

112TH CONGRESS
1ST SESSION

H. R. 3485

To provide certain benefits to domestic partners of Federal employees.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2011

Ms. BALDWIN (for herself, Ms. ROS-LEHTINEN, Mr. CICILLINE, Mr. POLIS, Mr. FRANK of Massachusetts, Mr. SERRANO, Ms. SPEIER, Mr. HINCHEY, Mr. HOLT, Mr. CLAY, Mr. JACKSON of Illinois, Ms. LEE of California, Mrs. MALONEY, Mr. SMITH of Washington, Mr. GRIJALVA, Mr. GUTIERREZ, Mrs. DAVIS of California, Mr. LANGEVIN, Ms. TSONGAS, Ms. PINGREE of Maine, Mrs. CAPPAS, Mr. HONDA, Mr. STARK, Mr. NADLER, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. MOORE, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. GEORGE MILLER of California, Mr. ACKERMAN, Mr. MORAN, Mr. DOGGETT, Ms. ROYBAL-ALLARD, Mr. QUIGLEY, Mr. SARBANES, Mr. BERMAN, Mr. CUMMINGS, Mr. CAPUANO, Ms. WOOLSEY, Mr. DINGELL, Mr. YARMUTH, Ms. ZOE LOFGREN of California, Mr. FILNER, Ms. DEGETTE, Mr. MICHAUD, Ms. MCCOLLUM, Mr. COHEN, Mr. FARR, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. WELCH, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide certain benefits to domestic partners of Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**
 2 **TENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Domestic Partnership Benefits and Obligations Act of
 5 2011”.

6 (b) **REFERENCES.**—Except as otherwise expressly
 7 provided, whenever in this Act an amendment or repeal
 8 is expressed in terms of an amendment to, or a repeal
 9 of, a section or other provision, the reference shall be con-
 10 sidered to be made to a section or other provision of title
 11 5, United States Code.

12 (c) **TABLE OF CONTENTS.**—The table of contents of
 13 this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—DOMESTIC PARTNERSHIPS

Sec. 101. Domestic partnerships.

TITLE II—CIVIL SERVICE RETIREMENT SYSTEM

Sec. 201. Definitions.
 Sec. 202. Creditable service.
 Sec. 203. Computation of annuity.
 Sec. 204. Cost-of-living adjustment of annuities.
 Sec. 205. Survivor annuities.
 Sec. 206. Lump-sum benefits; designation of beneficiary; order of precedence.
 Sec. 207. Alternative forms of annuities.
 Sec. 208. Administration; regulations.
 Sec. 209. Participation in the Thrift Savings Plan.

TITLE III—FEDERAL EMPLOYEES’ RETIREMENT SYSTEM

Sec. 301. Definitions.
 Sec. 302. Creditable service.
 Sec. 303. Survivor reduction for a current spouse or a current domestic partner.
 Sec. 304. Survivor reduction for a former spouse or former domestic partner.
 Sec. 305. Survivor elections; deposit; offsets.
 Sec. 306. Survivor reductions; computation.
 Sec. 307. Insurable interest reductions.
 Sec. 308. Alternative forms of annuities.

- Sec. 309. Lump-sum benefits; designation of beneficiary; order of precedence.
- Sec. 310. Annuities: methods of payment; election; purchase.
- Sec. 311. Protections for spouses, domestic partners, former spouses, and former domestic partners.
- Sec. 312. Justices and judges.
- Sec. 313. Survivor annuities: definitions.
- Sec. 314. Rights of a widow, widower, or surviving partner.
- Sec. 315. Rights of a former spouse or former domestic partner.
- Sec. 316. Authority of the Office of Personnel Management.
- Sec. 317. Cost-of-living adjustments.
- Sec. 318. Fiduciary responsibilities; liability and penalties.

TITLE IV—INSURANCE BENEFITS

- Sec. 401. Life insurance.
- Sec. 402. Health insurance.
- Sec. 403. Enhanced dental benefits.
- Sec. 404. Enhanced vision benefits.
- Sec. 405. Long-term care insurance.

TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

- Sec. 501. Reimbursement for taxes incurred on money received for travel expenses.
- Sec. 502. Relocation expenses of employees transferred or reemployed.
- Sec. 503. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.
- Sec. 504. Relocation expenses of an employee who is performing an extended assignment.

TITLE VI—COMPENSATION FOR WORK INJURIES

- Sec. 601. Definitions.
- Sec. 602. Death gratuity for injuries incurred in connection with employee's service with an Armed Force.
- Sec. 603. Beneficiaries of awards unpaid at death; order of precedence.
- Sec. 604. Augmented compensation for dependents.
- Sec. 605. Limitations on right to receive compensation.
- Sec. 606. Compensation in case of death.
- Sec. 607. Lump-sum payment.
- Sec. 608. Regulations.
- Sec. 609. Effective date.

TITLE VII—PROVISIONS RELATING TO EMPLOYMENT OF RELATIVES AND OTHER MATTERS

- Sec. 701. Employment of relatives; restrictions.
- Sec. 702. Settlement of accounts.
- Sec. 703. Benefits for captives.
- Sec. 704. Compensation for disability or death.
- Sec. 705. Family and medical leave.

TITLE VIII—ADDITIONAL PROVISIONS

- Sec. 801. Applicability.
- Sec. 802. Regulations.

TITLE IX—AMENDMENT TO THE ETHICS IN GOVERNMENT ACT
OF 1978

Sec. 901. Amendment to the Ethics in Government Act of 1978.

TITLE X—REPORTING REQUIREMENTS

Sec. 1001. Report of the president.

Sec. 1002. GAO report.

1 **TITLE I—DOMESTIC**
2 **PARTNERSHIPS**

3 **SEC. 101. DOMESTIC PARTNERSHIPS.**

4 (a) IN GENERAL.—Chapter 21 is amended by adding
5 at the end the following:

6 **“§ 2110. Domestic partnerships**

7 “(a) ESTABLISHMENT.—To establish the existence of
8 a domestic partnership, between an employee, former em-
9 ployee, or annuitant and another individual, for purposes
10 of the provisions of law to which this section applies, the
11 employee, former employee, or annuitant (as the case may
12 be) shall be required to file an affidavit, in such form and
13 manner as the Office of Personnel Management shall by
14 regulation prescribe, attesting to the following:

15 “(1) Both individuals are members of the same
16 sex.

17 “(2) Both individuals are at least 18 years of
18 age and competent to contract.

19 “(3) The filing employee, former employee, or
20 annuitant (as the case may be) has notified the
21 other individual of the filing of the affidavit attest-

1 ing that their partnership satisfies the requirements
2 of this subsection.

3 “(4) Such individuals are in a domestic partner-
4 ship with one another and intend to remain so in-
5 definitely.

6 “(5) Such individuals—

7 “(A) have a common residence; or

8 “(B) do not have a common residence be-
9 cause of financial, employment-related, or other
10 reasons, as identified in the affidavit.

11 “(6) Neither individual is married to or in a do-
12 mestic partnership with anyone outside of the do-
13 mestic partnership referred to in paragraph (4).

14 “(7) The 2 individuals share responsibility for
15 a significant measure of each other’s common wel-
16 fare and financial obligations.

17 “(8) The 2 individuals are not related in a way
18 that, if they were of the opposite sex, would prohibit
19 legal marriage in the jurisdiction in which either in-
20 dividual resides.

21 “(9) The filing employee, former employee, or
22 annuitant (as the case may be) understands that
23 willful falsification of information set forth in the af-
24 fidavit or failure to provide appropriate notification
25 of the termination of the domestic partnership may

1 lead to the recovery of amounts obtained as a result
2 of such falsification or failure (as the case may be),
3 criminal or other penalties, and (in appropriate
4 cases) disciplinary action.

