating in programs funded by the bill. While seemingly innocuous, this amendment is in reality an anti-gay attack. Proponents of the Souder amendment are strongly opposed to inclusion of sexual orientation in any curriculum teaching about hate-based violence. They claim that such inclusion is an "attack on Biblical Christianity" and will be "used to indoctrinate the young."

At issue is the Department of Justice's (DOJ) curriculum designed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to help address violence and prejudice in schools. This curriculum, called "Healing the Hate: A National Bias Crime Prevention Curriculum for Middle Schools," is based on research findings and literature in both violence prevention and prejudice reduction. The Souder amendment could severely hinder this important tool in helping young people develop empathy skills, understand differences and non-violent conflict resolution skills.

The Souder amendment was defeated on the House floor by a vote of 210 – 216 on June 17. Despite that vote, Souder has teamed up with Rep. Tiarht, R-KS, and is offering the same amendment to the Commerce, State, Justice Appropriations bill, on the House floor today, August 4.

Policy Recommendations

- **Oppose any anti-gay amendments to legislation affecting youth or school-based programs.** Violence against gay people and gay youth will continue as long as extreme right wing groups continue to dehumanize gay Americans.
- **Support efforts to address violence in schools and the inclusion of positive messages about gays and lesbians.** Anti-gay harassment will continue to flourish in our nation's schools and gay and lesbian youth will continue to be at higher risk for suicide unless students are taught to accept and tolerate peoples' differences, including sexual orientation.
- **Oppose anti-gay attacks in the name of religious tolerance.** The religious right is claiming that any positive reference to gay people or homosexuality is a form of religious intolerance. This argument, however, could also be used as an excuse to prohibit or otherwise restrict efforts to promote tolerance of differences based on race, religion, and gender.

HIV/AIDS: RESEARCH/VACCINE

Issue

The new regimes of combined anti-retroviral therapies have been remarkably successful in slowing progression to disease and death in thousands of patients with HIV/AIDS. These breakthroughs in AIDS treatment are the result of over a decade of AIDS research at the National Institutes of Health (NIH). In May 1997, President Clinton set a national goal of developing an HIV vaccine within the next decade. So far, only one product has entered large-scale efficacy testing. Although some promising new ideas are being pursued, testing of these products on humans is years away.

Success against AIDS and other diseases is only possible with a vital national research effort. Support for AIDS research in the context of overall support and funding for biomedical and behavioral research is essential. Pitting one disease against another in competition for research dollars is unnecessary and counter-productive.

History and Context

AIDS research occurs at all 24 institutes, centers and divisions at the National Institutes of Health (NIH) and is managed and coordinated through the Office of AIDS Research. The FY 1999 NIH AIDS research budget is \$1.8 billion. In FY 1997, NIH allocated \$143,190,257 to universities and other institutions in New York. This funding supports: epidemiology and natural history of the disease, basic science, development of AIDS treatments, AIDS vaccines and behavioral research.

AIDS research enhances and stimulates research in other fields, with broad implications for other diseases such as cancer, heart disease, Alzheimer's disease, and others. NIH AIDS research has been the main source of funds for immunological research and has accelerated study of the human immune system and accelerated investigation into viruses, particularly retro viruses. NIH AIDS research has enhanced scientific understanding of all retro viruses, some of which may have important roles in other human diseases, and it has led to research involving the blood/brain barrier which has valuable implications for research on Alzheimer's disease, dementia, multiple sclerosis, encephalitis and meningitis.

The NIH Revitalization Act of 1993 strengthened the authority of the Office of AIDS Research to develop an annual research plan and a consolidated bypass budget for all NIH AIDS research. Through this strategic planning process linked with the annual budget process, the OAR Director has the administrative and fiscal authority to coordinate the NIH-wide AIDS research program. The OAR's role is limited strictly to planning, prioritization and budgeting under a system that reduces bureaucracy and eliminates duplication of effort. The OAR neither reviews grants nor conducts research programs. These efforts continue to occur, appropriately, by the scientists at the NIH institutes. The multi-disciplinary nature of AIDS research makes the OAR structure more efficient, and more scientifically sound, than a single AIDS institute or uncoordinated efforts across the NIH.

In March 1996, NIH released the "Report of the NIH AIDS Research Program Evaluation Working Group of the Office of AIDS Research Advisory Council." The report, developed by an independent cross-disciplinary panel and chaired by Dr. Arnold Levine of Princeton University, is the first comprehensive review of AIDS research at NIH. There are 14 major points to the blueprint including increased support for investigator-initiated research, more emphasis on vaccine development and the need to preserve a strong Office of AIDS Research.

This year, Dr. Gary Nabel, gene therapy researcher from the University of Michigan, was appointed as Director of the NIH Vaccine Research Center. The NIH is currently in the process of constructing the building to house this center.

Policy Recommendations

- Support funding increases for biomedical and behavioral research at the NIH, with commensurate increases for AIDS-specific research.
- Support a strong Office of AIDS Research at NIH, with strategic planning and budgetary authority.
- Oppose pitting one disease against another. Comparisons of funding for different diseases are counterproductive and misleading. The health of the nation is dependent upon a strong national commitment to biomedical research across disciplines and diseases that benefits all Americans. Because the existing knowledge base, economic and human costs, and scientific opportunities of every disease are important it is inappropriate and unwise to pit research funding for one disease against another.
- Support the NIH Vaccine Research Center by ensuring that it has the authority and resources to attract the best and the brightest vaccine researchers.

HIV/AIDS: PREVENTION

Issue

The recent dramatic decreases in AIDS-related deaths have unfortunately helped create a myth that HIV/AIDS has become a manageable, treatable disease like other sexually transmitted diseases. Behind the numbers lies a different story. Reductions in death rates are not uniform across racial, ethnic, and gender groups. Treatment options remain out of reach for many people who do not have access to public or private health insurance and their long term efficacy is unknown.

Most important, while deaths have decreased, more than 40,000 individuals in the U.S. will be infected with HIV in 1999 and no evidence suggests that this number is declining. About 25 percent of new infections occur among young people under age 21. At least one American under age 22 becomes infected with HIV every hour every day. In New York, the cumulative number of reported AIDS cases, from the beginning of the epidemic in 1981 through December 1997, is 120,103. Injection drug use is also a major factor in HIV transmission. Nearly sixty-six percent of new HIV cases are related to injection drug use; seventy-four percent of AIDS cases reported among women are related (directly or indirectly) to injection drug use; and more than half of all AIDS cases among children are related to injection drug use.

The central issue is that controlling the HIV/AIDS epidemic in the long run, must include reducing new HIV infections to zero. To date, the federal government has not put forward a plan that is adequately supported both politically and financially to eliminate new HIV infections.

History and Context

The HIV/AIDS related programs at the Centers for Disease Control and Prevention (CDC) include monitoring the HIV/AIDS epidemic and providing epidemiological and surveillance data to decision-makers at all levels of government, affected communities and the general public. The CDC also conducts basic scientific research related to risk behaviors and methods for reducing HIV transmission. It funds state and local health departments to implement prevention programs identified through a community planning process. It directly supports community based organizations and national and regional organizations. Its Division of Adolescent and School Health works to address HIV infection among youth. In FY 1997, \$14,886,865 was provided to New York by the CDC for prevention programs.

In 1994, the CDC instituted a process to increase community participation and better targeting of HIV prevention efforts to ensure that limited prevention funds reach populations most at risk for HIV/AIDS. HIV Prevention Community Planning is a collaborative process which includes state and local health departments, social service agencies, non-governmental agencies, representatives impacted or affected by HIV, and representatives of communities and groups at risk for HIV infection. These groups work in partnership to plan and prioritize HIV prevention programs that are responsive to community-identified needs within specific target populations.

In contrast to federal HIV/AIDS treatment programs, no specific legislation directs, authorizes or otherwise controls the CDC's HIV/AIDS prevention efforts. These efforts are carried out under the CDC's general authorization and are planned, organized, and modified by the agency and the Department of Health and Human Services. Even without a legislatively driven HIV/AIDS prevention program, Congress has restricted certain HIV prevention activities, especially as they are linked to sex, homosexuality, drug use, and sex education.

Needle Exchange

Congress has consistently prohibited, for example, the use of federal funds for needle exchange programs. In April 1998, Secretary Shalala certified the overwhelming scientific evidence that these programs reduce HIV transmission and do not increase drug use. Despite that determination, the Administration has continued to prohibit the use of federal funds, citing the intense opposition from Congress. Since then, language has been included in the Labor/HHS appropriation bill expressly prohibiting the use of federal funds for needle exchange programs. The House also passed a stand-alone bill, permanently banning such use of federal funds. The bill died with no Senate action.

Last year, in the appropriations bill for the District of Columbia, language was included which cut off ALL federal funds to any entity in the District of Columbia which operates a needle exchange program, no matter that the program was funded by non-federal dollars. This language forced the Whitman Walker Clinic to shut down its highly successful needle exchange program, which now barely operates as an independent organization without the benefits of drug counselors, health care services and treatment.

HIV Surveillance and Partner Notification

Other legislative efforts are currently underway to mandate how the CDC carries out its surveillance activities. Representative Tom Coburn, R-OK, has introduced legislation that calls for mandatory reporting of the names of people with HIV to the State public health officer and the CDC. His bill also requires that states implement a "mandatory partner notification program", which he refers to as a vector tracking system. Under this system, the state and local health departments would be required to collect from people who have tested positive for HIV the names of their sex and needle sharing partners. The health department would then be required to contact those partners and notify them that they have been exposed to HIV. The State of New York recently implemented a similar names reporting/partner notification system, over the objections of many in the HIV/AIDS community.

Currently, all people who are diagnosed with AIDS are reported by name to state and local health departments. State health departments then delete patient identifying information from the report and send the information to the CDC for compilation into a national picture of the AIDS epidemic.

Health organizations, AIDS groups, and federal, state and local public health officials are all in agreement that generating better data on the scope of the HIV epidemic is essential. Those data can help allocate limited resources, target and evaluate prevention efforts, and project where the epidemic is going. As AIDS deaths have declined and people are living longer with asymptomatic HIV disease, a national picture of the epidemic based on the end stages of disease progression may be less useful. The central question is how to get better data on early HIV infection as opposed to end-stage disease.

Policy Recommendations

Support the development of a comprehensive HIV/AIDS prevention plan with the goal of eliminating new HIV infections. Such a plan should include:

- **A "Know Your Status" Media Campaign.** \$10 million has been designated at the CDC to develop such a campaign. Far more funding is needed to launch an effective campaign, akin to the anti-drug campaign supported by the Office of National Drug Control Policy.
- **Counseling and Testing.** Opportunities for voluntary HIV counseling and testing should be made more widely available through increased funding and support from the federal government, as part of a broad campaign to encourage people to know their HIV status. However, any efforts to mandate the testing of any population group should be vigorously opposed and anonymous testing options must be available, for the large number of people who do not feel safe giving their name.
- **Support for Needle Exchange.** The federal government should support state and local health departments to implement needle exchange programs. While political considerations may preclude the use of federal funds, the Department of Health and Human Services can and should distribute, discuss, and promote the scientific literature on the efficacy of needle exchange. At a minimum, any and all efforts by Congress to restrict the use of local and private funds should be vigorously opposed.
- **Drug/Alcohol Treatment on Demand.** In addition to needle exchange programs, drug and alcohol treatment and prevention services are an essential component in reducing HIV transmission, enhancing the lives of infected drug and alcohol dependent individuals, and reducing health care costs associated with HIV. These programs are drastically under funded. Less than 50% of the people who need treatment receive it.
- **Support for Community Planning/Accountability.** Community planning has proven to be an effective process to utilize HIV prevention resources, the basic structure of which should be maintained. Some concerns have been raised regarding the extent to which prevention funding is directed to the communities which need it most (e.g., injection drug users, people of color, women). The CDC should work with local jurisdictions to ensure that the planning process results in prevention dollars getting to the populations that need it.
- **HIV Surveillance.** As people live longer with HIV disease, a surveillance system that measures cases of HIV is increasingly important. But a federal mandate to use one type of system should be opposed. Public health officials are working with their communities all across the country to develop surveillance systems that will work. Some are choosing to use a names based system, others are choosing a system that uses a unique identifier other than the person's name. This process should continue without interference or mandates from the federal government.

HIV/AIDS: TREATMENT ISSUES

Issue

Promising new drug therapies have brought new hope and new challenges to the battle against the epidemic; but these new drugs do not constitute a cure, and an effective vaccine is still years away. Moreover, these treatments do not work for everyone, they are difficult to access especially for communities of color, and their long-term efficacy remains unknown. Nonetheless, AIDS deaths have declined dramatically in the last three years and *more people are living longer with HIV disease.*

The HIV/AIDS epidemic thus remains an enormous health emergency in the United States and it will remain so into the 21st century. The state of the epidemic in 1999 points to an *increase* rather than a decrease in the overall need for health care, drug treatment and social services. As a nation, we must continue our efforts to expand access to these services for people living with HIV/AIDS, particularly in communities of color. The Ryan White CARE Act has proven to be an essential and effective part of the federal response to the HIV/AIDS crisis. Additional policy options for expanding access to care include expanding Medicaid to cover people with HIV earlier in disease progression and creating more flexibility within entitlement programs to provide early treatment.

History and Context

Appropriations

The constraints of the caps on domestic discretionary spending included in the 1997 budget agreement raise serious concerns about the degree to which HIV/AIDS programs will be adequately funded. The Labor/HHS appropriations bill is always one of the most contentious and usually one of the last to pass, if it passes at all. The Labor/HHS bill includes funding for the Health Resources and Services Administration, the National Institutes of Health, the Centers for Disease Control and Prevention and the Substance Abuse and Mental Health Services Administration. These agencies fund the vast majority of non-Medicaid HIV/AIDS programs. Depending on which programs and agencies are protected, if the overall funding allocations made to the Labor/HHS subcommittees are maintained this year, the Senate will have to cut funding 9% below the President's budget request and 5% below last year's funding levels. The House will have to cut its bill 15% below the President's budget and 12% below last year's funding levels. Leaders of the appropriations committees in both chambers have indicated that passing a bill this year with those kinds of cuts is impossible. So far, neither bill has been marked up in subcommittee.

Medicaid Expansion

Medicaid has become the only form of health care coverage available to many people living with HIV/AIDS. More than half of people with AIDS and 90% of children with HIV rely on Medicaid for their primary health care. An expansion would allow low-income people with HIV to access the Medicaid program *before* they are diagnosed with AIDS, thereby delaying or preventing the onset of AIDS. In addition to keeping people healthy, such an expansion would save money because the higher costs of hospitalizing people with AIDS would be avoided. Vice President Gore called for Medicaid expansion in April 1997. So far,

HHS has not come up with a plan to meet the goals laid out by the Vice President. The major issue holding up such an administrative solution is how to create a budget neutral plan whereby the savings resulting from early treatment offsets the initial costs of enrolling more people in the program.

