

## STATEMENT ON JIM RENACCI'S VOTE ON MALONEY (D-NY) AMENDMENT

*The record clearly shows the Maloney (D-NY) Amendment was to **withhold Energy and Water funds from any state that disallowed transgender bathroom choice**. The other challenger in this race was the only Ohio Republican to vote in favor of Maloney (D-NY).*

### HISTORY

The outlawing of discrimination began in 1941 when President Roosevelt signed EO8802 establishing race, color, creed, and national origin as the first protected classes. These groups were protected from discrimination when seeking employment with the federal government or defense industries. President Bush further amended it in 2002 adding certain protections for religiously affiliated contractors. President Obama signed EO13672 in 2014 adding sexual preference and gender identity to the list of protected classes.

### NORTH CAROLINA HB2, "THE BATHROOM BILL"

In February 2016, Charlotte, NC passed an ordinance allowing transgender men to use women's restrooms, and vice versa. On March 23, 2016, the North Carolina legislature responded by passing HB2 which required individuals to use the restroom of their biological birth. Gay rights activists and the ACLU challenged this law.

Less than weeks later the U.S. House of Representatives debated water and energy funding for 2017.

### ENERGY AND WATER FUNDING AND TRANSGENDER RESTROOMS

The evening of May 25, 2016 the water and energy bill was debated on the House floor. Shortly before 8:00 PM Rep. Sean Maloney (D-NY) introduced an amendment that read: *"At the end of the bill (before the short title), insert the following:*

*Sec. \_\_. **None of the funds made available by this Act may be used in contravention of Executive Order No. 13672 of July 21, 2014 (``Further Amendments to Executive order 11478,***

*Equal Employment in the Federal Government, and Executive Order 11246, Equal Employment Opportunity''')."*

EO13672 was Obama's order adding sexual preference and gender identity as protected classes. In effect, if Maloney (D-NY) passed, North Carolina would not have access to any of the \$37B in energy and water project funds for 2017.

After Maloney's (D-NY) proposal, Rep. Pitts (R-PA) offered Maloney (D-NY) be further amended to say:

*"In the section proposed to be added, insert before the period at the end the following: ", except as required by the First Amendment, the Fourteenth Amendment, and Article I of the Constitution".*" The Pitts Amendment was passed by

voice vote. No record exists of how each Representative voted. The other challenger claims he voted for Pitts because it "added religious freedoms to Maloney (D-NY)", but the testimony of Rep. Maloney directly refutes that statement as he even calls out religious protections specifically. Maloney states,

*"Even though my amendment simply would have applied the same standard to LGBT employees that we have long applied when people are fired because of their race or gender or religion or disability, it simply was too much. Even though we would have preserved time-honored religious exemptions, it was too much. Something about treating LGBT people fairly just wouldn't do."*

<https://www.congress.gov/congressional-record/2016/05/25/house-section/article/H3220-1>

The vote on Maloney (D-NY) was a roll call, however. That record exists. And that record shows Rep. Renacci (R-OH) was the only Ohio Conservative to vote in favor of the amendment. Rep. Renacci joined every single Democrat from Ohio in supporting Maloney. Joyce Beatty (D), Marcy Kaptur (D), Marcia Fudge (D), Tim Ryan (D), and Jim Renacci (R) were the Ohio Representatives who voted in support of the amendment. <https://www.govtrack.us/congress/votes/114-2016/h258>

## SUMMARY

The other challenger brings up Pitts as a smokescreen. Don't be distracted. Rep. Sean Maloney (D-NY) himself says this bill already did not infringe on religious freedom and was keeping "taxpayer dollars from going to government contractors who discriminate against LGBT

*employees. That is it. It said you cannot take taxpayer dollars and fire people just for being gay."* Rep. Maloney (D-NY) made his intent for this amendment crystal clear and it had nothing to do with infringing on religious freedom.

In summary, the record clearly shows:

- \$37B of federal funds were available for water and energy projects in 2017
- Rep. Sean Maloney (D-NY) moved to make none of those funds available to any state that did not abide by Obama's EO adding sexual preference and gender identity as protected classes
- North Carolina had just passed such a law requiring people to use the restroom of their birth gender
- Rep. Jim Renacci **voted for** the Maloney (D-NY) Amendment.
- Rep. Renacci was the **ONLY Ohio Republican** to vote in support of Maloney (D-NY) along with every single Democrat.

H.R. 5055 (114<sup>th</sup>): Energy and Water Development and Related Agencies Appropriations Act, 2017  
<https://www.govtrack.us/congress/bills/114/hr5055/summary>  
H.Amdt. 1128 (Maloney) to H.R. 5055 <https://www.govtrack.us/congress/votes/114-2016/h258>  
Debate around Maloney and Pitts, et al <https://www.govtrack.us/congress/votes/114-2016/h258>