5 An affidavit shall not be effective for purposes of this sec-
6 tion unless the filing individual is an employee, former em-
7 ployee, or annuitant as of the time of filing. No 2 individ-
8 uals shall, for purposes of the provisions of law to which
9 this section applies, be treated as being in a domestic part-
10 nership with one another unless there is in effect, in ac-
11 cordance with regulations prescribed by the Office, an affi-
12 davit filed in accordance with the preceding provisions of
13 this subsection. An affidavit so filed shall remain in effect
14 until the earlier of the date of the death of either indi-
15 vidual or the date as of which the domestic partnership
16 is otherwise terminated, as determined under such regula-
17 tions.

18 “(b) DOMESTIC PARTNER.—For purposes of the pro-
19 visions of law to which this section applies, the term ‘do-
20 mestic partner’ means an individual who is in a domestic
21 partnership, as described in subsection (a).

22 “(c) EMPLOYEE DEFINED.—For purposes of this
23 section, the term ‘employee’ means an employee as defined
24 by section 2105, an employee of a nonappropriated fund
25 instrumentality of the Department of Defense or the Coast

1 Guard (as described in section 2105(c)), an employee of
2 the United States Postal Service or of the Postal Regu-
3 latory Commission (as described in section 2105(e)), a
4 Member of Congress, a member of the commissioned corps
5 of the Public Health Service, a member of the commis-
6 sioned corps of the National Oceanic and Atmospheric Ad-
7 ministration, and any other individual who is employed by
8 the Government (as determined under regulations of the
9 President or a designee thereof), but does not include a
10 technician (within the meaning of section 8337(h) or, not-
11 withstanding any provision of chapter 43 of title 38, a
12 member of the armed forces.

13 “(d) ANNUITANT DEFINED.—For purposes of this
14 section, the term ‘annuitant’ means—

15 “(1) an annuitant within the meaning of section
16 8331 or 8401; and

17 “(2) as determined under regulations prescribed
18 by the President or a designee thereof, any other in-
19 dividual who is entitled to benefits (based on the
20 service of such individual) under a retirement system
21 for employees of the Government.

22 “(e) CONFIDENTIALITY.—No individual may—

23 “(1) use the information obtained under sub-
24 section (a) for any purpose other than the adminis-

1 tration of any provision of law to which this section
 2 applies; or

3 “(2) furnish any information obtained under
 4 subsection (a) to anyone, or permit anyone to exam-
 5 ine or otherwise gain access to any such information,
 6 except for—

7 “(A) an individual who needs such infor-
 8 mation for a purpose that satisfies paragraph
 9 (1); or

10 “(B) a member of the domestic partner-
 11 ship to which the information pertains or an
 12 authorized representative thereof.

13 “(f) **APPLICABILITY.**—This section applies for pur-
 14 poses of the provisions of this title (excluding chapter 81)
 15 and any provision of law identified in or under title VIII
 16 of the Domestic Partnership Benefits and Obligations Act
 17 of 2011.”.

18 (b) **CLERICAL AMENDMENT.**—The table of sections
 19 for chapter 21 is amended by adding at the end the fol-
 20 lowing:

“2110. Domestic partnerships.”.

21 **TITLE II—CIVIL SERVICE**
 22 **RETIREMENT SYSTEM**

23 **SEC. 201. DEFINITIONS.**

24 Section 8331 is amended—

1 (1) in paragraph (30), by striking “and” at the
2 end;

3 (2) in paragraph (31), by striking the period
4 and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(32) ‘former domestic partner’ means a former
7 domestic partner of an individual—

8 “(A) if such individual performed at least
9 18 months of civilian service as an employee or
10 Member; and

11 “(B) if the former domestic partner was in
12 a domestic partnership with such individual for
13 at least 9 months.”.

14 **SEC. 202. CREDITABLE SERVICE.**

15 Section 8332 is amended—

16 (1) in subsection (c)(3)(C)(ii), by striking
17 “former spouse.” and inserting “former spouse or
18 former domestic partner.”; and

19 (2) in paragraphs (4) and (5) of subsection (o),
20 by striking “spouse” each place it appears and in-
21 serting “spouse, domestic partner,”.

22 **SEC. 203. COMPUTATION OF ANNUITY.**

23 Section 8339 is amended—

24 (1) in subsection (j)—

25 (A) in paragraph (1)—

1 (i) by inserting “(or domestic part-
2 ner)” after “the spouse” each place it ap-
3 pears;

4 (ii) by inserting “(or has a domestic
5 partner)” after “is married”; and

6 (iii) by inserting “(or domestic part-
7 ner’s)” after “the spouse’s” each place it
8 appears;

9 (B) in paragraph (2), by inserting “(or
10 former domestic partner)” after “former
11 spouse” each place it appears;

12 (C) in paragraph (3)—

13 (i) in the first sentence—

14 (I) by inserting “(or former do-
15 mestic partner)” after “former
16 spouse” each place it appears; and

17 (II) by inserting “(or being in a
18 domestic partnership with)” after
19 “based on marriage to”;

20 (ii) in the second sentence—

21 (I) by inserting “(or the domestic
22 partnership of the former domestic
23 partner with)” after “the marriage of
24 the former spouse to”; and

1 (II) by striking “is dissolved,”
2 and inserting “is dissolved (or termi-
3 nated),”;

4 (iii) in the sixth sentence, by striking
5 “former spouse.” and inserting “former
6 spouse (or former domestic partner).”;

7 (iv) in subparagraph (B)—

8 (I) by striking “is then married,”
9 and inserting “is then married (or is
10 then in a domestic partnership),”; and

11 (II) by striking “the spouse’s
12 written consent.” and inserting “the
13 written consent of the spouse (or do-
14 mestic partner).”; and

15 (v) by amending the next to last sen-
16 tence to read as follows: “In the case of a
17 retired employee or Member whose annuity
18 is being reduced in order to provide a sur-
19 vivor annuity for a former spouse (or
20 former domestic partner), an election to
21 provide or increase a survivor annuity for
22 any other former spouse (or any other
23 former domestic partner), and to continue
24 an appropriate reduction for that purpose,
25 may be made within the same period that,

1 and subject to the same conditions under
2 which, an election could be made under
3 paragraph (5)(B) for a current spouse (or
4 a current domestic partner), subject to the
5 provisions of this paragraph relating to
6 consent of a current spouse (or of a cur-
7 rent domestic partner), if the retired em-
8 ployee or Member is then married (or in a
9 domestic partnership).”; and
10 (D) by amending paragraph (5) to read as

11 follows:

12 “(5)(A) Any reduction in an annuity for the purpose
13 of providing a survivor annuity for the current spouse (or
14 the current domestic partner) of a retired employee or
15 Member shall be terminated for each full month—

16 “(i) after the death of the spouse (or domestic
17 partner), or

18 “(ii) after the dissolution of the marriage of the
19 spouse (or the termination of the domestic partner-
20 ship of the domestic partner) to the employee or
21 Member,

22 except that an appropriate reduction shall be made there-
23 after if the spouse (or domestic partner) is entitled, as
24 a former spouse (or former domestic partner), to a sur-
25 vivor annuity under section 8341(h).