Work Incentives Improvement Act

This legislation includes grants to states to enact Medicaid buy-in programs so people with disabilities (including HIV/AIDS) can access health services that are necessary to become or remain employed. Included in the bill also is authorization for a demonstration project to look at the cost effectiveness of Medicaid expansion. The initiative also includes a "ticket to work" program that provides people with disabilities a voucher to be exchanged for vocational rehabilitation services at the provider of their choice. The purpose of this bill is to keep people at work and encourage people to go back to work without losing the health insurance (i.e., Medicaid and Medicare) that enables them to get the treatments they need to stay healthy. The risk of losing that coverage keeps people on public programs and out of the workforce. The bill passed unanimously in the Senate. The bill has 125 co-sponsors in the House; it passed unanimously out of the Commerce Committee and now awaits action by the Ways and Means Committee.

Ryan White CARE Act

After Medicaid, the CARE Act is the largest single source of publicly funded care services for people with HIV and AIDS. The legislation funds state and local programs to provide access to medical care, mental health and substance use counseling, supportive services, and life prolonging AIDS drugs. The CARE Act also supports the development of early intervention services in traditionally under served areas and links women, children and families with care services and research protocols. In FY 1997, \$151,935,798 was provided to New York under the CARE Act. Originally passed in 1990, the CARE Act was reauthorized in 1995 and is up for reauthorization again in September 2000. Historically, the CARE Act has been used as a vehicle to attach anti-gay and anti-HIV amendments. Support for the CARE Act is strong and bi-partisan. However, a great deal of energy must be devoted to beating back or neutralizing the negative amendments offered by social conservatives.

Policy Recommendations

- Call for using part of the budget surplus to ensure adequate funding for HIV/AIDS and other public health programs. This action can be part of a broader message on balancing the twin goals of fiscal responsibility while meeting essential social service goals, including but not limited to HIV/AIDS treatment, prevention and research.
- Support efforts to bring Medicaid eligibility criteria in line with federal treatment guidelines for HIV disease that call for early intervention to prevent or delay the onset of full-blown AIDS.
- Call on the House to pass the Work Incentives Improvement Act.
- Support reauthorization of the CARE Act without damaging amendments.

GAYS IN THE MILITARY

Issues

In 1993, Congress passed and President Clinton signed into law a policy on gays in the military dubbed "Don't Ask, Don't Tell." The policy was designed to provide some progress, via greater privacy rights, for lesbian, gay and bisexual Americans serving in the Armed Forces. It is perhaps more completely termed the "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" policy. The essence of the policy is that servicemembers should keep their sexual orientation secret and refrain from any homosexual conduct, and in return the military would stop asking questions about a servicemember's sexual orientation; would stop pursuing lesbian and gay servicemembers in witchhunts, often initiated through rumor, innuendo and coercion; and would protect servicemembers from retaliation and violence based on perceived sexual orientation.

Unfortunately, the implementation of the policy has resulted in an increase, not a decrease, in discharges based on sexual orientation over the 5 years of the policy. Numerous blatant violations of the stated policy of creating and protecting a zone of privacy have also been reported since the policy was first implemented. The Servicemembers Legal Defense Network (SLDN) is the watchdog organization that provides direct assistance to servicemembers affected by the policy and issues an annual report on gay discharges. The Department of Defense, in response to the reports from SLDN, initiated a review of the policy and its implementation. The report was issued in April 1998, however, a number of the recommendations made in the report have not, to date, been implemented.

A particularly troubling aspect of this policy is its disproportionate impact on women in the military. Women are much more likely, based on their population in the military, to be discharged under the policy. Numerous reports have documented accusations of homosexuality as a fairly standard response to women reporting sexual harassment by male colleagues or superiors.

History and Context

Throughout our nation's history, lesbian, gay and bisexual Americans have served in our Armed Forces and fought and died for our country. They have, however, had to lie and hide who they are to do so. During his 1992 presidential campaign, then candidate Bill Clinton declared his opposition to the stated policy of the U.S. military that "homosexuality is incompatible with military service."

At that time, the military asked all potential recruits their sexual orientation prior to allowing them to serve. Military investigators aggressively spied on, followed, questioned and generally pursued military members suspected of homosexuality. Servicemembers were questioned, sometimes for hours at a time, and routinely threatened with court martial and prison unless they gave names of other servicemembers that they believed to be lesbian, gay or bisexual.

During the Congressional, and national, debate on gays in the military in 1993, there was a general consensus that these sorts of tactics were unacceptable and a waste of the military's resources. Advocates for the lesbian and gay community called for a policy of equal treatment under one universally applied set of rules of conduct. Forces lined up against this approach, most notable Senate Armed Services Committee Chair Sam Nunn (D-GA) and Joint Chiefs of Staff Chair General Colin Powell. In the end, the compromise policy of "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" was implemented. While lesbian and gay servicemembers have certainly been held to their end of the deal, i.e. hide and lie, much evidence suggests that military commanders and investigators have continued with the tactics of intimidation and witchhunts.

Policy Recommendations

- **Short Term - Call on the Department of Defense to hold military commanders accountable for violations of the policy and to push for training on the limitations in investigations called for by the policy.**
- **Long Term – Repeal "Don't Ask, Don't Tell" and replace this discriminatory policy with one standard of appropriate conduct to which all military personnel, regardless of their sexual orientation, are held accountable.**



HUMAN
RIGHTS
CAMPAIGN

Hillary Rodham Clinton
Senior Staff Briefing
August 4, 1999



HUMAN
RIGHTS
CAMPAIGN

Summary of Key Findings

'98
Election

- A majority of voters say that civil rights laws for gays and lesbians are intended to secure “equal rights” rather than “special rights.”
- Americans widely believe that U.S. society is more tolerant now than it was a decade ago, and over a majority believe that increased tolerance is desirable.
- Majorities of Americans support the Employment Non-Discrimination Act and the Hate Crimes Prevention Act, and strong support extends across all demographic and partisan subgroups.
- Majorities of Americans support certain rights and benefits for gay and lesbian partners, including hospital visitation rights, inheritance rights and health care benefits.

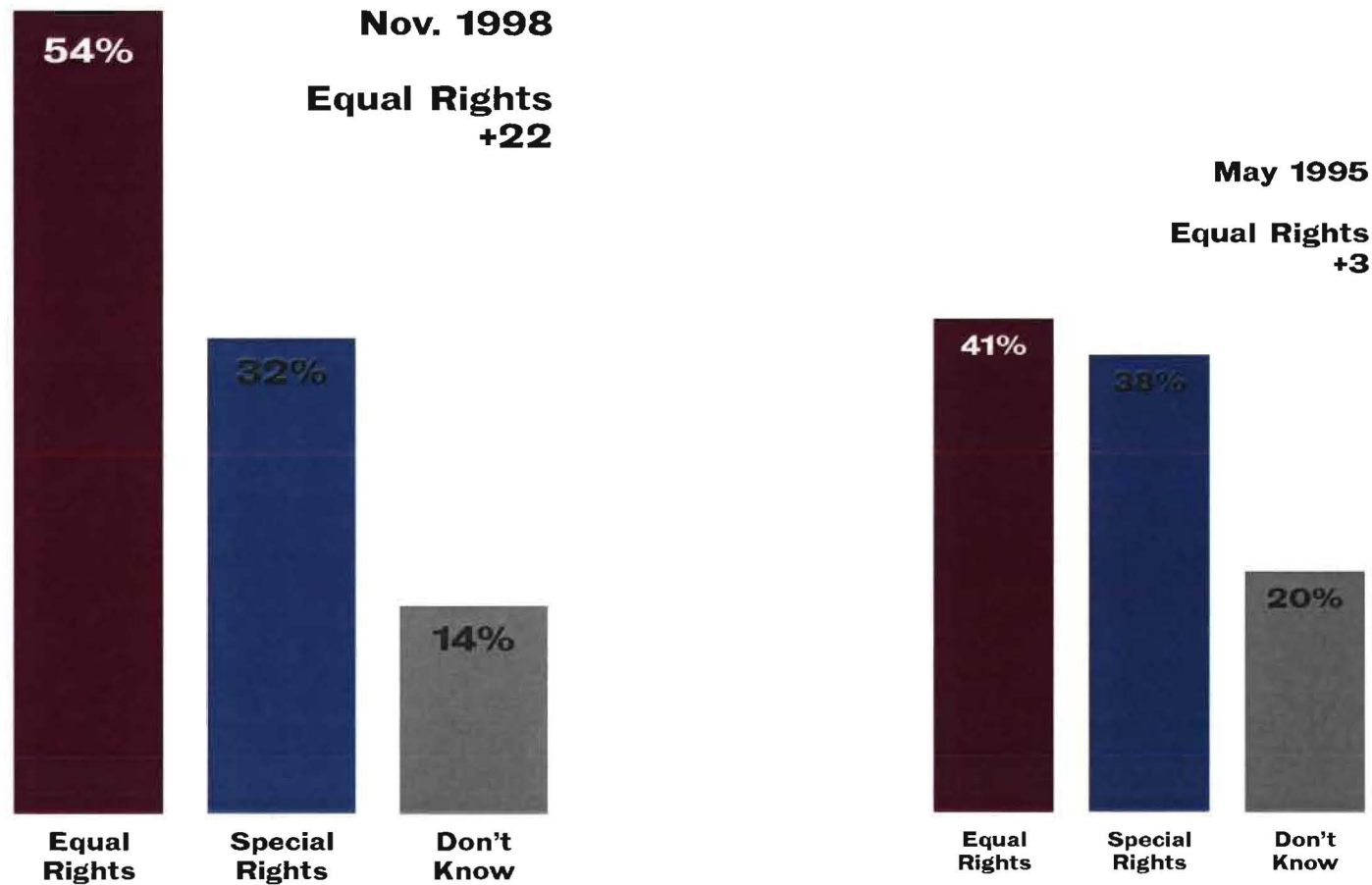


HUMAN
RIGHTS
CAMPAIGN

A Majority of Americans now consider civil rights laws for gays and lesbians to be equal rights rather than special rights.

**'98
Election**

In your mind, are civil rights laws for gays and lesbians more equal rights or are they more special rights?*



*Asked of half the sample in this survey.

Lake Snell Perry & Associates/American Viewpoint, Nov. 1-3, 1998

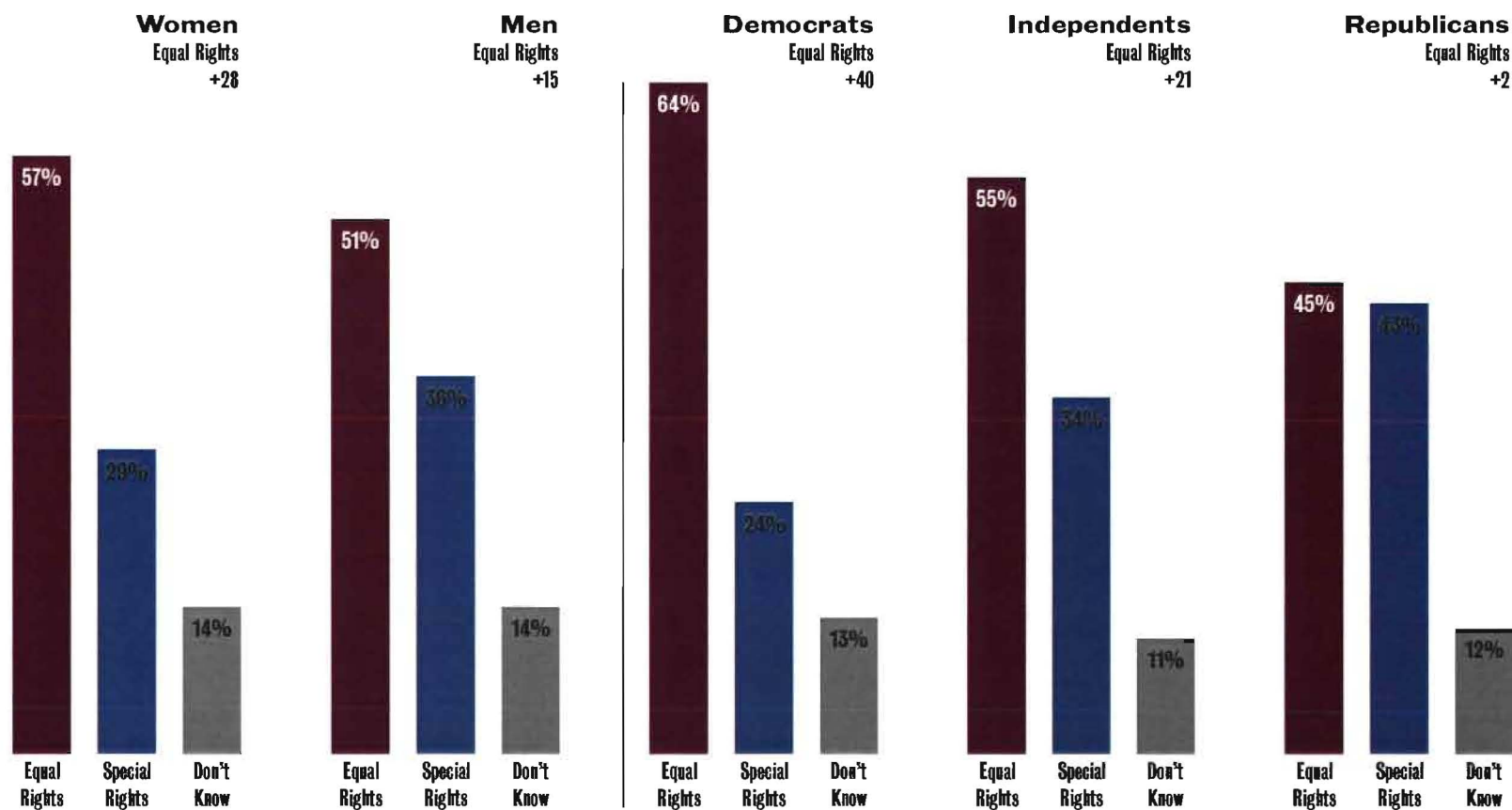


**HUMAN
RIGHTS
CAMPAIGN**

**Both men and women, and voters from all parties,
see civil rights laws as equal rights.**

**'98
Election**

In your mind, are civil rights laws for gays and lesbians more equal rights or are they more special rights?*



*Asked of half the sample in this survey.

