

SMITH SPONSORS PRO-GAY BILLS

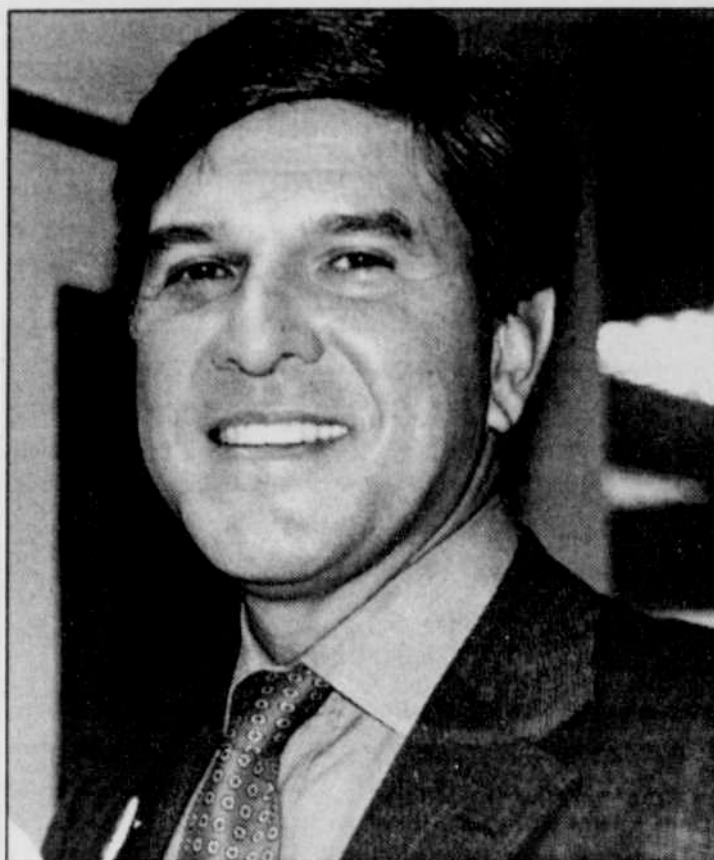
U.S. Sen. Gordon Smith, R-Ore., introduced legislation Oct. 2 to simplify the tax code and address the growing trend among both public and private employers who have decided to provide domestic partner benefits to their employees.

"Every American should have access to affordable health insurance regardless of marital status," he said in a statement. "This legislation simply updates the tax code to reflect a clear trend in the American workplace to expand health coverage."

More than one-third of Fortune 500 companies, as well as numerous state and local governments, are providing health insurance to the domestic partners of their employees. However, federal tax law has not kept pace with corporate changes in this area, and employers who offer such benefits and the employees who receive them are taxed inequitably.

Currently, the tax code provides that the employer's contribution of the premium for health insurance for an employee's spouse is excluded from the employee's taxable income. An employer's contribution for a domestic partner's coverage, however, is included in the employee's taxable income as a fringe benefit. In addition, the employer's payroll tax liability is increased.

"Passing this legislation will increase the number of Americans covered by health insurance by providing employers with a tax incentive," Smith said. "Giving fair tax treatment for



U.S. Sen. Gordon Smith, R-Ore., introduced legislation Oct. 2 that would give fair tax treatment for domestic partners' health insurance

all employer-provided health coverage is good for employers, employees and the economy."

Winnie Stachelberg, Human Rights Campaign political director, added: "We commend this first Senate introduction of the Domestic Partner Health Benefits Equity Act and ask for its quick passage. As companies increasingly offer domestic partner health insurance benefits, it's critical to end the unfair taxation of this important coverage."

Smith also is a lead sponsor of the Employment Nondiscrimination Act, which would pro-

hibit workplace bias based on sexual orientation, along with fellow Senate Finance Committee member Bob Graham, D-Fla. The bill was re-introduced Oct. 2 with strong bipartisan support.

In 1996, the Senate narrowly defeated ENDA by a 49-50 vote. Last year, for the first time, the legislation was recommended to the full chamber with a bipartisan committee vote, but it adjourned before taking action.

As introduced, ENDA would not protect trans employees from bias based on their gender identity or expression. HRC and a leading group of queer activists are in the process of drafting legislation that would address this form of discrimination.

"Clearly, many of our members will be more secure in their jobs upon the passage of ENDA," Stachelberg said. "But until every GLBT American can go to work without the fear of being fired simply because of their sexual orientation or gender identity and expression, we will not rest."

SENATE CONFIRMS MOSMAN AS DISTRICT JUDGE FOR OREGON

By a unanimous vote Sept. 25, the U.S. Senate confirmed U.S. Attorney Michael W. Mosman as a judge on the U.S. District Court for the District of Oregon. He was nominated earlier this year by President Bush after he was recommended for the position by Sen. Gordon Smith, R-Ore., in consultation with Sen. Ron Wyden, D-Ore.

Mosman was the subject of controversy in March, when it was revealed that he played a key role in the U.S. Supreme Court's *Bowers* vs.

Hardwick ruling, which upheld state sodomy laws. At the time of the 1986 decision, he wrote two memos to Justice Lewis Powell, for whom he was serving as a clerk, stating his belief that the U.S. Constitution offered no privacy for homosexuals.

Basic Rights Oregon met with Mosman in April to discuss his current views on privacy, parenting and employment rights for queers. The next month BRO announced that it would not oppose his nomination, believing he had undergone a significant change of heart.

"President Bush made an excellent choice when he nominated Mike, and the Senate confirmed that decision with its unanimous vote," Smith said in a statement. "He has long served Oregon and the nation with distinction, and I have the utmost confidence that he will continue to do so on the District Court."

Wyden added: "Mike has worked hard to show his commitment to equal rights for all Americans. I believe his sense of fairness and his long and outstanding experience as a prosecutor in our state will serve the District Court and Oregon well."

Before becoming U.S. attorney for the District of Oregon in 2001, Mosman served as an assistant U.S. attorney and worked in private practice for a Portland law firm. He is a graduate of Utah State University and the J. Reuben Clark Law School at Brigham Young University.

"I am honored to have this chance to serve," Mosman said. "I have been impressed throughout this whole process with the fair-mindedness of everyone involved. I am grateful to the president for nominating me and to Sens. Smith and Wyden for their confidence and support."

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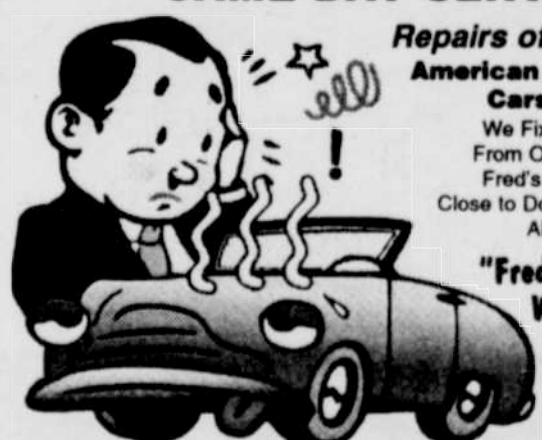
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