1 “(B) Any reduction in an annuity for the purpose of
2 providing a survivor annuity for a former spouse (or a
3 former domestic partner) of a retired employee or Member
4 shall be terminated for each full month after the former
5 spouse remarries (or the former domestic partner enters
6 into a subsequent domestic partnership) before reaching
7 age 55 or dies. This reduction shall be replaced by an ap-
8 propriate reduction or reductions under paragraph (4) if
9 the retired employee or Member has (i) another former
10 spouse (or another former domestic partner) who is enti-
11 tled to a survivor annuity under section 8341(h), (ii) a
12 current spouse to whom the employee or Member was mar-
13 ried (or a current domestic partner with whom the em-
14 ployee or Member was in a domestic partnership) at the
15 time of retirement and with respect to whom a survivor
16 annuity was not jointly waived under paragraph (1), or
17 (iii) a current spouse whom the employee or Member mar-
18 ried (or a current domestic partner with whom the em-
19 ployee or Member entered into domestic partnership) after
20 retirement and with respect to whom an election has been
21 made under subparagraph (C) or subsection (k)(2).

22 “(C)(i) Upon remarriage (or entry into a subsequent
23 domestic partnership), a retired employee or Member who
24 was married (or in a domestic partnership) at the time
25 of retirement, including an employee or Member whose an-

1 nuity was not reduced to provide a survivor annuity for
2 the employee's or Member's spouse or former spouse (or
3 domestic partner or former domestic partner) as of the
4 time of retirement, may irrevocably elect during such mar-
5 riage (or domestic partnership), in a signed writing re-
6 ceived by the Office—

7 “(I) within 2 years after such remarriage (or
8 such subsequent domestic partnership), or

9 “(II) if later, within 2 years after—

10 “(aa) the death or remarriage of any
11 former spouse (or the death of or entry into a
12 subsequent domestic partnership by any former
13 domestic partner) of such employee or Member
14 who was entitled to a survivor annuity under
15 section 8341(h), or

16 “(bb) if there was more than 1, the death
17 or remarriage of the last such surviving former
18 spouse (or the death of or entry into a subse-
19 quent domestic partnership by the last such
20 surviving former domestic partner),

21 a reduction in the employee's or Member's annuity under
22 paragraph (4) for the purpose of providing an annuity for
23 such employee's or Member's spouse (or domestic partner)
24 in the event such spouse (or domestic partner) survives
25 the employee or Member.

1 “(ii) Such election and reduction shall be effective the
2 first day of the second month after the election is received
3 by the Office, but not less than 9 months after the date
4 of the remarriage (or entry into the subsequent domestic
5 partnership), and the retired employee or Member shall
6 deposit in the Fund an amount determined by the Office
7 of Personnel Management, as nearly as may be adminis-
8 tratively feasible, to reflect the amount by which the annu-
9 ity of such retired employee or Member would have been
10 reduced if the election had been in effect since the date
11 of retirement or, if later, the date the previous reduction
12 in such retired employee’s or Member’s annuity was termi-
13 nated under subparagraph (A) or (B), plus interest. For
14 the purposes of the preceding sentence, the annual rate
15 of interest for each year during which an annuity would
16 have been reduced if the election had been in effect on
17 and after the applicable date referred to in such sentence
18 shall be 6 percent.

19 “(iii) The Office shall, by regulation, provide for pay-
20 ment of the deposit required under clause (ii) by a reduc-
21 tion in the annuity of the employee or Member. The reduc-
22 tion shall, to the extent practicable, be designed so that
23 the present value of the future reduction is actuarially
24 equivalent to the deposit required under clause (ii), except
25 that total reductions in the annuity of an employee or

1 Member to pay deposits required by the provisions of this
2 paragraph or paragraph (3) shall not exceed 25 percent
3 of the annuity computed under subsections (a) through
4 (i), (n), (q), and (r), including adjustments under section
5 8340. The reduction required by this clause, which shall
6 be effective on the same date as the election under clause
7 (i), shall be permanent and unaffected by any future dis-
8 solution of the marriage (or termination of the domestic
9 partnership). Such reduction shall be independent of and
10 in addition to the reduction required under clause (i).

11 “(iv) Notwithstanding any other provision of this sub-
12 paragraph, an election under this subparagraph may not
13 be made for the purpose of providing an annuity in the
14 case of a spouse by remarriage (or a domestic partner by
15 a subsequent domestic partnership) if such spouse was
16 married to (or if such domestic partner was in a domestic
17 partnership with) the employee or Member at the time of
18 such employee’s or Member’s retirement, and all rights to
19 survivor benefits for such spouse (or domestic partner)
20 under this subchapter based on marriage (or domestic
21 partnership) to such employee or Member were then
22 waived under paragraph (1) or a similar prior provision
23 of law.

24 “(v) An election to provide a survivor annuity to a
25 person under this subparagraph—

1 “(I) shall prospectively void any election made
2 by the employee or Member under subsection (k)(1)
3 with respect to such person; or

4 “(II) shall, if an election was made by the em-
5 ployee or Member under such subsection (k)(1) with
6 respect to a different person, prospectively void such
7 election if appropriate written application is made by
8 such employee or Member at the time of making the
9 election under this subparagraph.

10 “(vi) The deposit provisions of clauses (ii) and (iii)
11 shall not apply if—

12 “(I) the employee or Member makes an election
13 under this subparagraph after having made an elec-
14 tion under subsection (k)(1); and

15 “(II) the election under subsection (k)(1) be-
16 comes void under clause (v).”;

17 (2) in subsection (k)—

18 (A) in paragraph (1)—

19 (i) by striking “a married employee or
20 Member” and inserting “an employee or
21 Member who is married (or in a domestic
22 partnership)”;

23 (ii) by inserting “(or domestic part-
24 ner)” after “spouse” each place it appears;

25 (B) in paragraph (2)—

1 (i) by striking the matter before sub-
2 paragraph (B) and inserting the following:

3 “(2)(A) An employee or Member, who is unmarried
4 (and not in a domestic partnership) at the time of retiring
5 under a provision of law which permits election of a re-
6 duced annuity with a survivor annuity payable to such em-
7 ployee’s or Member’s spouse (or domestic partner) and
8 who later marries (or enters into a domestic partnership),
9 may irrevocably elect, in a signed writing received in the
10 Office—

11 “(i) within 2 years after such employee or
12 Member marries (or enters into a domestic partner-
13 ship), or

14 “(ii) if later, within 2 years after—

15 “(I) the death or remarriage of any former
16 spouse (or the death of or entry into a subse-
17 quent domestic partnership by any former do-
18 mestic partner) of such employee or Member
19 who was entitled to a survivor annuity under
20 section 8341(h), or

21 “(II) if there was more than 1, the death
22 (or entry into a subsequent domestic partner-
23 ship) by the last such surviving former spouse
24 (or surviving former domestic partner),

1 a reduction in the retired employee or Member’s current
2 annuity as provided in subsection (j).”;

3 (ii) in subparagraph (B)(i) (in the
4 matter before subclause (I)), by striking
5 “marriage.” and inserting “marriage (or
6 entry into a domestic partnership).”;

7 (iii) in subparagraph (B)(ii), by in-
8 serting “(or in a domestic partnership)”
9 after “married”; and

10 (iv) in subparagraph (C), by striking
11 “marriage.” and inserting “marriage (or
12 domestic partnership).”; and

13 (3) in subsection (o)(1)—

14 (A) in subparagraphs (A)(i) and (B)(i), by
15 striking “is married,” and inserting “is married
16 (or is in a domestic partnership),”; and

17 (B) in subparagraph (A) (in the matter
18 following clause (ii)), by inserting “(or domestic
19 partner)” after “spouse”.