Lake Snell Perry & Associates/American Viewpoint, Nov. 1-3, 1998

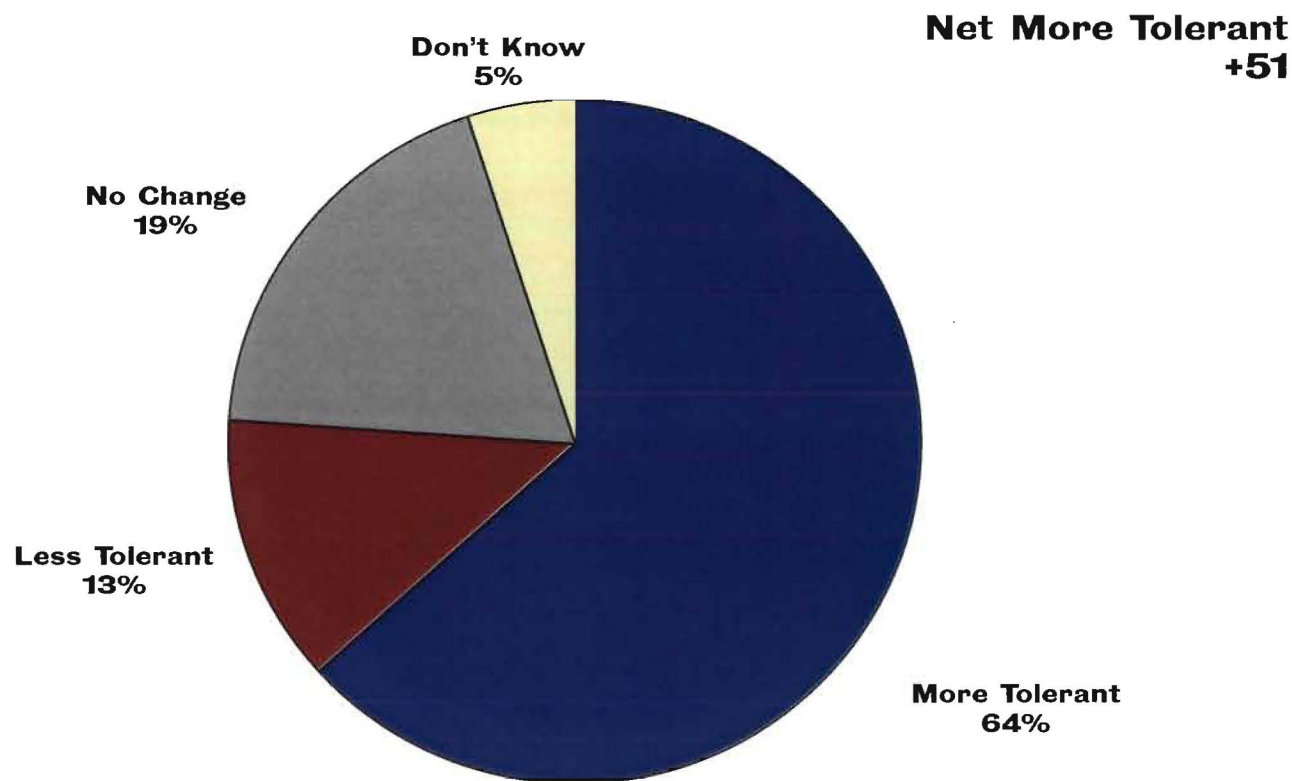


HUMAN
RIGHTS
CAMPAIGN

Nearly two-thirds of voters say that the U.S. has become more tolerant of gays and lesbians over the past decade.

**'98
Election**

Do you think that over the past ten years, the U.S. has become more tolerant of gays and lesbians, less tolerant of gays and lesbians, or have attitudes toward gays and lesbians not really changed much?



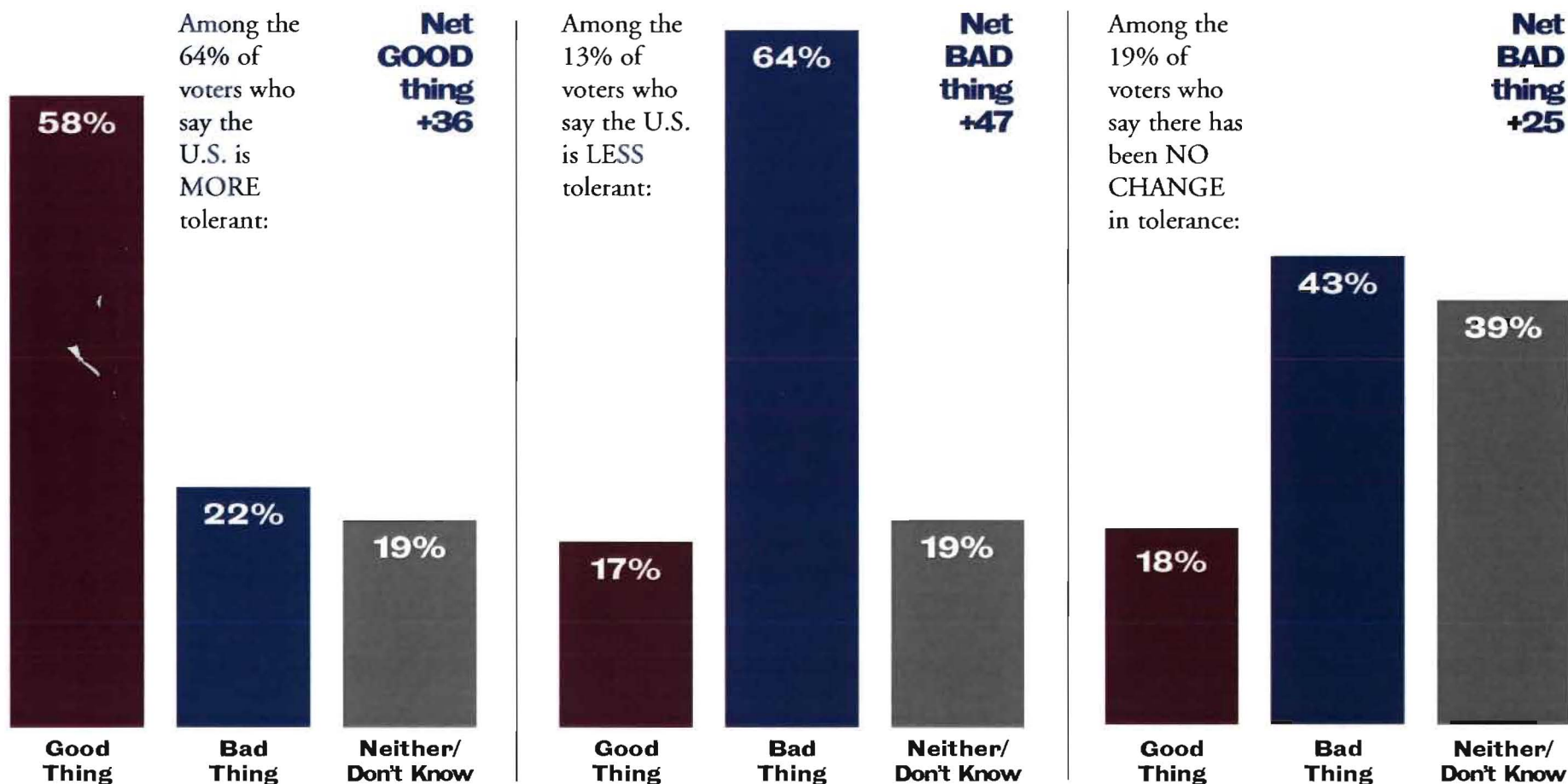


HUMAN
RIGHTS
CAMPAIGN

Voters overwhelmingly see increased tolerance as a good thing.

'98
Election

Do you think that over the past ten years, the U.S. has become more tolerant of gays and lesbians, less tolerant of gays and lesbians, or have attitudes toward gays and lesbians not really changed much? And, in your mind, is that a good thing or a bad thing?





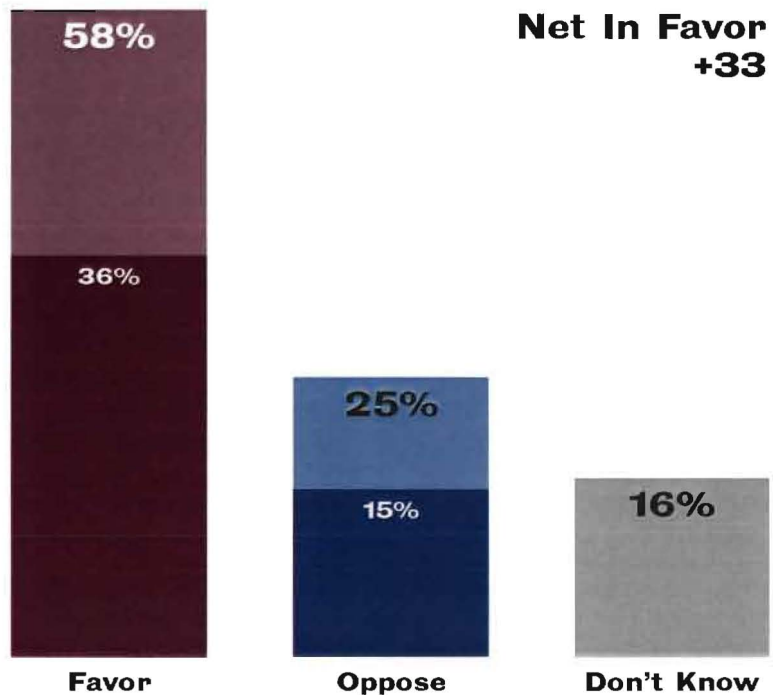
**HUMAN
RIGHTS
CAMPAIGN**

A strong majority of voters (58%) support ENDA when they learn that there are no federal laws protecting gays and lesbians in the workplace.

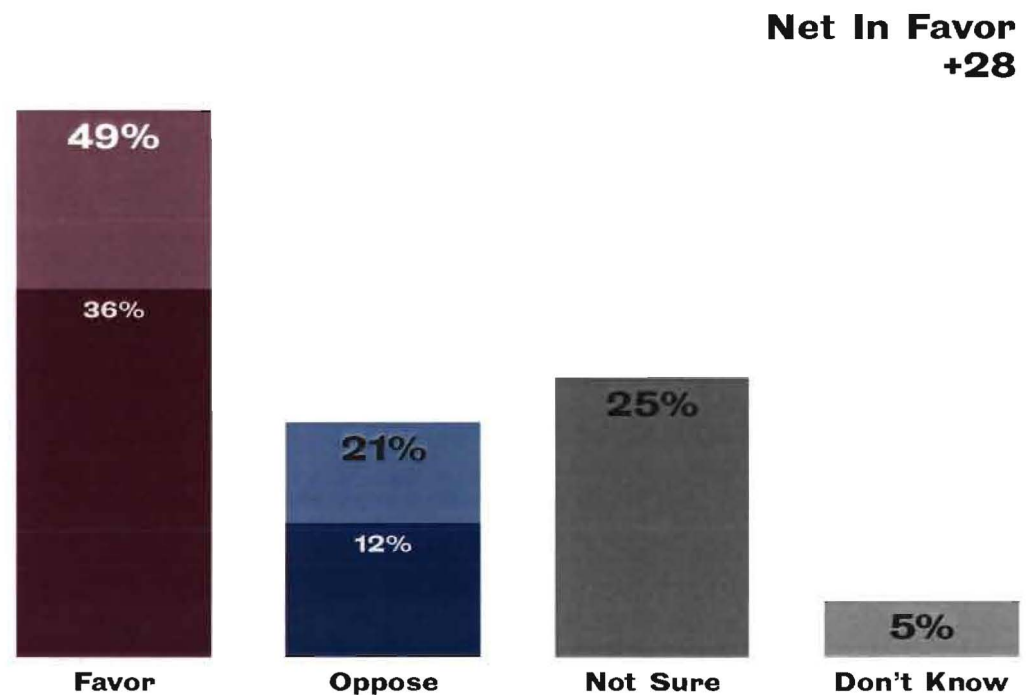
**'98
Election**

There are currently no federal laws protecting gays and lesbians from discrimination in the workplace. Only TEN states now have laws protecting gays and lesbians from discrimination in the workplace, and a gay or lesbian can be refused employment or fired specifically for being gay in FORTY states.

Sometimes in surveys like this, people change their mind. Do you favor or oppose a bill which would extend current civil rights protections in the workplace to cover gays and lesbians?



There is a measure before Congress called the Employment Non-Discrimination Act, which would extend current civil rights protections in the workplace to cover gays and lesbians. Do you favor or oppose this bill or aren't you sure?



darkers color = strong favor/oppose; lighter color = not so strong favor/oppose
Lake Snell Perry & Associates/American Viewpoint, Nov. 1-3, 1998

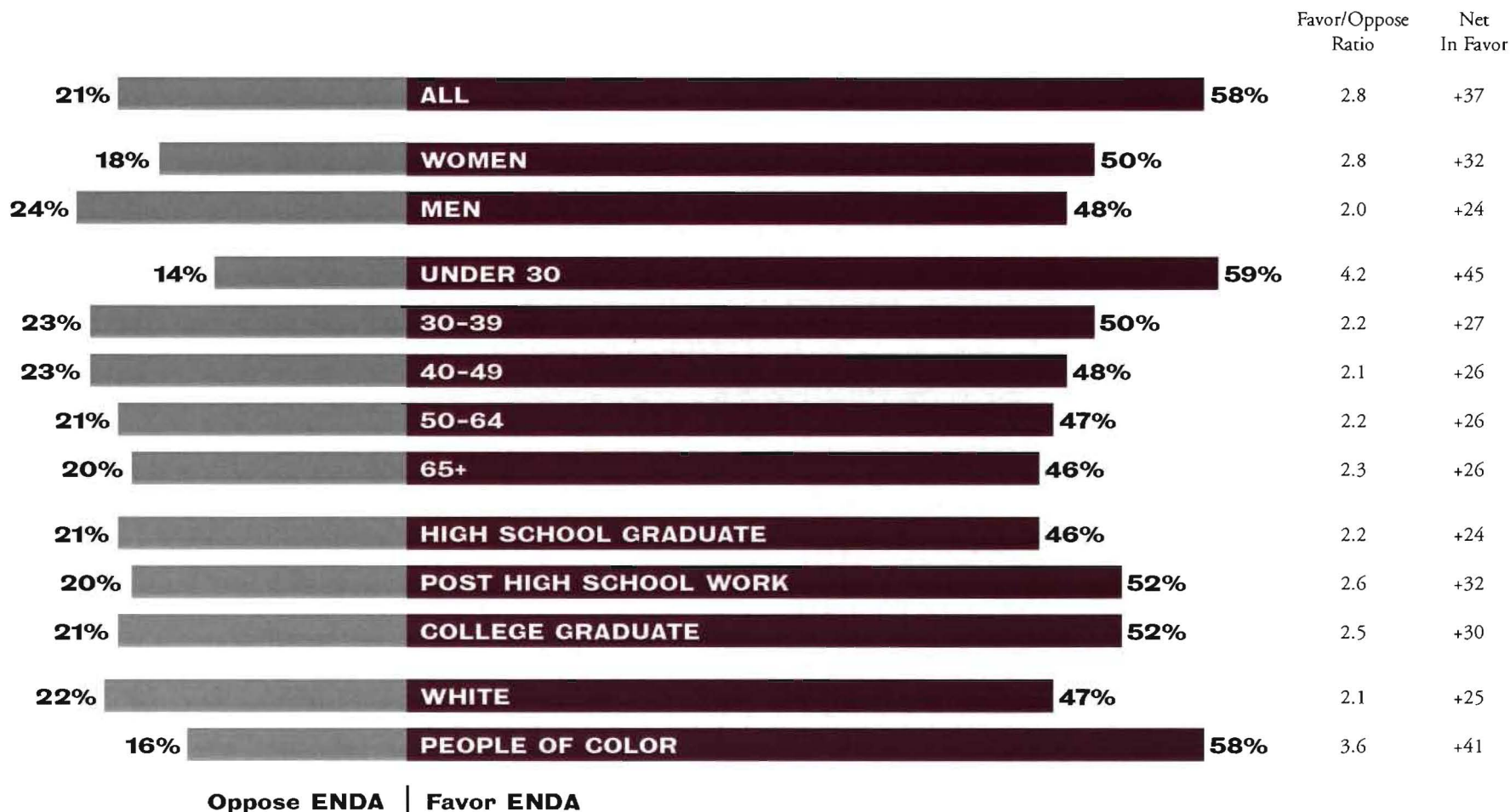


**HUMAN
RIGHTS
CAMPAIGN**

Even before their misperceptions about current law are corrected, men and women, older and younger voters and voters of all education levels give two to one support for ENDA.

