



## Pelosi delays action on ENDA

Move follows protest over trans exclusion

By LOU CHIBBARO JR. | Oct 1, 2007

Following a groundswell of opposition from gay activists, Speaker of the House Nancy Pelosi (D-Calif.) late Monday put the brakes on plans to bring the Employment Non-Discrimination Act, or ENDA, to a vote in the House in the next two weeks without protections for transgender persons.

Pelosi's action came after representatives of more than 90 prominent national and state gay and transgender rights organizations presented her and all members of Congress with a petition expressing strong opposition to any version of ENDA that does not include transgender protections.

In a joint statement released by her office, Pelosi, Reps. Barney Frank (D-Mass.) and Tammy Baldwin (D-Wisc.), the two openly gay members of Congress, and Rep. George Miller (D-Calif.), chair of the committee with jurisdiction over ENDA, announced they would complete a final draft of the bill "later this month."

Although it did not say so directly, the statement meant Pelosi had postponed a markup hearing scheduled for tomorrow, Oct. 2, in which the Democratic-controlled Committee on Education and Labor was expected to approve a new version of ENDA that limited its job protection coverage to gays and bisexuals.

The sexual orientation-only bill was expected to come before the full House for a vote as soon as the following week.

Pelosi's latest action also comes less than a week before she is scheduled to appear Oct. 6 before the Human Rights Campaign's annual national dinner in Washington as the keynote speaker.

Late last week, Frank introduced the sexual orientation-only version of ENDA along with a separate bill calling for banning job discrimination based on gender identity, a term that covers transgender persons. Frank said he made the changes after determining through a private "whip" count by Democratic leaders that there were not enough Democratic votes to pass ENDA if transgender protections were included.

The sexual orientation version was to be put on the fast track. Frank called for quick hearings on the transgender version but acknowledged it did not have enough support to merit a vote anytime soon.

**Officials with several of the groups that signed the petition, including the National Gay & Lesbian Task Force, said they believe they could line up enough support to pass the**

**original version of ENDA, which includes trans protections, if the bill's supporters redoubled efforts to lobby on its behalf.**

**“We believe a transgender inclusive ENDA is possible,” said Task Force director Matt Foreman, in a telephone news conference Monday afternoon. “If we need to shore up more votes, let’s do that,” Foreman said.**

He and officials with four other organizations, including the National Black Justice Coalition, said they strongly opposed giving up on a trans-inclusive ENDA through Frank and Pelosi’s initial call for passing a sexual orientation version of the bill now and pushing for a transgender measure at some unspecified time in the future.

“After discussions with congressional leaders and organizations supporting passage of ENDA, we have agreed to schedule [a] mark-up of the bill in the Committee on Education and Labor later this month, followed by a vote in the full House,” the joint statement released by Pelosi’s office said.

“This schedule will allow proponents of the legislation to continue their discussions with members in the interest of passing the broadest possible bill,” the statement said.

The statement did not indicate whether Pelosi and Frank had completely dropped plans to limit ENDA this year to protecting only gays from job discrimination.

As of Monday night, a spokesperson for Pelosi said the speaker was unavailable for further comment but would be elaborating on her views and plans for ENDA over the next week.

The gay and transgender groups that signed the petition presented the document to Pelosi and the offices of all other members of the House about eight hours before Pelosi’s office issued her joint statement with Frank, Baldwin, and Miller.

Baldwin informed officials with some of the activist groups during the past week that she, too, opposed the so-called two-bill approach for ENDA and preferred to move forward with the original bill that included gays and transgender persons.

When Frank introduced his two new bills last Thursday, Baldwin’s chief of staff, Bill Marat, said Baldwin did not sign as a co-sponsor for either of them.

“We ask you to keep working with us on an Employment Non-Discrimination Act that protects everyone in our community, and to oppose any substitute legislation that leaves some of us behind,” says the petition that the gay and trans groups presented to Congress Monday.

The petition came after a tumultuous, four-day debate within gay activist circles over how to respond to the reports by Pelosi and Frank that not enough support exists among House Democrats to pass a trans-inclusive ENDA.

Their decision to issue the petition marked the first known time that such a large number of gay rights groups had publicly challenged Pelosi and Frank, who are considered among the most gay- and transgender-supportive members of Congress.

The Human Rights Campaign, the nation's largest gay rights organization, did not add its name to the petition. HRC officials have said the group's board of directors, which was scheduled to meet Monday night by conference call, had yet to decide whether to support or oppose a version of ENDA without trans protections.

Last week, HRC spokesperson Brad Luna said the decision to remove the transgender clause from ENDA took place without HRC's "assent" and that HRC was troubled over the developments. Since 2004, it has said it would oppose ENDA if it did not include trans protections.