20 **SEC. 204. COST-OF-LIVING ADJUSTMENT OF ANNUITIES.**

21 Section 8340 is amended—

22 (1) in subsection (a)—

23 (A) by striking “and” at the end of para-
24 graph (1);

1 (B) by striking the period at the end of
2 paragraph (2) and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(3) the terms ‘widow’, ‘widower’, and ‘sur-
5 viving partner’ have the respective meanings given
6 them under section 8341.”; and

7 (2) in subsection (c)(1)—

8 (A) in the matter before subparagraph (A),
9 by striking all after “who retires,” and before
10 “of a deceased annuitant” and inserting “to the
11 widow, widower, or former spouse (or the sur-
12 viving partner or former domestic partner) of a
13 deceased employee or Member, or to the widow,
14 widower, or former spouse (or the surviving
15 partner or former domestic partner), or insur-
16 able interest designee”; and

17 (B) in subparagraph (B)(ii), by striking “a
18 widow, widower, former spouse, or insurable in-
19 terest designee” and inserting “a widow, wid-
20 ower, or former spouse (or surviving partner or
21 former domestic partner) or insurable interest
22 designee”.

23 **SEC. 205. SURVIVOR ANNUITIES.**

24 Section 8341 is amended—

25 (1) in subsection (a)—

1 (A) by redesignating paragraphs (3) and
2 (4) as paragraphs (4) and (5), respectively;

3 (B) by inserting after paragraph (2) the
4 following:

5 “(3) ‘surviving partner’ means the surviving do-
6 mestic partner of an employee or Member who—

7 “(A) was in a domestic partnership with
8 such employee or Member for at least 9 months
9 immediately before the death of such employee
10 or Member; or

11 “(B) satisfies such other requirement,
12 based on parenthood, as the Office of Personnel
13 Management shall by regulation prescribe based
14 on the definition of a widow or widower under
15 this section;” and

16 (C) in paragraph (5) (as so redesignated
17 by subparagraph (A))—

18 (i) in subparagraph (A), by inserting
19 “(or surviving domestic partner)” after
20 “the surviving spouse”; and

21 (ii) by adding at the end the fol-
22 lowing: “The Office shall prescribe regula-
23 tions to provide that, for purposes of ap-
24 plying the provisions of paragraph
25 (5)(A)(ii) (relating to the treatment of a

1 stepchild) in the case of a domestic part-
2 nership, rules similar to those prescribed to
3 carry out section 8901(5)(B) in similar cir-
4 cumstances shall apply.”;

5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking “widow or widower”
8 each place it appears and inserting “widow
9 or widower (or surviving partner)”;

10 (ii) by striking “remarriage,” and in-
11 sserting “remarriage (or entry into a subse-
12 quent domestic partnership)”;

13 (B) in paragraph (2)—

14 (i) by striking “widow or widower”
15 each place it appears and inserting “widow
16 or widower (or surviving partner)”;

17 (ii) by inserting “(or in a domestic
18 partnership with)” after “married to”;

19 (C) in paragraph (3)—

20 (i) in the matter before subparagraph
21 (A), by inserting “(or domestic partner)”
22 after “spouse”;

23 (ii) by striking “widow or widower”
24 each place it appears and inserting “widow
25 or widower (or surviving partner)”;

1 (iii) in subparagraph (B), by inserting
2 “(or enters into a subsequent domestic
3 partnership)” after “remarries”; and

4 (D) in paragraph (4)—

5 (i) by striking “widow or widower”
6 each place it appears and inserting “widow
7 or widower (or surviving partner)”; and

8 (ii) in subparagraph (B), by inserting
9 “(or former domestic partner)” after
10 “former spouse”;

11 (3) in subsection (d)—

12 (A) by striking “widow or widower” each
13 place it appears and inserting “widow or wid-
14 ower (or surviving partner)”;

15 (B) in subparagraph (B), by inserting “(or
16 former domestic partner)” after “former
17 spouse”; and

18 (C) in clause (ii), by inserting “(or enters
19 into a subsequent domestic partnership)” after
20 “remarries”;

21 (4) in subsection (e)—

22 (A) by striking the matter before para-
23 graph (2) and inserting the following:

24 “(e)(1) For the purposes of this subsection—

1 “(A) the term ‘former spouse’ includes a former
2 spouse who was married to an employee or Member
3 for less than 9 months and a former spouse of an
4 employee or Member who completed less than 18
5 months of service covered by this subchapter; and

6 “(B) the term ‘former domestic partner’ in-
7 cludes a former domestic partner who was in a do-
8 mestic partnership with an employee or Member for
9 less than 9 months and a former domestic partner
10 of an employee or Member who completed less than
11 18 months of service covered by this subchapter.”;

12 (B) in paragraph (2), by striking “a
13 spouse or a former spouse” each place it ap-
14 pears and inserting “a spouse or former spouse
15 (or a domestic partner or former domestic part-
16 ner)”;

17 (C) in paragraph (3)—

18 (i) in subparagraph (E), by striking
19 “dies or marries;” and inserting “dies,
20 marries, or enters into a domestic partner-
21 ship;”; and

22 (ii) in the matter following subpara-
23 graph (E)—

1 (I) by inserting “(or domestic
2 partner or former domestic partner)”
3 after “spouse or former spouse”; and

4 (II) by striking “spouse, former
5 spouse, or child” and inserting
6 “spouse or former spouse (or domestic
7 partner or former domestic partner)
8 or child,”; and

9 (D) in paragraph (4), by striking “mar-
10 riage, then, if such marriage” and inserting
11 “marriage, then, if such marriage (or a domes-
12 tic partnership, then, if such domestic partner-
13 ship)”;

14 (5) by striking subsection (f) and inserting the
15 following:

16 “(f) If a Member heretofore or hereafter separated
17 from the service with title to deferred annuity from the
18 Fund hereafter dies before having established a valid claim
19 for annuity and is survived by a spouse to whom married
20 (or a domestic partner to whom in a domestic partnership)
21 at the date of separation, the surviving spouse (or sur-
22 viving partner)—

23 “(1) is entitled to an annuity equal to 55 per-
24 cent of the deferred annuity of the Member com-
25 mencing on the day after the Member dies and ter-

1 minating on the last day of the month before the
2 surviving spouse dies or remarries (or the surviving
3 domestic partner dies or enters into a subsequent
4 domestic partnership); or

5 “(2) may elect to receive the lump-sum credit
6 instead of annuity if the spouse (or domestic part-
7 ner) is the individual who would be entitled to the
8 lump-sum credit and files application therefor with
9 the Office before the award of the annuity.

10 Notwithstanding the preceding sentence, an annuity pay-
11 able under this subsection to the surviving spouse (or sur-
12 viving domestic partner) of a Member may not exceed the
13 difference between—

14 “(A) the annuity which would otherwise be pay-
15 able to such surviving spouse (or such surviving do-
16 mestic partner) under this subsection, and

17 “(B) the amount of the survivor annuity pay-
18 able to any former spouse (or any former domestic
19 partner) of such Member under subsection (h).”;

20 (6) by striking subsection (g) and inserting the
21 following:

22 “(g) In the case of a surviving spouse (or surviving
23 domestic partner) whose annuity under this section is ter-
24 minated because of remarriage (or entry into a subsequent
25 domestic partnership) before becoming 55 years of age,

1 annuity at the same rate shall be restored commencing
2 on the day the remarriage (or subsequent domestic part-
3 nership) is dissolved by death, annulment, or divorce (or
4 terminated), if—

5 “(1) the surviving spouse (or surviving domestic
6 partner) elects to receive this annuity instead of a
7 survivor benefit to which he may be entitled, under
8 this subchapter or another retirement system for
9 Government employees, by reason of the remarriage
10 (or subsequent domestic partnership); and

11 “(2) any lump sum paid on termination of the
12 annuity is returned to the Fund.”;

13 (7) by striking subsection (h) and inserting the
14 following:

15 “(h)(1) Subject to paragraphs (2) through (5), a
16 former spouse (or former domestic partner) of a deceased
17 employee, Member, annuitant, or former Member who was
18 separated from the service with title to a deferred annuity
19 under section 8338(b) is entitled to a survivor annuity
20 under this subsection, if and to the extent expressly pro-
21 vided for in an election under section 8339(j)(3), or in
22 the terms of any decree of divorce or annulment or any
23 court order or court-approved property settlement agree-
24 ment incident to such decree.