**'98
Election**

There is a measure before Congress called the Employment Non-Discrimination Act, which would extend current civil rights protections in the workplace to cover gays and lesbians. Do you favor or oppose this bill or aren't you sure?



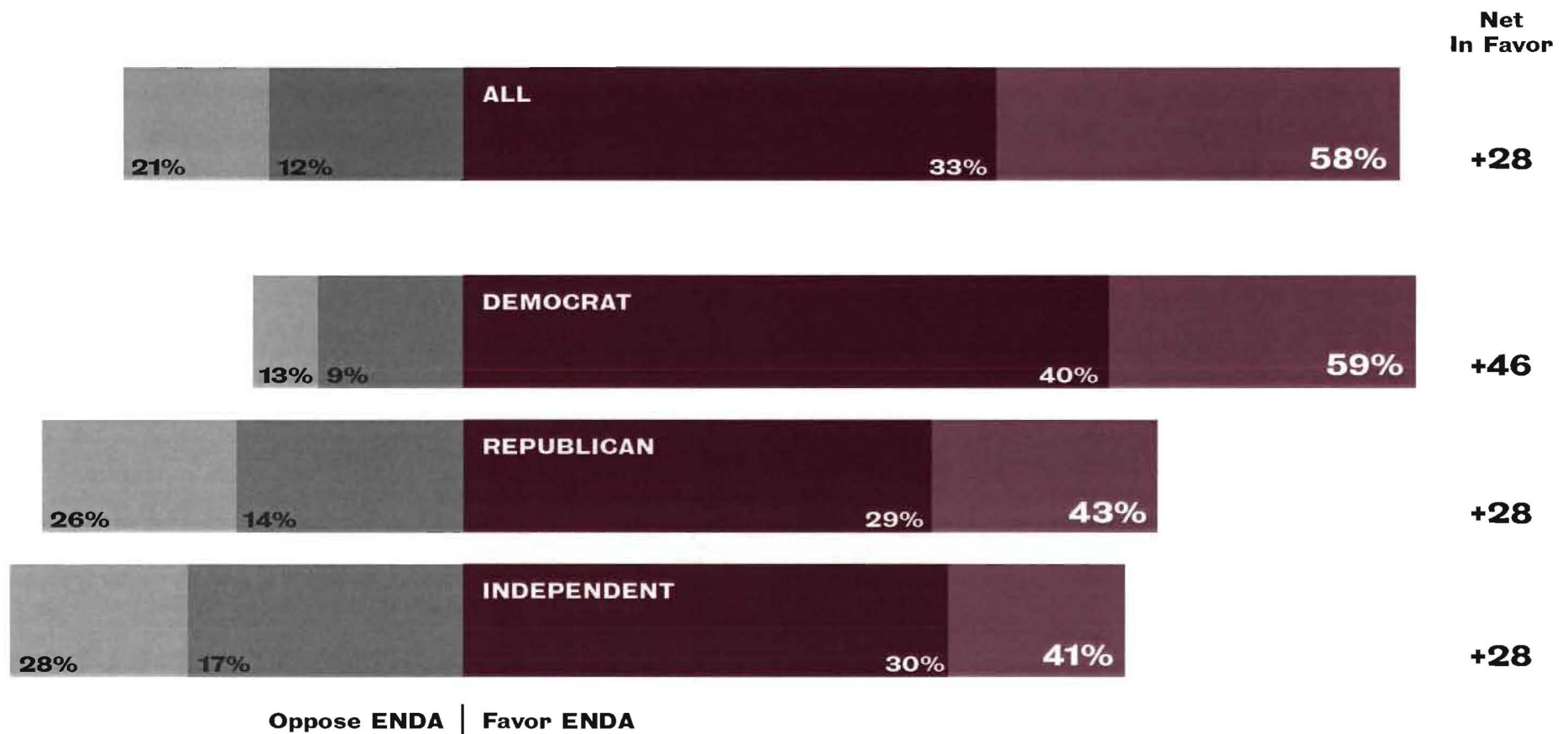


HUMAN
RIGHTS
CAMPAIGN

Support for ENDA extends across partisan lines, regardless of misperceptions about current law. Democrats, Republicans and Independents all support ENDA by double-digit margins.

**'98
Election**

There is a measure before Congress called the Employment Non-Discrimination Act, which would extend current civil rights protections in the workplace to cover gays and lesbians. Do you favor or oppose this bill or aren't you sure?



Darker color = strong favor/oppose; Lighter color = not-so-strong favor/oppose
Lake Snell Perry & Associates/American Viewpoint, Nov. 1-3, 1998

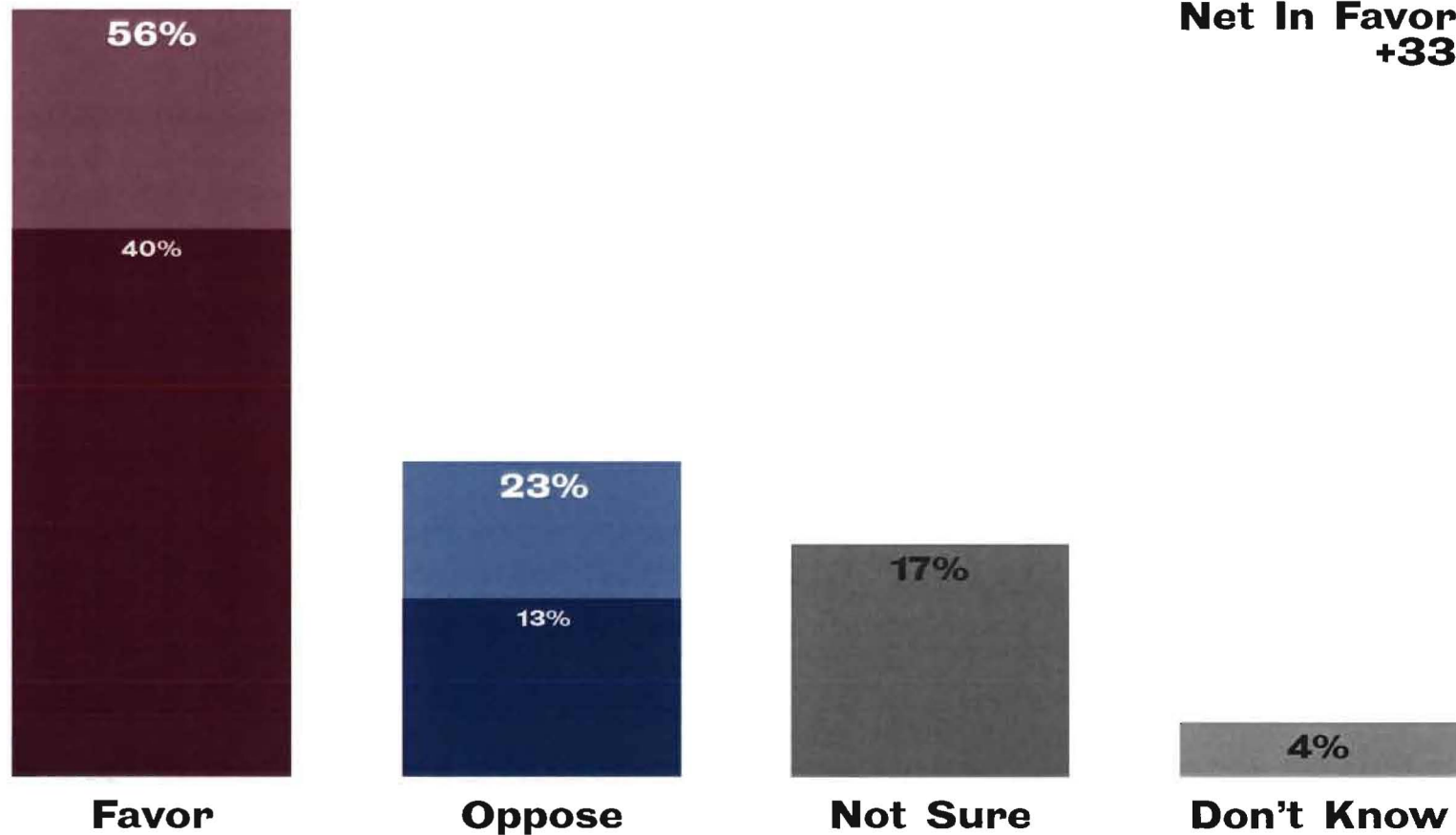


HUMAN
RIGHTS
CAMPAIGN

The Hate Crimes Prevention Act is favored two to one by a majority of voters, including four in ten who **STRONGLY favor federal hate crimes legislation.**

**'98
Election**

In its next session, the U.S. Congress may consider passing the Hate Crimes Prevention Act, which would create penalties for crimes based on gender, disability and sexual orientation. Would you favor or oppose the Hate Crimes Prevention Act or aren't you sure?



Darker color = strong favor/oppose; Lighter color = not-so-strong favor/oppose
Lake Snell Perry & Associates/American Viewpoint, Nov. 1-3, 1998

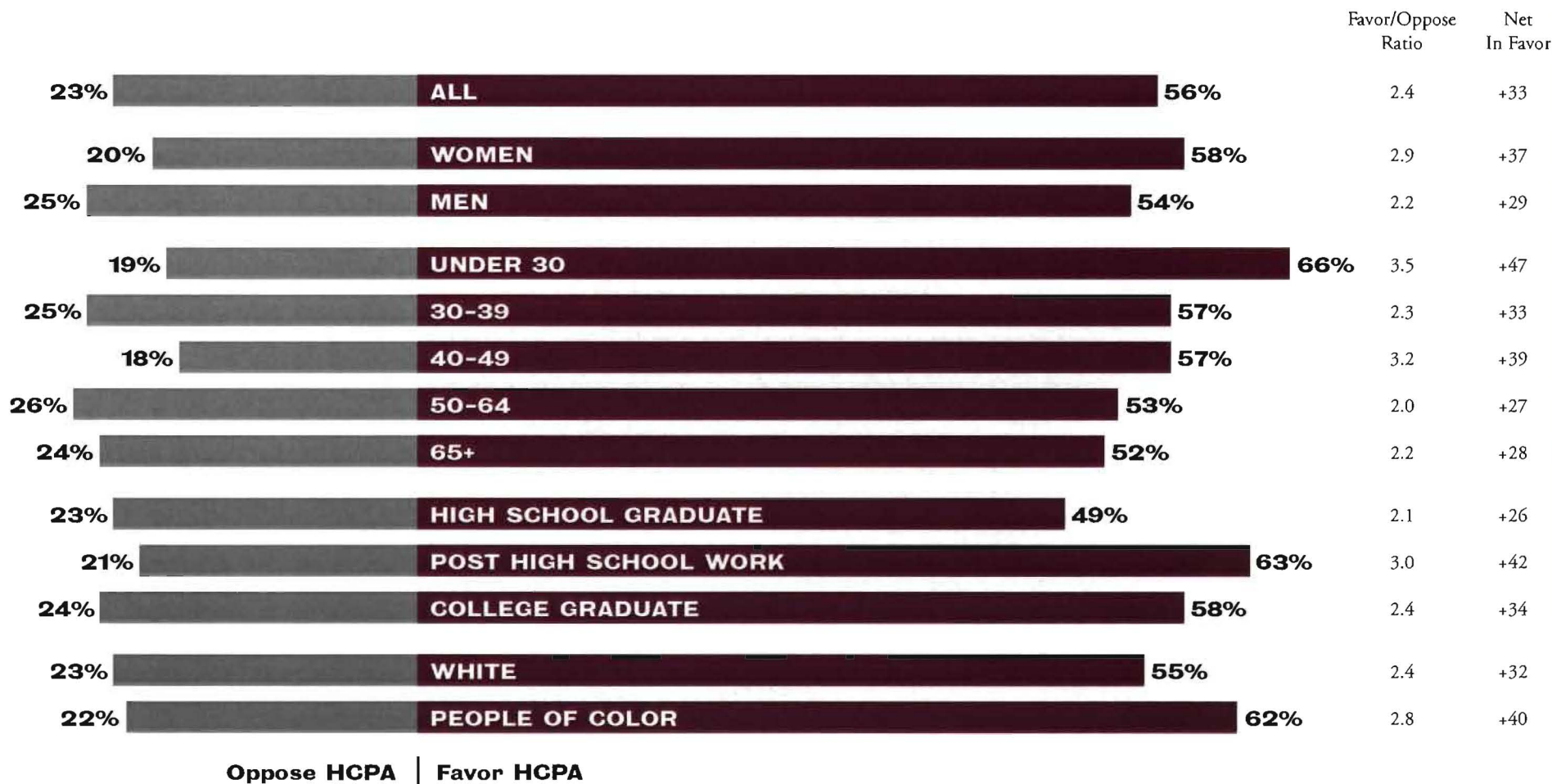


**HUMAN
RIGHTS
CAMPAIGN**

The Hate Crimes Prevention Act is widely supported by men and women, older and younger voters and by voters with all levels of education.

**'98
Election**

In its next session, the U.S. Congress may consider passing the Hate Crimes Prevention Act, which would create penalties for crimes based on gender, disability and sexual orientation. Would you favor or oppose the Hate Crimes Prevention Act or aren't you sure?