1 “(2)(A) The annuity payable to a former spouse (or
2 former domestic partner) under this subsection may not
3 exceed the difference between—

4 “(i) the amount applicable in the case of such
5 former spouse (or former domestic partner), as de-
6 termined under subparagraph (B), and

7 “(ii) the amount of any annuity payable under
8 this subsection to any other former spouse (or
9 former domestic partner) of the employee, Member,
10 or annuitant, based on an election previously made
11 under section 8339(j)(3), or a court order previously
12 issued.

13 “(B) The applicable amount, for purposes of sub-
14 paragraph (A)(i) in the case of a former spouse (or former
15 domestic partner), is the amount which would be applica-
16 ble—

17 “(i) under subsection (b)(4)(A) in the case of a
18 widow or widower (or surviving partner), if the de-
19 ceased was an employee or Member who died after
20 retirement;

21 “(ii) under subparagraph (A) of subsection (d)
22 in the case of a widow or widower (or surviving part-
23 ner), if the deceased was an employee or Member de-
24 scribed in the first sentence of such subsection; or

1 “(iii) under subparagraph (A) of subsection (f)
2 in the case of a surviving spouse (or surviving do-
3 mestic partner), if the deceased was a Member de-
4 scribed in the first sentence of such subsection.

5 “(3) The commencement and termination of an annu-
6 ity payable under this subsection shall be governed by the
7 terms of the applicable order, decree, agreement, or elec-
8 tion, as the case may be, except that any such annuity—

9 “(A) shall not commence before—

10 “(i) the day after the employee, Member,
11 or annuitant dies, or

12 “(ii) the first day of the second month be-
13 ginning after the date on which the Office re-
14 ceives written notice of the order, decree, agree-
15 ment, or election, as the case may be, together
16 with such additional information or documenta-
17 tion as the Office may prescribe,

18 whichever is later, and

19 “(B) shall terminate—

20 “(i) except as provided in subsection (k),
21 in the case of an annuity computed by reference
22 to clause (i) or (ii) of paragraph (2)(B), no
23 later than the last day of the month before the
24 former spouse remarries (or former domestic
25 partner enters into a subsequent domestic part-

1 nership) before becoming 55 years of age or
2 dies; or

3 “(ii) in the case of an annuity computed by
4 reference to clause (iii) of such paragraph, no
5 later than the last day of the month before the
6 former spouse remarries or dies (or the former
7 domestic partner enters into a subsequent do-
8 mestic partnership or dies).

9 “(4) For purposes of this subchapter, a modification
10 in a decree, order, agreement, or election referred to in
11 paragraph (1) shall not be effective—

12 “(A) if such modification is made after the re-
13 tirement or death of the employee or Member con-
14 cerned, and

15 “(B) to the extent that such modification in-
16 volves an annuity under this subsection.

17 “(5) For purposes of this subchapter, a decree, order,
18 agreement, or election referred to in paragraph (1) shall
19 not be effective, in the case of a former spouse (or former
20 domestic partner), to the extent that it is inconsistent with
21 any joint designation or waiver previously executed with
22 respect to such former spouse (or former domestic part-
23 ner) under section 8339(j)(1) or a similar prior provision
24 of law.

1 “(6) Any payment under this subsection to a person
2 bars recovery by any other person.

3 “(7) As used in this subsection, ‘court’ means any
4 court of any State, the District of Columbia, the Common-
5 wealth of Puerto Rico, Guam, the Northern Mariana Is-
6 lands, or the Virgin Islands, and any Indian court.”;

7 (8) by striking subsection (i) and inserting the
8 following:

9 “(i) The requirement in subsections (a)(1)(A),
10 (a)(2)(A), and (a)(5)(A) that the surviving spouse (or sur-
11 viving domestic partner) of an employee or Member have
12 been married to (or in a domestic partnership with) such
13 employee or Member for at least 9 months immediately
14 before the employee’s or Member’s death in order to qual-
15 ify as the widow or widower (or surviving partner) of such
16 employee or Member shall be deemed satisfied in any case
17 in which the employee or Member dies within the applica-
18 ble 9-month period, if—

19 “(1) the death of the employee or Member was
20 accidental; or

21 “(2) the surviving spouse (or surviving domestic
22 partner) of such individual had been previously mar-
23 ried to (or in a domestic partnership with) the indi-
24 vidual that was subsequently dissolved (or termi-

1 nated), and the aggregate time married (or in a do-
2 mestic partnership) is at least 9 months.”; and

3 (9) by redesignating subsection (k) as sub-
4 section (j) and amending such subsection to read as
5 follows:

6 “(j)(1) Subsections (b)(3)(B), (d)(ii), and
7 (h)(3)(B)(i), to the extent that they provide for termi-
8 nation of a survivor annuity because of a remarriage (or
9 entry into a subsequent domestic partnership) before age
10 55, shall not apply if the widow, widower or former spouse
11 was married to (or the surviving partner or former domes-
12 tic partner was in a domestic partnership with) the indi-
13 vidual on whose service the survivor annuity is based for
14 at least 30 years.

15 “(2) A remarriage (or entry into a subsequent domes-
16 tic partnership) described in paragraph (1) shall not be
17 taken into account for purposes of subparagraph (B) or
18 (C) of section 8339(j)(5) or any other provision of this
19 chapter which the Director of the Office of Personnel
20 Management may by regulation identify in order to carry
21 out the purposes of this subsection.”.

22 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
23 **FICIARY; ORDER OF PRECEDENCE.**

24 Section 8342 is amended—

1 (1) in subsection (c), by inserting “(or surviving
2 partner)” after “widow or widower” ; and

3 (2) in subsection (j)—

4 (A) in paragraph (1)(A), by inserting “(or
5 the domestic partner, if any, and any former
6 domestic partner)” after “the spouse, if any,
7 and any former spouse”; and

8 (B) by inserting “(or domestic partner or
9 former domestic partner)” after “spouse or
10 former spouse” each place it appears.

11 **SEC. 207. ALTERNATIVE FORMS OF ANNUITIES.**

12 Section 8343a is amended—

13 (1) in subsection (b)(2), by inserting “(or in a
14 domestic partnership)” after “married”;

15 (2) in subsection (b)(2)(B), by inserting “(or
16 surviving domestic partner)” after “surviving
17 spouse”; and

18 (3) in subsection (e), by inserting “(or in a do-
19 mestic partnership)” after “married”.

20 **SEC. 208. ADMINISTRATION; REGULATIONS.**

21 Section 8347(n)(1)(D) is amended by striking “their
22 spouses, and their former spouses” and inserting “their
23 spouses, domestic partners, former spouses, and former
24 domestic partners”.

1 **SEC. 209. PARTICIPATION IN THE THRIFT SAVINGS PLAN.**

2 Section 8351(b)(5) is amended—

3 (1) in subparagraphs (A), (B), and (C), by in-
4 serting “(or domestic partner)” after “spouse” each
5 place it appears;

6 (2) in subparagraph (B), by striking “a married
7 employee or Member” and inserting “an employee or
8 Member who is married (or in a domestic partner-
9 ship)”; and

10 (3) in subparagraph (D), by inserting “(or do-
11 mestic partner or former domestic partner)” after
12 “spouse or former spouse”.

13 **TITLE III—FEDERAL EMPLOY-**
14 **EES’ RETIREMENT SYSTEM**

15 **SEC. 301. DEFINITIONS.**

16 Section 8401 is amended—

17 (1) in paragraph (35), by striking “and” at the
18 end;

19 (2) in paragraph (36), by striking the period at
20 the end and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(37) ‘former domestic partner’ means a former
23 domestic partner of an individual—

24 “(A) if such individual performed at least
25 18 months of civilian service creditable under
26 section 8411 as an employee or Member; and

1 “(B) if the former domestic partner was in
2 a domestic partnership with such individual for
3 at least 9 months.”.

4 **SEC. 302. CREDITABLE SERVICE.**

5 Section 8411 is amended—

6 (1) in subsection (c)(4)(C)(ii), by inserting “(or
7 former domestic partner)” after “former spouse”;

8 (2) in subsection (l)(4)(B)(i), by inserting “(or
9 domestic partner)” after “spouse”; and

10 (3) in subsection (l)(5), by inserting “(or do-
11 mestic partner)” after “spouse” each place it ap-
12 pears.

13 **SEC. 303. SURVIVOR REDUCTION FOR A CURRENT SPOUSE**
14 **OR A CURRENT DOMESTIC PARTNER.**

15 (a) IN GENERAL.—Section 8416 is amended—

16 (1) in the heading, by inserting “**or a cur-**
17 **rent domestic partner**” after “**spouse**”;

18 (2) in subsection (a)—

19 (A) by inserting “(or in a domestic part-
20 nership)” after “married” each place it ap-
21 pears;

22 (B) by inserting “(or domestic partner)”
23 after “spouse” each place it appears; and

24 (C) by inserting “(or domestic partner’s)”
25 after “spouse’s” each place it appears;

1 (3) by amending subsection (b) to read as fol-
2 lows:

3 “(b)(1) Upon remarriage (or entry into a subsequent
4 domestic partnership), a retired employee or Member who
5 was married (or in a domestic partnership) at the time
6 of retirement, including an employee or Member whose an-
7 nuity was not reduced to provide a survivor annuity for
8 the employee’s or Member’s spouse or former spouse (or
9 domestic partner or former domestic partner) as of the
10 time of retirement, may irrevocably elect during such mar-
11 riage (or domestic partnership), in a signed writing re-
12 ceived by the Office—

13 “(A) within 2 years after such remarriage (or
14 entry into a subsequent domestic partnership), or

15 “(B) if later, within 2 years after—

16 “(i) the death or remarriage of any former
17 spouse (or the death of or entry into a subse-
18 quent domestic partnership by any former do-
19 mestic partner) of such employee or Member
20 who was entitled to a survivor annuity under
21 section 8445, or

22 “(ii) if there was more than 1, the death
23 or remarriage of the last such surviving former
24 spouse (or the death of or entry into a subse-

1 quent domestic partnership by the last such
2 surviving former domestic partner),
3 a reduction in the employee’s or Member’s annuity under
4 section 8419(a) for the purpose of providing an annuity
5 for such employee’s or Member’s spouse (or domestic part-
6 ner) in the event such spouse (or domestic partner) sur-
7 vives the employee or Member.

8 “(2) The election and reduction shall be effective the
9 first day of the second month after the election is received
10 by the Office, but not less than 9 months after the date
11 of the remarriage (or entry into the subsequent domestic
12 partnership).

13 “(3) An election to provide a survivor annuity to an
14 individual under this subsection—

15 “(A) shall prospectively void any election made
16 by the employee or Member under section 8420 with
17 respect to such individual; or

18 “(B) shall, if an election was made by the em-
19 ployee or Member under section 8420 with respect
20 to a different individual, prospectively void such elec-
21 tion if appropriate written application is made by
22 such employee or Member at the time of making the
23 election under this subsection.

24 “(4) Any election under this subsection made by an
25 employee or Member on behalf of an individual after the

1 retirement of such employee or Member shall not be effec-
2 tive if—

3 “(A) the employee or Member was married to
4 (or in a domestic partnership with) such individual
5 at the time of retirement; and

6 “(B) the annuity rights of such individual based
7 on the service of such employee or Member were
8 then waived under subsection (a).”;

9 (4) in subsection (c)—

10 (A) by striking the matter before para-
11 graph (2) and inserting the following:

12 “(c)(1) An employee or Member who is unmarried
13 (and not in a domestic partnership) at the time of retiring
14 under this chapter and who later marries (or enters into
15 a domestic partnership) may irrevocably elect, in a signed
16 writing received by the Office—

17 “(A) within 2 years after such employee or
18 Member marries (or enters into a domestic partner-
19 ship), or

20 “(B) if later, within 2 years after—

21 “(i) the death or remarriage of any former
22 spouse (or the death of or entry into a subse-
23 quent domestic partnership by any domestic
24 partner) of such employee or Member who was

1 entitled to a survivor annuity under section
2 8445,

3 “(ii) if more than 1, the death or remar-
4 riage of the last such surviving former spouse
5 (or the death of or the entry into a subsequent
6 domestic partnership by the last such surviving
7 domestic partner),

8 a reduction in the current annuity of the retired em-
9 ployee or Member, in accordance with section
10 8419(a).”; and

11 (B) in paragraph (2), by striking “mar-
12 riage.” and inserting “marriage (or domestic
13 partnership).”; and

14 (5) in subsection (d)(1)—

15 (A) by inserting “(or in a domestic part-
16 nership)” after “married”; and

17 (B) by inserting “(or domestic partner)”
18 after “spouse” each place it appears.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 84, is amended by striking the item relating
21 to section 8416 and inserting the following:

“8416. Survivor reduction for a current spouse or a current domestic partner.”.

22 **SEC. 304. SURVIVOR REDUCTION FOR A FORMER SPOUSE**
23 **OR FORMER DOMESTIC PARTNER.**

24 (a) IN GENERAL.—Section 8417 is amended—

1 (1) in the heading, by inserting “**or a former**
2 **domestic partner**” after “**former spouse**”;

3 (2) in subsection (a), by inserting “(or a former
4 domestic partner)” after “former spouse”;

5 (3) in subsection (b)—

6 (A) in paragraph (1), by inserting “(or
7 former domestic partner)” after “former
8 spouse” each place it appears;

9 (B) by amending paragraph (2) to read as
10 follows:

11 “(2) An election under this subsection shall be made
12 at the time of retirement or, if the marriage is dissolved
13 (or the domestic partnership is terminated) after the date
14 of retirement, within 2 years after the date on which the
15 marriage of the former spouse to the employee or Member
16 is so dissolved (or the domestic partnership of the former
17 domestic partner with the employee or Member is so ter-
18 minated).”; and

19 (C) in paragraph (3)—

20 (i) in subparagraph (A)(ii), by insert-
21 ing “(or a surviving partner)” after “a
22 widow or widower”; and

23 (ii) by amending subparagraph (B) to
24 read as follows:

1 “(B) shall not be effective, in the case of an
2 employee or Member who is then married (or in a
3 domestic partnership), unless it is made with the
4 spouse’s (or domestic partner’s) written consent.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 84 of title 5, United States Code, is amended
7 by striking the item relating to section 8417 and inserting
8 the following:

 “8417. Survivor reduction for a former spouse or a former domestic partner.”.

9 **SEC. 305. SURVIVOR ELECTIONS; DEPOSIT; OFFSETS.**

10 Section 8418(b) is amended—

11 (1) by inserting “(or domestic partnership)”
12 after “marriage”; and

13 (2) by striking “former spouse.” and inserting
14 “former spouse (or former domestic partner).”.