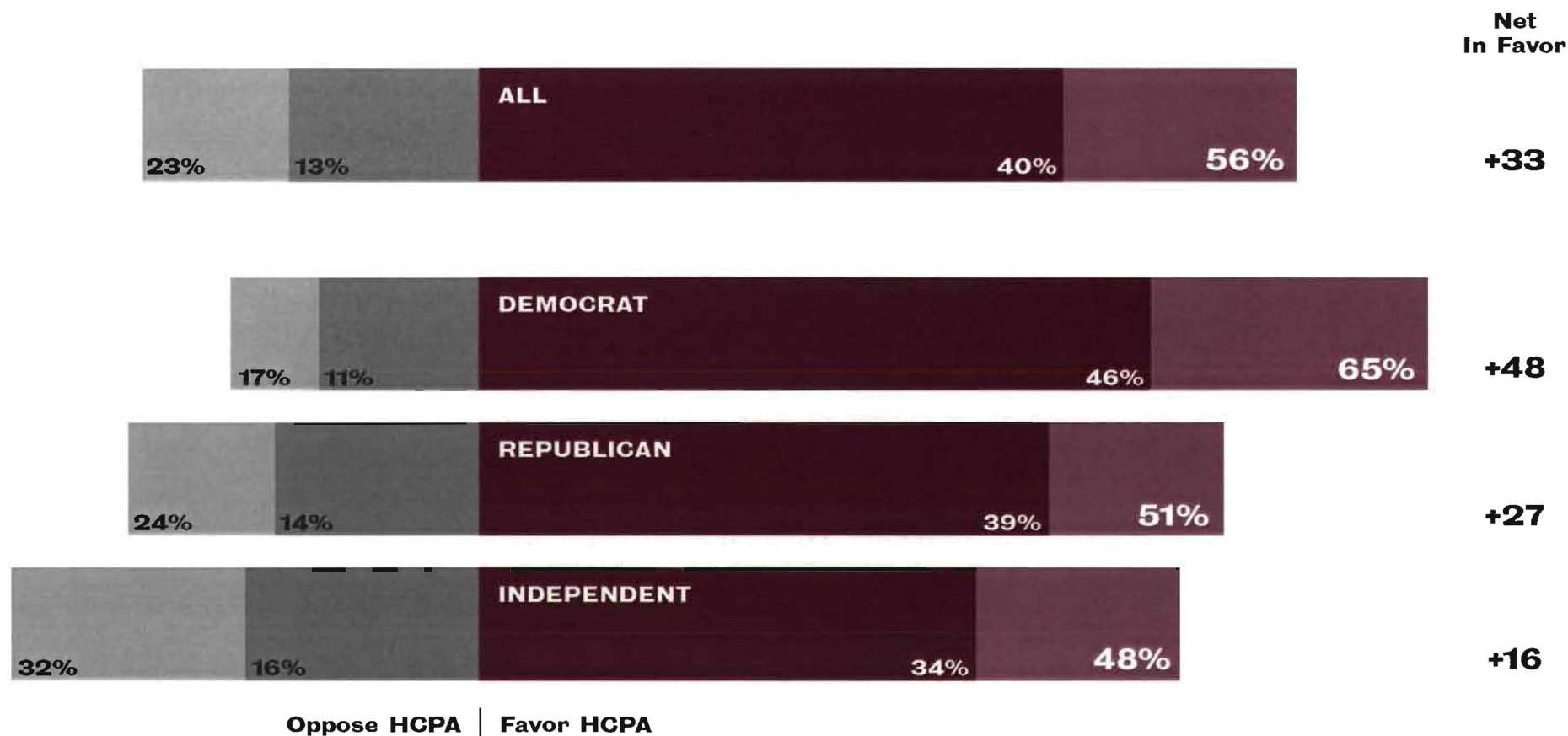


**HUMAN
RIGHTS
CAMPAIGN**

The Hate Crimes Prevention Act attracts strong bipartisan support.

**'98
Election**

In its next session, the U.S. Congress may consider passing the Hate Crimes Prevention Act, which would create penalties for crimes based on gender, disability and sexual orientation. Would you favor or oppose the Hate Crimes Prevention Act or aren't you sure?



Darker color = strong favor/oppose; Lighter color = not-so-strong favor/oppose
Lake Snell Perry & Associates/American Viewpoint, Nov. 1-3, 1998



HUMAN
RIGHTS
CAMPAIGN

Majorities of voters favor a number of rights and benefits for gay and lesbian couples. Voters who know a gay man or lesbian are even more supportive.

**'98
Election**

Now I would like to read you a proposal in the area of legal recognition of gay and lesbian relationships. For each one, please tell me if you would favor or oppose this proposal.*

Allowing full hospital visitation rights for gays and lesbians whose partners are hospitalized.

Net In
Favor



Providing inheritance rights for gay partners.



Providing health care benefits to gay partners.



Providing Social Security benefits to gay partners.



Oppose | Favor

* Each item asked of half the sample in this survey. • Darker color = strong favor/oppose; Lighter color = not-so-strong favor/oppose
Lake Snell Perry & Associates/American Viewpoint, Nov. 1-3, 1998



HUMAN
RIGHTS
CAMPAIGN

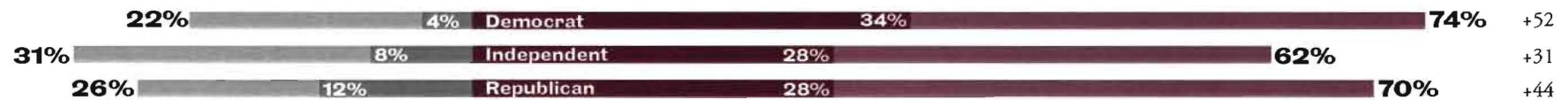
Support for certain rights and benefits for same-gender couples extends across party lines.

'98
Election

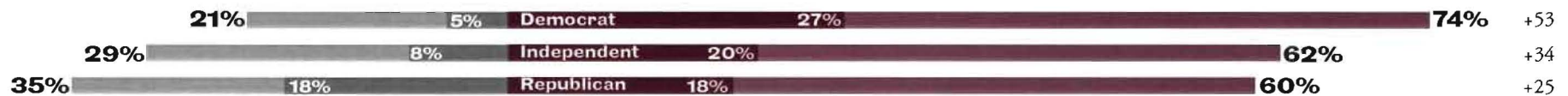
Now I would like to read you a proposal in the area of legal recognition of gay and lesbian relationships. For each one, please tell me if you would favor or oppose this proposal.*

Allowing full hospital visitation rights for gays and lesbians whose partners are hospitalized.

Net In
Favor



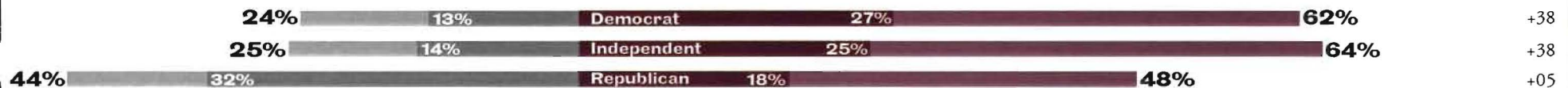
Providing inheritance rights for gay partners.



Providing health care benefits to gay partners.



Providing Social Security benefits to gay partners.



Oppose | Favor

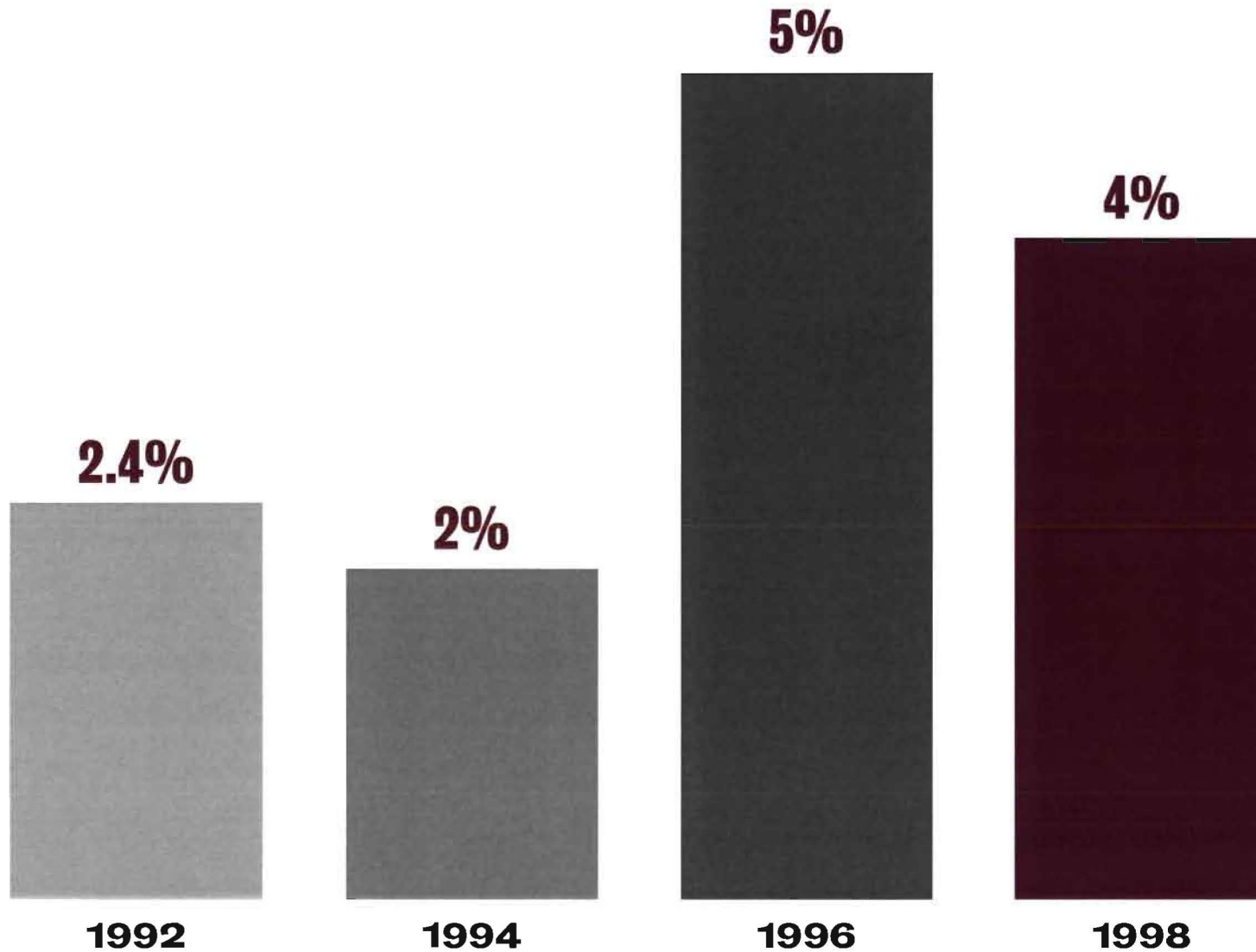
* Each item asked of half the sample in this survey. • Darker color = strong favor/oppose; Lighter color = not-so-strong favor/oppose
Lake Snell Perry & Associates/American Viewpoint, Nov. 1-3, 1998



HUMAN
RIGHTS
CAMPAIGN

Self-Identified Gay Vote

'98
Election

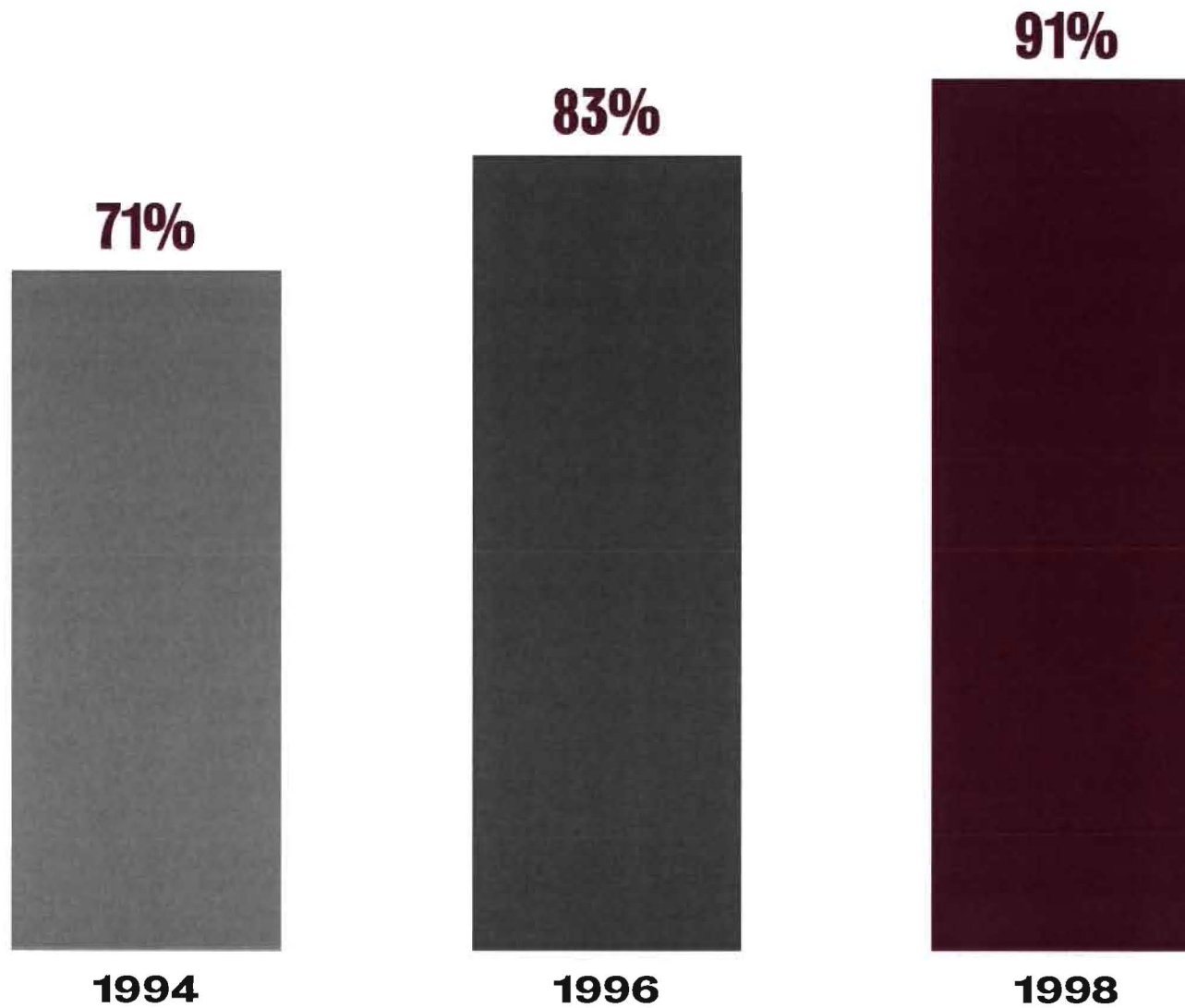




HUMAN
RIGHTS
CAMPAIGN

HRC Political Action Committee Election Success Rate

'98
Election



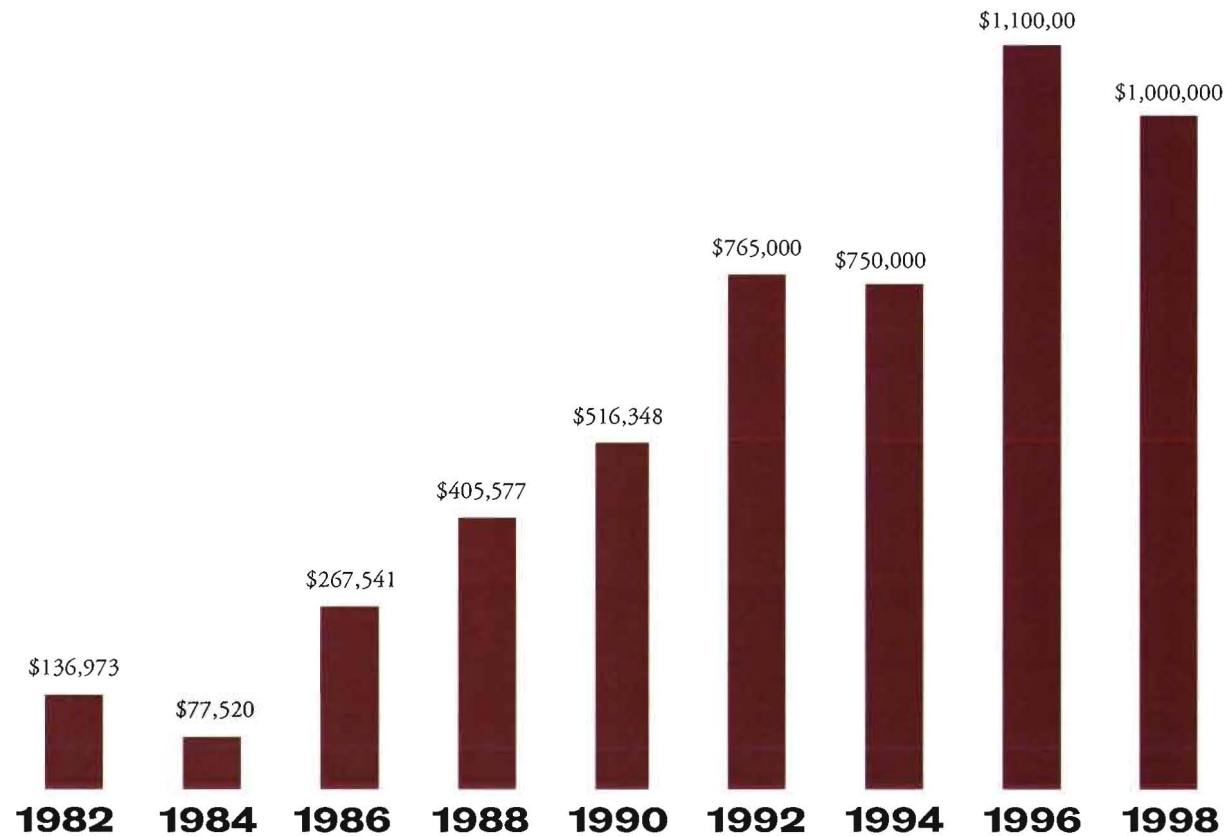


HUMAN
RIGHTS
CAMPAIGN

History of PAC Activity

'98
Election

Total Contributions



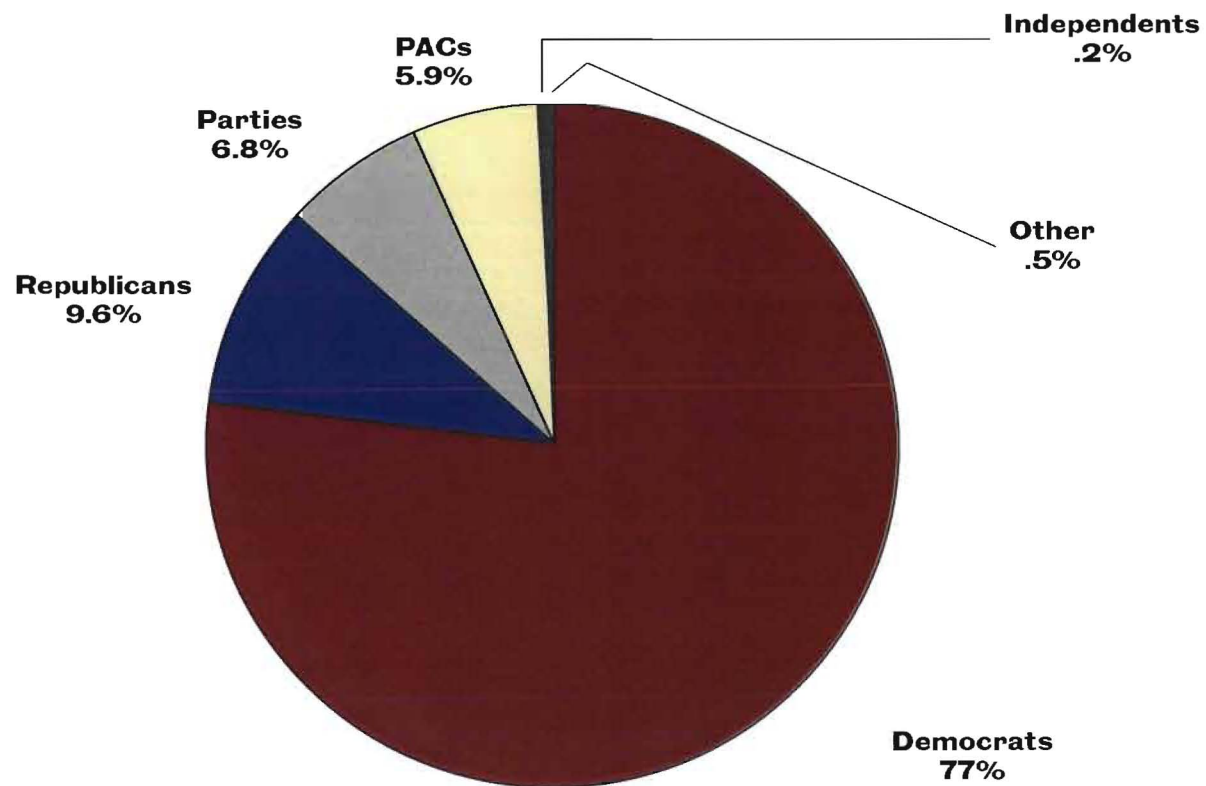


HUMAN
RIGHTS
CAMPAIGN

PAC Giving

'98
Election

\$995,431 was given to 197 candidates during the 1997-98 election cycle.



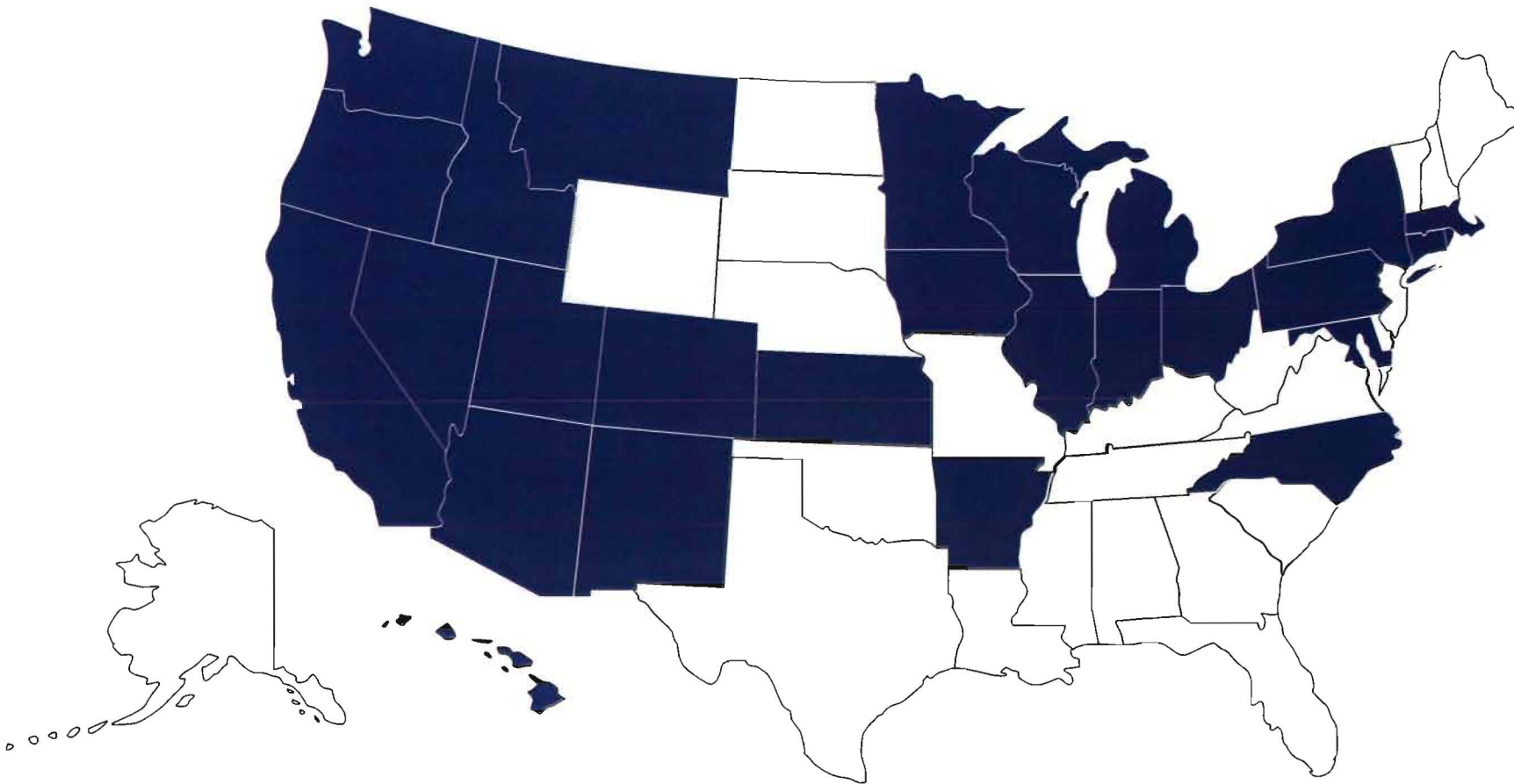


HUMAN
RIGHTS
CAMPAIGN

45 Targeted Races

'98
Election

Our success rate: 73%.





HUMAN
RIGHTS
CAMPAIGN

Summer of '98

105
Congress

Unprecedented wave of Anti-Gay Attacks

Hefley Amendment

Legalize discrimination against gay Federal workers.

DEFEATED

Riggs Amendment

Punish San Francisco for treating gay workers fairly.

DEFEATED

Largent Amendment

Deny D.C. gays and lesbians the ability to adopt.

DEFEATED

Hilleary Amendment

Cut housing for people living with AIDS.

DEFEATED



HUMAN
RIGHTS
CAMPAIGN

Ending Workplace Discrimination

106
Congress

No federal law protects Americans from discrimination based on sexual orientation. This means that employers can legally fire, refuse to hire or otherwise discriminate against qualified people who happen to be gay or lesbian. The Employment Non-Discrimination Act (ENDA) would prohibit job discrimination based on sexual orientation. In his State of the Union address, President Clinton called on Congress to make ENDA the law of the land. HRC will build on this historic endorsement by:

launching a "Campaign For Equality" with high-profile business leaders, Hollywood personalities, state and local politicians, and well-known opinion leaders;

building active support for ENDA among business, labor, religion, civil rights and student organizations to lobby for ENDA at the national and grassroots levels in partnership with the Leadership Conference on Civil Rights.

bringing real stories of discrimination before Congress in a House committee hearing;

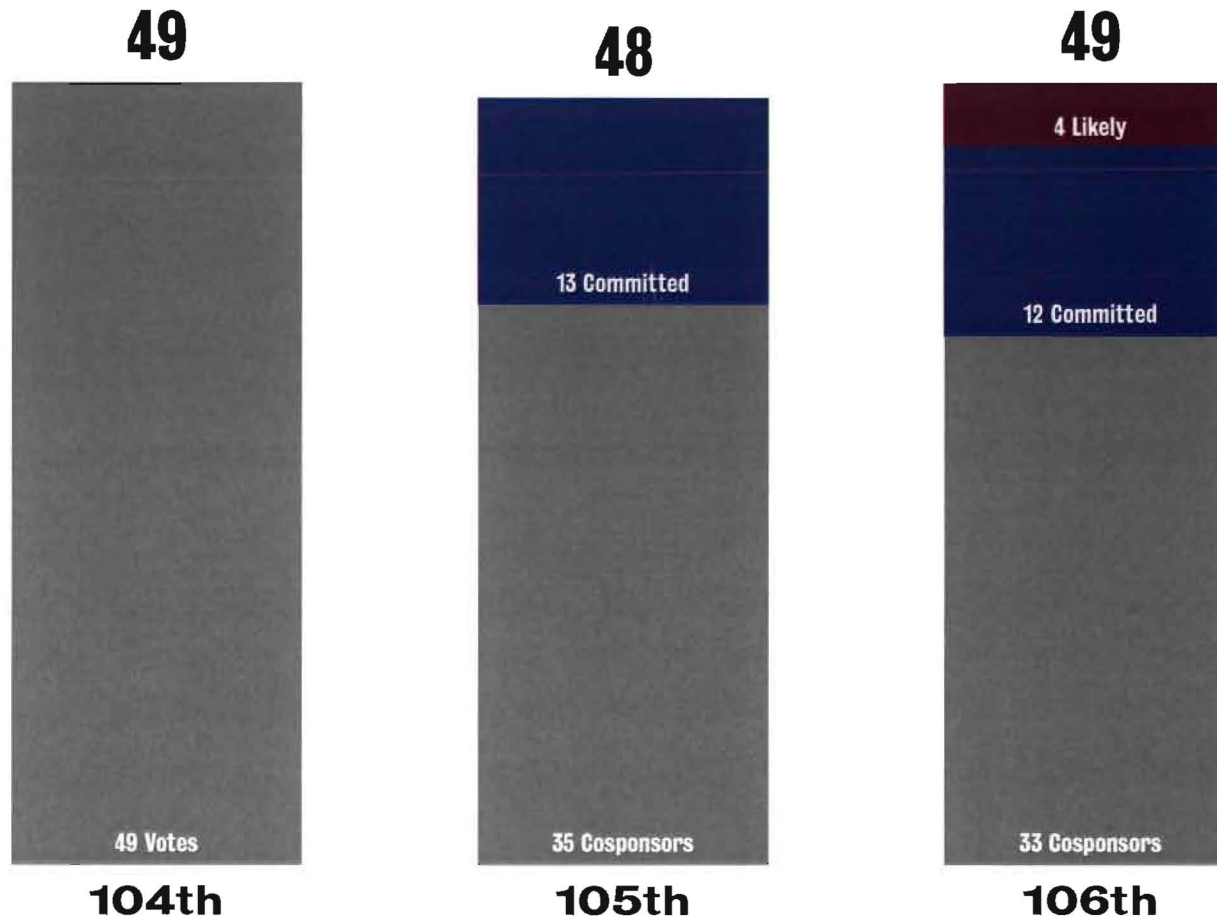
mobilizing our nationwide network of advocates to educate targeted Senators and Representatives.