15 **SEC. 306. SURVIVOR REDUCTIONS; COMPUTATION.**

16 Section 8419 is amended—

17 (1) in subsection (a), by inserting “(or domestic
18 partner)” after “spouse” each place it appears; and

19 (2) by amending subsection (b) to read as fol-
20 lows:

21 “(b)(1) Any reduction in an annuity for the purpose
22 of providing a survivor annuity for the current spouse (or
23 current domestic partner) of a retired employee or Mem-
24 ber shall be terminated for each full month—

1 “(A) after the death of the spouse (or domestic
2 partner); or

3 “(B) after the dissolution of the spouse’s mar-
4 riage to (or the termination of the domestic part-
5 ner’s domestic partnership with) the employee or
6 Member, except that an appropriate reduction shall
7 be made thereafter if the spouse (or domestic part-
8 ner) is entitled, as a former spouse (or former do-
9 mestic partner), to a survivor annuity under section
10 8445.

11 “(2) Any reduction in an annuity for the purpose of
12 providing a survivor annuity for a former spouse (or
13 former domestic partner) of a retired employee or Member
14 shall be terminated for each full month after the former
15 spouse remarries (or the former domestic partner enters
16 into a subsequent domestic partnership) before reaching
17 age 55 or dies. This reduction shall be replaced by appro-
18 priate reductions under subsection (a) if the retired em-
19 ployee or Member has—

20 “(A) another former spouse (or former domestic
21 partner) who is entitled to a survivor annuity under
22 section 8445;

23 “(B) a current spouse to whom the employee or
24 Member was married (or a current domestic partner
25 with whom the employee or Member was in a domes-

1 tic partnership) at the time of retirement and with
2 respect to whom a survivor annuity was not waived
3 under section 8416(a) or, if waived, with respect to
4 whom an election under section 8416(d) has been
5 made; or

6 “(C) a current spouse whom the employee or
7 Member married (or current domestic partner with
8 whom the employee or Member entered into a do-
9 mestic partnership) after retirement and with re-
10 spect to whom an election has been made under sub-
11 section (b) or (c) of section 8416.”.

12 **SEC. 307. INSURABLE INTEREST REDUCTIONS.**

13 Section 8420 is amended—

14 (1) in subsection (b)(1)—

15 (A) by striking “married employee or
16 Member” and inserting “employee or Member
17 who is married (or in a domestic partnership)”;
18 and

19 (B) by inserting “(or domestic partner)”
20 after “spouse” each place it appears; and

21 (2) in subsection (b)(2), by inserting “(or
22 former domestic partner)” after “former spouse”.

23 **SEC. 308. ALTERNATIVE FORMS OF ANNUITIES.**

24 Section 8420a is amended—

25 (1) in subsection (b)(2)—

1 (A) in the matter before subparagraph (A),
2 by inserting “(or in a domestic partnership)”
3 after “married”; and

4 (B) in subparagraph (B), by striking “sur-
5 viving spouse.” and inserting “surviving spouse
6 (or surviving domestic partner).”;

7 (2) in subsection (d)—

8 (A) in paragraph (1), by striking “mar-
9 ried,” and inserting “married (or in a domestic
10 partnership),”; and

11 (B) in paragraph (2), by inserting “(or
12 former domestic partner)” after “former
13 spouse” each place it appears; and

14 (3) in subsection (e), by inserting “(or in a do-
15 mestic partnership)” after “married”.

16 **SEC. 309. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
17 **FIICIARY; ORDER OF PRECEDENCE.**

18 Section 8424 is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking
22 “the spouse, if any, and any former
23 spouse” and inserting “any spouse or
24 former spouse (and any domestic partner
25 or former domestic partner)”; and

1 (ii) in subparagraph (B), by striking
 2 “spouse or former spouse” each place it
 3 appears and inserting “spouse or former
 4 spouse (or domestic partner or former do-
 5 mestic partner)”; and

6 (B) in paragraph (2), by striking “spouse
 7 or former spouse” each place it appears and in-
 8 serting “spouse or former spouse (or domestic
 9 partner or former domestic partner)”; and

10 (2) in subsection (d), by striking “widow or
 11 widower” and inserting “widow or widower (or sur-
 12 viving partner)”.

13 **SEC. 310. ANNUITIES: METHODS OF PAYMENT; ELECTION;**
 14 **PURCHASE.**

15 Section 8434(a)(2) is amended—

16 (1) in subparagraph (B), by inserting “(or do-
 17 mestic partner)” after “spouse”; and

18 (2) in subparagraph (E)(i), by inserting “(or
 19 former domestic partner)” after “former spouse”.

20 **SEC. 311. PROTECTIONS FOR SPOUSES, DOMESTIC PART-**
 21 **NERS, FORMER SPOUSES, AND FORMER DO-**
 22 **MESTIC PARTNERS.**

23 (a) IN GENERAL.—Section 8435 is amended—

24 (1) in the heading, by striking “**spouses and**
 25 **former spouses**” and inserting “**spouses, do-**

1 **mestic partners, former spouses, and**
2 **former domestic partners”;**

3 (2) in subsection (a)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A), by striking
6 “A married employee or Member (or
7 former employee or Member)” each place it
8 appears and inserting “An employee or
9 Member, or former employee or former
10 Member, who is married (or in a domestic
11 partnership)”;

12 (ii) in subparagraph (B), by inserting
13 “or domestic partner” after “spouse” each
14 place it appears; and

15 (B) in paragraph (2), by inserting “(or do-
16 mestic partner’s)” after “spouse’s” each place
17 it appears;

18 (3) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by inserting “(or surviving domes-
21 tic partner)” after “surviving spouse” each
22 place it appears; and

23 (ii) by inserting “(or in a domestic
24 partnership)” after “married”; and

1 (B) in paragraph (2)(A), by inserting “(or
2 domestic partner)” after “spouse”;

3 (4) in subsection (d)—

4 (A) in paragraph (1), by inserting “(or
5 former domestic partner)” after “former
6 spouse” the first 2 places it appears;

7 (B) in paragraphs (3) through (6), by in-
8 serting “(or former domestic partner)” after
9 “former spouse” each place it appears;

10 (C) in paragraph (3)(B), by inserting “(or
11 former domestic partners)” after “former
12 spouses”; and

13 (D) in paragraph (3)(A), by inserting “(or
14 surviving domestic partner)” after “surviving
15 spouse”;

16 (5) in subsection (e)(1)—

17 (A) by striking the matter before subpara-
18 graph (B) and inserting the following:

19 “(e)(1)(A) A loan or withdrawal under subsection (g)
20 or (h) of section 8433 may be made to an employee or
21 Member who is married (or in a domestic partnership)
22 only if the employee’s or Member’s spouse (or domestic
23 partner) consents to such loan or withdrawal in writing.”;
24 and

1 (B) in subparagraph (C), by inserting “(or
2 domestic partner’s)” after “spouse’s” each
3 place it appears; and

4 (6) in subsection (g), by inserting “(or domestic
5 partner or former domestic partner)” after “spouse
6 or former spouse”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 for chapter 84 is amended by striking the item relating
9 to section 8435 and inserting the following:

“8435. Protections for spouses, domestic partners, former spouses, and former
domestic partners.”.