HUMAN
RIGHTS
CAMPAIGN

Senate Support for ENDA

106
Congress





HUMAN
RIGHTS
CAMPAIGN

Senate Votes for ENDA

106
Congress

Co-Sponsors (33)

<i>Jeffords</i>	Kerry
Kennedy	Kohl
Lieberman	Landrieu
Akaka	Lautenberg
Bingaman	Leahy
Boxer	Levin
Bryan	Mikulski
<i>Chafee</i>	Moynihan
Cleland	Murray
Dodd	Reed
Durbin	Reid
Feingold	Robb
Feinstein	Sarbanes
Harkin	Schumer
Inouye	Torricelli
Kerrey	Wellstone
	Wyden

Yes Votes (12)

Baucus
Biden
Breaux
Conrad
Daschle
Dorgan
Graham
Hollings
Rockefeller
Snowe
Spector
*Smith**

Target List (18)

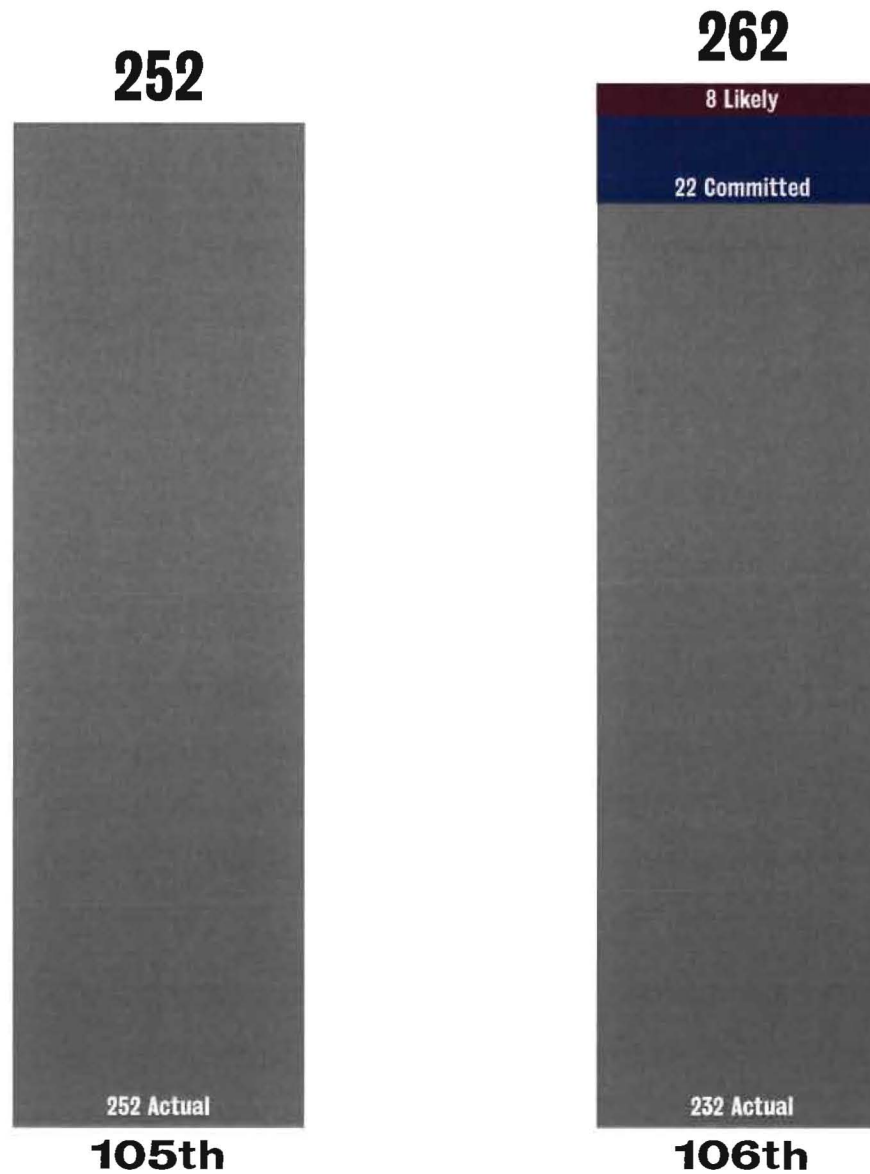
Bayh	<i>Frist</i>
Byrd	<i>Grams</i>
Edwards	<i>Gregg</i>
Johnson	<i>Hatch</i>
Lambert Lincoln	<i>Lugar</i>
<i>Bond</i>	<i>McCain</i>
<i>Campbell</i>	<i>Voinovich</i>
<i>Collins</i>	<i>Warner</i>
<i>DeWine</i>	
<i>Domenici</i>	



HUMAN
RIGHTS
CAMPAIGN

Hefley Votes

106
Congress





HUMAN
RIGHTS
CAMPAIGN

Combating Hate Crimes

106
Congress

According to the Federal Bureau of Investigation, hate crimes committed against gay and lesbian victims are consistently among the top three reported hated crimes. The Hate Crimes Prevention Act would give federal law enforcement agencies authority to investigate and prosecute hates crimes based on a victim's sexual orientation, just as they do other hate crimes. To pass the Hate Crimes Prevention Act in this Congress, HRC will:

create a national forum for hate-crime victims and their families to educate policymakers and the public;

work closely with state Attorneys General and local anti-violence projects to build support for the bill;

recruit influential members of congress to champion the legislation in Congress;

lead an active lobbying campaign through the Leadership Conference on Civil Rights.



HUMAN
RIGHTS
CAMPAIGN

Senate Support for HCPA

106
Congress

33



33 Cosponsors

105th

33



2 Committed

31 Cosponsors

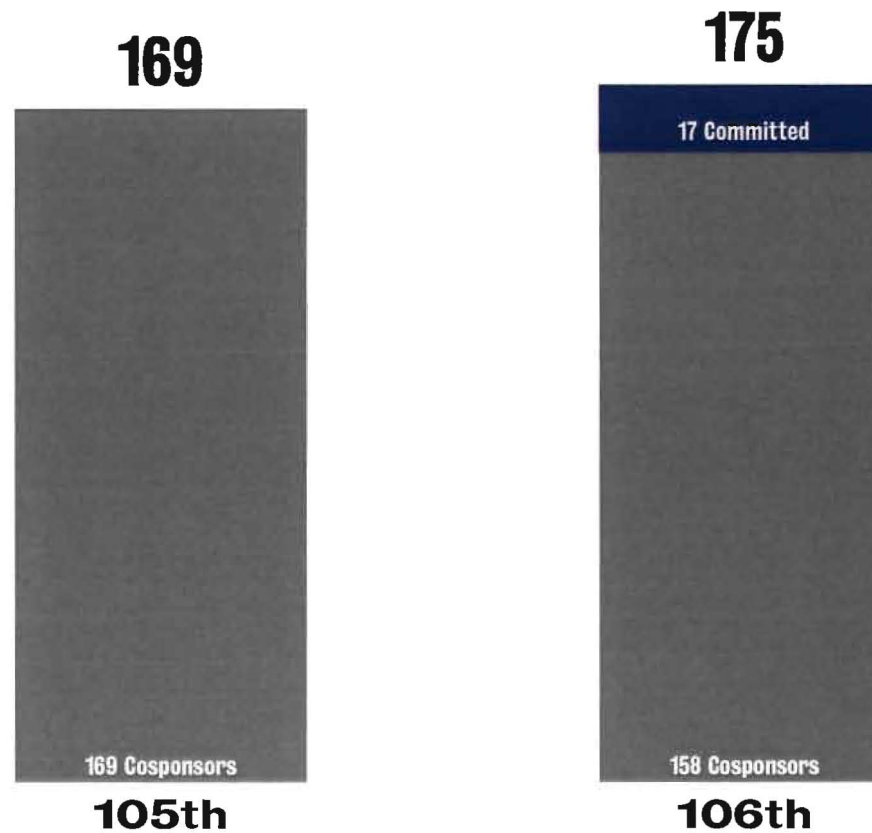
106th



HUMAN
RIGHTS
CAMPAIGN

House Support for HCPA

106
Congress





HUMAN
RIGHTS
CAMPAIGN

Fighting HIV and AIDS

106
Congress

The mixed success of new AIDS drugs is leading some people to believe that AIDS is no longer a public health crisis and should not be a national priority. The reality is that 40,000 men, women and children become infected with HIV every year and there is no evidence that new infections are decreasing. While AIDS deaths have declined overall, AIDS remains the leading cause of death among Hispanic- and African-Americans aged 25-44. HRC will work to strengthen the national response to AIDS and ensure that the federal government continues to play a leading role in AIDS research, prevention, medical care, and housing for families affected by HIV/AIDS. To accomplish these goals, HRC will:

- play a leadership role in the National Organizations Responding to AIDS (NORA) coalition, to maximize support in Congress for passage of Ryan White and other key AIDS legislation;
- mobilize advocates at the grassroots level to influence key members of congress, including the Republican chairs of the appropriations committees and subcommittees in the House and Senate, who make decisions on AIDS funding and policy;
- work with youth advocacy groups to develop a HIV/AIDS prevention strategy to protect young people;
- work closely with gay and lesbian community centers nationwide to expand advocacy nationally for AIDS and other health issues.



HUMAN
RIGHTS
CAMPAIGN

Protecting Lesbians' Health

106
Congress

A recent groundbreaking study on lesbian health issues — the federal government's first effort to assess the health needs of lesbians — revealed that lesbians may be at greater risk than other women for conditions such as breast and cervical cancer. If medical concerns of lesbians are to be addressed seriously at the national level, agencies like CDC and NIH must take an active interest in lesbian health issues. To increase understanding of lesbian health issues at the federal level, HRC will:

work with women's health organizations to educate officials at key federal health agencies;

advocate for funding to address lesbian health concerns in federal research on cancer and other diseases;

find federal grant money to support community centers that are addressing lesbian health issues;

launch a Lesbian Health Project to increase awareness among policymakers and the public.



HUMAN
RIGHTS
CAMPAIGN

Protecting Our Families

106
Congress

A majority of Americans support equal rights and benefits for gay and lesbian partners, yet families headed by gay and lesbian people face special challenges due to discrimination: Gay and lesbian employees are denied equal health benefits for their domestic partners; while 48 states allow gay and lesbian people to adopt children, extremist groups are pushing new laws prohibiting gay and lesbian parents from raising children; and gay and lesbian partners in long-term, committed relationships are prohibited from entering civil marriages — and thus lose basic rights such as visiting a partner in the hospital or inheriting a partner's possessions. HRC will work to protect lesbian and gay families from discrimination by:

preparing for and responding to any attacks on lesbian and gay families in the 106th Congress;

encouraging private companies to provide equal benefits for partners of gay and lesbian workers;

working with children's advocacy organizations at the state level to protect gay and lesbian parents and their children.



HUMAN
RIGHTS
CAMPAIGN

Stopping Anti-Gay Extremism

106
Congress

Despite broad public support for equal treatment of gay and lesbian Americans, religious political organizations with extreme anti-gay agendas unduly influence some Members of Congress. In the summer of 1998, HRC faced — and defeated — an unprecedented wave of hateful and discriminatory attacks in Congress. HRC will be ready to fight any anti-gay measures introduced in 1999-2000:

educating new members of congress about the problem of anti-gay discrimination and the need for equal treatment;

rallying our nationwide network of advocates to contact their elected officials when anti-gay measures come before Congress;

preparing influential organizations at the national level to stand by our side in opposing anti-gay discrimination in Congress.



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Military Issues

106
Congress

Current federal policy allows for the dismissal — or even imprisonment — of military service members who truthfully acknowledge that they are gay or lesbian. Under the “don’t ask-don’t tell” policy, harassment, discrimination and disruptive witch hunts have increased. The loss of trained, effective service members due to this policy wastes an estimated \$25 million per year in taxpayer dollars. To ensure that the military stays within the limits of the “don’t ask, don’t tell” policy, HRC will:

- educate Members of Congress and the Administration on the limits of the policy;

- work with the Pentagon, White House and Office of the Vice President to issue clear guidance on the correct policy;

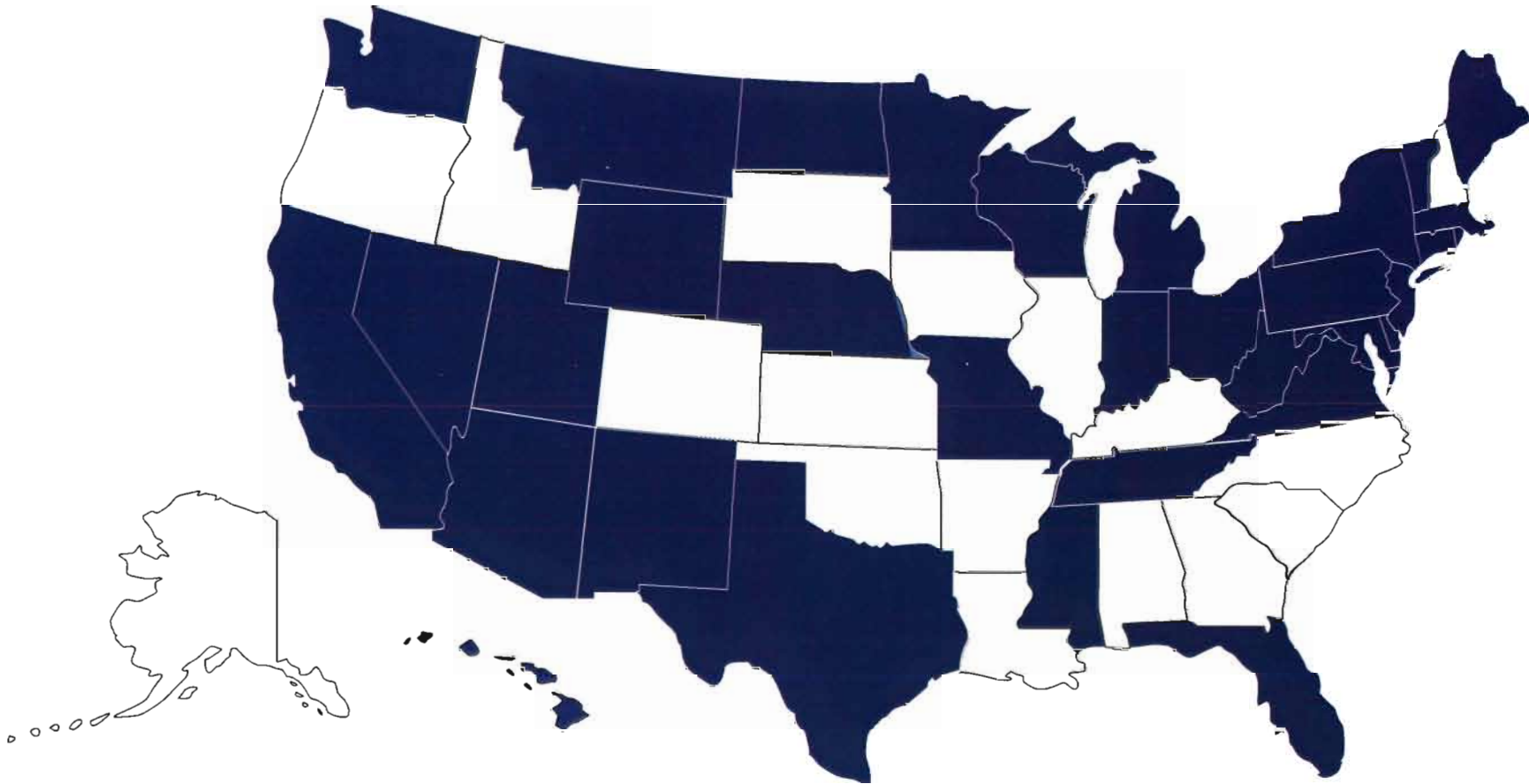
- work closely with the leading legal organization representing military personnel hurt by the policy — the Servicemembers Legal Defense Network.



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Senate Races

2000 Election





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Senators Up in 2000

2000 Election

33 Senators: 19 Republicans, 14 Democrats

Safe Seats

Akaka

Burns

Byrd

Conrad

Frist

Hatch

Hutchison

Kohl

Lieberman

Lott

Lugar

Mack

Thomas

In Play

Abraham

Ashcroft

Bingaman

NV - open seat

Chafee

Dewine

Feinstein

Gorton

Grams

Jeffords

Kennedy

Kerrey

Kyl

NJ - open seat

NY - open seat

Robb

Roth

Santorum

Sarbanes

Snowe



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Potential Open Seats

2000 Election

AZ-01	<i>Matt Salmon</i>	self term-limited
DE-AL	<i>Michael Castle</i>	potential Senate candidate (only if Sen. Roth retires)
FL-04	<i>Tillie Fowler</i>	self term-limited
FL-12	<i>Charles Canady</i>	self term-limited
ID-01	<i>Helen Chenoweth</i>	self term-limited
MA-05	Martin Meehan	self term-limited
MD-08	<i>Connie Morella</i>	potential Senate candidate
NY-02	<i>Rick Lazio</i>	potential Senate candidate
NY-18	Nita Lowey	potential Senate candidate
OH-13	Sherrod Brown	potential Senate candidate
OK-02	<i>Tom Coburn</i>	potential Senate candidate
PA-04	Ron Klink	potential Senate candidate
RI-02	Robert Weygand	potential Senate candidate
SC-01	<i>Mark Sanford</i>	self term-limited
WA-02	<i>Jack Metcalf</i>	self term-limited
WA-05	<i>George Nethercutt</i>	self term-limited



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Highly Competitive House Races

2000 Election

Democrats

CA-42	George Brown	55%
CO-02	Mark Udall	50%
CT-05	Jim Maloney	50%
IL-17	Lane Evans	52%
IN-09	Baron Hill	51%
KS-03	Dennis Moore	52%
MS-04	Ronnie Shows	53%
NJ-12	Rush Holt	50%
NV-01	Shelley Berkley	49%
OR-01	David Wu	52%
PA-13	Joe Hoeffel	52%
WA-01	Jay Inslee	51%
WA-03	Brian Baird	55%
WI-02	Tammy Baldwin	53%

Republicans

AZ-05	Jim Kolbe	52%
AZ-06	J.D. Hayworth	52%
CA-03	Doug Ose	53%
CA-27	James Rogan	50%
CA-36	Steve Kuykendall	49%
CA-49	Brian Bilbray	49%
NM-01	Heather Wilson	46%
PA-10	Donald Sherwood	49%



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Methodology

'98
Election

Lake Snell Perry & Associates and American Viewpoint designed and administered this survey which was conducted by telephone using professional interviewers. The survey reached a total of 800 adults in the U.S. who indicated that they planned to vote or had voted in the 1998 general election for Congress. The survey was conducted Nov. 1-3, 1998.

The sample was drawn using random digit dial (RDD) methodology. The sample was distributed geographically based on the expected distribution of 1998 general election voters. The data were weighted by age, education and gender to reflect the 1998 general electorate.

In interpreting survey results, all sample surveys are subject to possible sampling error; that is, the results of a survey may differ from those which would be obtained if the entire population were interviewed. For a survey with a sample size of 800, the margin of error is +/- 3.5 percentage points. That means that, with 95% confidence, the responses obtained by interviewing these 800 respondents is within 3.5 percentage points of the responses that would be obtained from interviewing the entire 1998 general electorate. The margin of error for subgroups is greater.

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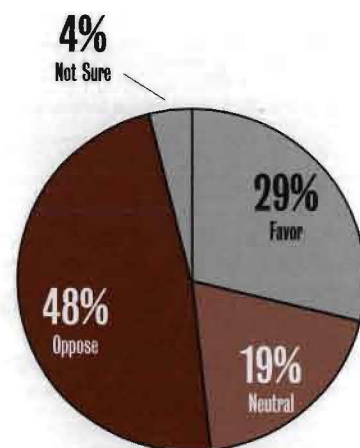
**POLITICAL
NEWS FOR
GAY AND
LESBIAN
AMERICA**

QUARTERLY

**James Hornel's
DIPLOMATIC
JOURNEY**

CLINTON LIBRARY PHOTOGRAPHY

HRC's Blueprint for Political Action



American Voters Oppose a Ban on Gays and Lesbians Adopting Children. In a Feb. 1999 telephone survey of 1,411 registered voters, Peter D. Hart Research Associates learned that 48 percent of voters oppose such a ban (shown in red), 19 percent of voters are neutral (shown in pink), and 29 percent are in favor of a ban, with four percent not sure (both shown in gray).

Electing Fair-Minded Officials

HRC's bipartisan PAC seeks to elect a Congress and President that support basic equal rights for all Americans. Each election cycle the PAC contributes at least \$1,000,000 into targeted races, providing strategic support for viable, pro-gay candidates. HRC's PAC also works to engage our membership and the broader gay and lesbian community as an active and effective voting block in American politics.

HRC PAC is one of the largest Political Action Committees (PACs) in the country with a 91% success rate in 1998. The 2000 election cycle promises great opportunity for electing fair-minded candidates. As a presidential election year, turnout is projected to be higher than average, and with 4% of voters in 1998 self-identifying as lesbian or gay it is critical to engage the community in the 2000 elections.

To expand its role in the electoral arena and elect fair-minded candidates, HRC will:

- contribute over \$1 million to fair minded candidates;
- educate candidates about lesbian and gay issues;
- mobilize the lesbian and gay community into active voters and volunteers on targeted campaigns;
- place staff and hire volunteer coordinators to organize our membership around specific campaigns and implement aggressive GOTV programs;
- host HRC's Youth College for Campaign Training — a program in which we train young people, ages 18-24 in campaign skills and place them as in-kind contributions on targeted campaigns. ■

Organizing Communities

HRC's Field Department generates the grassroots pressure that can move elected officials on issues critical to our mission and mandate. It is the field presence that often serves as a point of access to HRC and represents HRC's grassroots organizing efforts. With almost 10,000 engaged activists in the Action Network, HRC participates in strategic partnerships with other organizations and constituency groups. We have trained and resourced State Coordinators across the country and we continue to identify Congressional District Coordinators in most of our priority districts.

HRC will continue to organize and energize communities through innovative programs that will:

- educate and turn ignorance into acceptance with outreach programs such as the National Coming Out Project;
- conduct voter registration and education projects;
- build ties with the faith community through the Faith & Fairness coalition;
- coordinate the sharing of information and resources between statewide groups and HRC with the Field Advisory Cabinet;
- inform elected officials and members of HRC's Action Network on pending state and federal legislation through the distribution of Actiongrams and Action Alerts;
- train advocates and activists in lobbying and organizing at three regional OutVote conferences.

Stopping Anti-Gay Extremism

Despite broad public support for equal treatment of gay, lesbian and bisexual Americans, political organizations with extreme anti-gay agendas unduly influence some members of Congress. In the summer of 1998, HRC faced — and defeated — an unprecedented wave of attacks in Congress.

Some members of the 105th Congress sought to overturn the president's non-discrimination policy and legalize discrimination against gay federal workers; punish the city of San Francisco for its law prohibiting city contracts to companies that do not treat gay workers fairly; and deny gay and lesbian citizens of Washington, D.C., the ability to adopt children.

HRC will be ready to fight any anti-gay measures introduced by:

- educating new members of Congress about anti-gay discrimination and the need for equal treatment;
- rallying our nationwide network of advocates to contact their elected officials when anti-gay measures come before Congress;
- preparing influential organizations at the national level to oppose anti-gay discrimination in Congress.



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The Human Rights Campaign envisions an America where lesbian and gay people are ensured of their basic equal rights — and can be open, honest and safe at home, at work and in the community.

To achieve our mission, HRC with more than 300,000 members nationwide, educates Congress, the White House and federal government agencies; participates in election campaigns across the nation; organizes advocates at the grassroots level in every state; forms coalitions and works in partnership with other organizations; and educates the general public about our issues. The Human Rights Campaign strongly supports public and private initiatives to counter discrimination based on real or perceived gender identity. Additionally, privacy rights are key elements of HRC's mission, including the right to choose.

In the 1998 election, moderation triumphed over extremism. Among the 200 races HRC participated in 91% of the candidates won, while more than half of the social conservatives backed by the anti-gay Campaign for Working Families lost. These electoral results coupled with more tolerant public attitudes have combined to create a positive political environment for progress on gay and lesbian and HIV/AIDS issues in the 106th Congress. Here are some of the major issues where the Human Rights Campaign will be the most active in the new Congress, and some of the strategies we will employ to achieve our goals.

Ensuring Fairness in the Workplace

No federal law protects Americans from employment discrimination based on sexual orientation. This gap in basic civil rights law means that in 40 states, employers can legally fire, refuse to hire or otherwise discriminate against qualified people who happen to be gay, lesbian or bisexual — or are perceived as such. Most Americans believe such discrimination is wrong.

To ensure fairness and equality in the workplace, HRC's goal is to pass the Employment Non-Discrimination Act in the 106th Congress. ENDA would prohibit job discrimination based on sexual orientation. The bill is supported by major businesses, as well as civil rights groups, labor unions, churches and religious organizations.

In his State of the Union address, President Clinton called on Congress to pass ENDA. HRC will build on this historic endorsement by:

- launching a "Campaign For Equality," with high-profile business leaders, Hollywood personalities, state and local leaders, and well-known opinion makers;
- building support for ENDA among business, labor, religious and civil rights organizations to lobby for ENDA at the national and grassroots levels;
- bringing real stories of discrimination before Congress and the American public;
- mobilizing HRC's nationwide network of advocates to educate senators and representatives.

Protecting Families from Discrimination

Families headed by gay and lesbian people face special challenges due to discrimination. Gay and lesbian employees performing the same work as heterosexual employees are often denied equal health benefits for their domestic partners. While 48 states allow gay and lesbian people to adopt children, religious political extremist groups are pushing the government to make new laws prohibiting gay and lesbian parents from raising children. Also, gay and lesbian partners in long-term, committed relationships are prohibited from entering civil marriages under the law, and thus lose basic rights such as visiting a partner in the hospital or inheriting a partner's possessions.

HRC will work to protect lesbian and gay families from discrimination by:

- preparing for and responding to any attacks on lesbian and gay families in the 106th Congress;
- encouraging employers to provide equal benefits for partners of gay and lesbian workers;
- working with coalitions at the federal and state level to protect gay and lesbian parents and their children.

Preventing and Punishing Hate Crimes

Hate crimes committed against gays and lesbians are consistently the third-highest category of bias crimes reported to the FBI. The horrific murders in 1998 of James Byrd and Matthew Shepard and Billy Jack Gaither in 1999 opened many people's eyes to the brutal reality of bias-motivated violence.

Because it terrorizes entire communities, hate violence is punished more severely under federal law. In certain circumstances, federal authorities can help investigate and prosecute hate crimes — except for those committed against someone because of his or her sexual orientation. Current federal law only covers race, religion, national origin and color. The Hate Crimes Prevention Act would give federal law enforcement agencies authority to investigate and prosecute hate crimes based on a victim's sexual orientation.

To pass the Hate Crimes Prevention Act, HRC will:

- create a national forum for hate crime victims and their families to educate policy-makers and the public;
- work closely with state attorneys general and local anti-violence projects to build support for the bill;
- recruit influential members of Congress to champion the legislation;
- lead an active lobbying campaign through the Leadership Conference on Civil Rights, the nation's leading civil rights coalition.

Fighting HIV and AIDS

The success of new drug treatments in prolonging lives and reducing death rates is leading some people — including members of Congress — to believe that the AIDS epidemic is no longer a public health crisis. The reality is that 40,000 people become infected with HIV every year, and no evidence shows that these new infections are decreasing. While AIDS deaths have declined overall, AIDS remains the leading cause of death among Hispanic- and African-Americans age 25-44.

HRC will work to strengthen the national response to AIDS. Our goals are to reauthorize the Ryan White CARE Act; promote broader access to medical care and a comprehensive HIV prevention plan; increase funding for AIDS initiatives across the board; and ensure that federal AIDS policy is based on science, not politics.

To accomplish these goals in the 106th Congress, HRC will:

- play a leadership role in the National Organizations Responding to AIDS (NORA) coalition, to maximize support in Congress for higher funding levels and sound AIDS policy;
- mobilize advocates at the grassroots level to influence key members of Congress;
- work with youth advocacy groups and other organizations to develop an HIV/AIDS prevention strategy to protect young people and other population groups increasingly at risk for HIV.

Ending Discrimination in the Military

Though the current "don't ask, don't tell, don't pursue" policy was supposed to set limits on gay investigations and harassment, they have increased. The policy calls for the dismissal or even the imprisonment of military service members who truthfully acknowledge they are gay, lesbian or bisexual.

The loss of trained, effective service members due to this policy wastes millions of taxpayer dollars every year. Ultimately, this discriminatory policy must be overturned but, in the short term, the Department of Defense must comply with the policy and stop asking, pursuing and harassing service members.

To ensure that the military stays within the limits of the "don't ask, don't tell" policy, HRC will:

- educate members of Congress and the administration on the limits of the policy;
- work with the Pentagon, White House and Office of the Vice President to issue clear guidance on the correct policy;
- work closely with the Servicemembers Legal Defense Network, the leading legal organization representing military personnel hurt by the policy.

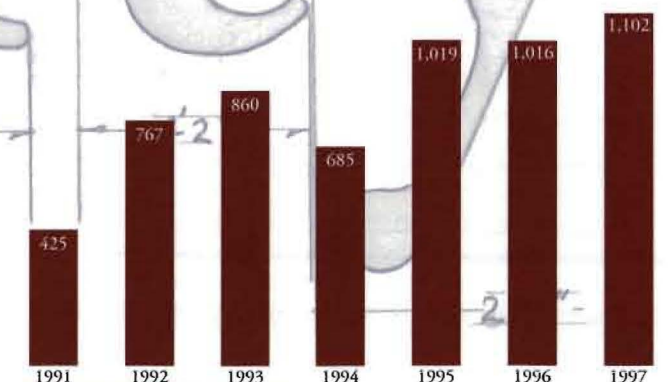
Protecting Lesbians' Health

A recent groundbreaking study from the Institute of Medicine on lesbian health — the federal government's first effort to assess the health needs of lesbians — revealed that lesbians may be at greater risk than other women for conditions such as breast and cervical cancer. However, the report concluded, the health care system is not addressing health issues faced by lesbians because so little information exists about their particular medical needs.

If the medical concerns of lesbians are to be addressed seriously at the national level, agencies including the Centers for Disease Control and Prevention and the National Institutes of Health must take an active interest in lesbian health issues.

To increase understanding of lesbian health issues at the federal level, HRC will:

- work with women's health organizations to educate officials at key federal health agencies;
- advocate for funding to address lesbian health concerns in federal research on cancer and other diseases;
- research federal grant money to support community centers that are addressing lesbian health issues.



Reported Hate Crimes Based on Sexual Orientation
1991-1997