10 **SEC. 312. JUSTICES AND JUDGES.**

11 Section 8440a(b)(6) is amended by inserting “(or do-
12 mestic partners)” after “spouses”.

13 **SEC. 313. SURVIVOR ANNUITIES: DEFINITIONS.**

14 Section 8441 is amended—

15 (1) by redesignating paragraphs (3) and (4) as
16 paragraphs (4) and (5), respectively, and by insert-
17 ing after paragraph (2) the following:

18 “(3) the term ‘surviving partner’ means the
19 surviving domestic partner of an employee, Member,
20 or annuitant, or of a former employee or Member,
21 who—

22 “(A) was in a domestic partnership with
23 such employee, Member, or annuitant, or
24 former employee or Member, for at least 9

1 months immediately before the death of such
2 employee, Member, or annuitant, or former em-
3 ployee or Member; or

4 “(B) satisfies such other requirement,
5 based on parenthood, as the Office of Personnel
6 Management shall by regulation prescribe based
7 on the definition of a widow or widower under
8 this section;”;

9 (2) in paragraph (5) (as so redesignated by
10 paragraph (1))—

11 (A) in subparagraph (A), by inserting “(or
12 surviving partner)” after “widow or widower”;
13 and

14 (3) by adding at the end the following:
15 “The Office shall prescribe regulations to provide that, for
16 purposes of applying the provisions of paragraph
17 (5)(A)(ii) (relating to the treatment of a stepchild) in the
18 case of a domestic partnership, rules similar to those pre-
19 scribed to carry out section 8901(5)(B) in similar cir-
20 cumstances shall apply.”.

21 **SEC. 314. RIGHTS OF A WIDOW, WIDOWER, OR SURVIVING**
22 **PARTNER.**

23 (a) IN GENERAL.—Section 8442 is amended—

1 (1) in the heading, by striking “**widow or**
2 **widower**” and inserting “**widow, widower, or**
3 **surviving partner**”;

4 (2) in subsection (a)—

5 (A) by inserting “(or surviving partner)”
6 after “widow or widower” each place it appears;

7 (B) in paragraph (1)(B), by inserting “(or
8 entry into a domestic partnership)” after “mar-
9 riage”; and

10 (C) in paragraph (2), by inserting “(or do-
11 mestic partner)” after “spouse” each place it
12 appears;

13 (3) in subsection (b), by inserting “(or sur-
14 viving partner)” after “widow or widower” each
15 place it appears;

16 (4) in subsection (c)—

17 (A) in paragraph (1), (in the matter before
18 subparagraph (A)), by inserting “(or a sur-
19 viving partner with whom in a domestic part-
20 nership)” after “widow or widower to whom
21 married”; and

22 (B) by striking “widow or widower” each
23 place it appears (other than where amended by
24 subparagraph (A)) and inserting “widow or
25 widower (or surviving partner)”;

1 (5) in subsection (d)—

2 (A) by striking “widow or widower” each
3 place it appears and inserting “widow or wid-
4 ower (or surviving partner)”;

5 (B) in paragraph (1)(B), by inserting “(or
6 enters into a subsequent domestic partnership)”
7 after “remarries”;

8 (C) in paragraph (2)—

9 (i) by striking “remarriage before”
10 and inserting “remarriage (or entry into a
11 subsequent domestic partnership) before”;

12 (ii) by striking “remarriage is dis-
13 solved by death, divorce, or annulment,”
14 and inserting “remarriage is dissolved by
15 death, divorce, annulment (or subsequent
16 domestic partnership is terminated),”; and

17 (iii) in subparagraph (A), by striking
18 “remarriage;” and inserting “remarriage
19 (or entry into a subsequent domestic part-
20 nership);”; and

21 (D) in paragraph (3)—

22 (i) by inserting “or entry into a subse-
23 quent domestic partnership” after “remar-
24 riage”; and

1 (ii) by inserting “(or in a domestic
2 partnership for at least 30 years with)”
3 after “married for at least 30 years to”;

4 (6) in subsection (e)—

5 (A) by inserting “(or surviving partner)”
6 after “widow or widower” each place it appears;

7 (B) by inserting “(or in a domestic part-
8 nership with)” after “been married to”; and

9 (C) by amending paragraph (2) to read as
10 follows:

11 “(2) the surviving spouse (or surviving domestic
12 partner) of such individual had been previously mar-
13 ried to (or in a domestic partnership with) the indi-
14 vidual that was subsequently dissolved (or termi-
15 nated), and the aggregate time married (or in a do-
16 mestic partnership) is at least 9 months.”;

17 (7) in subsection (g), by striking “widow or
18 widower” and inserting “widow, widower, or sur-
19 viving partner” each place it appears; and

20 (8) in subsection (h)—

21 (A) by striking “widow or widower” each
22 place it appears and inserting “widow or wid-
23 ower (or surviving partner)”;

1 (B) by inserting “(or former domestic
2 partner)” after “former spouse” each place it
3 appears.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 84 is amended by striking the item relating
6 to section 8442 and inserting the following:

“8442. Rights of a widow, widower, or surviving partner.”.

7 **SEC. 315. RIGHTS OF A FORMER SPOUSE OR FORMER DO-**
8 **MESTIC PARTNER.**

9 (a) IN GENERAL.—Section 8445 is amended—

10 (1) in the heading, by striking “**former**
11 **spouse**” and inserting “**former spouse or**
12 **former domestic partner**”;

13 (2) in subsection (a), by inserting “(or former
14 domestic partner)” after “former spouse”;

15 (3) in subsection (b)—

16 (A) by inserting “(or former domestic part-
17 ner)” after “former spouse” each place it ap-
18 pears; and

19 (B) in paragraph (2), by inserting “(or
20 surviving partner)” after “widow or widower”;

21 (4) in subsection (c)(2), by inserting “(or the
22 former domestic partner enters into a subsequent
23 domestic partnership)” after “former spouse remar-
24 ries”;

1 (5) in subsection (e), by inserting “(or former
2 domestic partner)” after “former spouse” each place
3 it appears; and

4 (6) by amending subsection (h) to read as fol-
5 lows:

6 “(h)(1) Subsection (c)(2), to the extent that it pro-
7 vides for termination of a survivor annuity because of a
8 remarriage (or entry into a subsequent domestic partner-
9 ship) before age 55, shall not apply if the former spouse
10 (or former domestic partner) was married to (or in a do-
11 mestic partnership with) the individual on whose service
12 the survivor annuity is based for at least 30 years.

13 “(2) A remarriage (or entry into a subsequent domes-
14 tic partnership) described in paragraph (1) shall not be
15 taken into account for purposes of section 8419(b)(1)(B)
16 or any other provision of this chapter which the Director
17 may by regulation identify in order to carry out the pur-
18 poses of this subsection.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 84 is amended by striking the item relating
21 to section 8445 and inserting the following:

“8445. Rights of a former spouse or former domestic partner.”.

22 **SEC. 316. AUTHORITY OF THE OFFICE OF PERSONNEL MAN-**
23 **AGEMENT.**

24 Section 8461(j)(1)(D) is amended by striking “such
25 employees, their spouses, their former spouses, and their

1 survivors” and inserting “such employees and their
2 spouses, domestic partners, former spouses, former do-
3 mestic partners, and survivors”.

4 **SEC. 317. COST-OF-LIVING ADJUSTMENTS.**

5 Section 8462(c) is amended—

6 (1) in paragraph (2), by striking “survivor
7 (other than a widow or widower whose annuity is
8 computed under section 8442(g) or a child under
9 section 8443)” and inserting the following: “sur-
10 vivor, other than a widow or widower (or surviving
11 partner) whose annuity is computed under section
12 8442(g) or a child under section 8443,”;

13 (2) in paragraph (4) (in the matter before sub-
14 paragraph (A)), by inserting “(or surviving part-
15 ner)” after “widow or widower”; and

16 (3) in paragraph (4)(B)(i), by inserting “(or
17 surviving partner’s)” after “widow’s or widower’s”.

18 **SEC. 318. FIDUCIARY RESPONSIBILITIES; LIABILITY AND**

19 **PENALTIES.**

20 Section 8477(a)(4)(F) is amended to read as follows:

21 “(F) a spouse (or domestic partner), sib-
22 ling, ancestor, lineal descendant, or spouse (or
23 domestic partner) of a lineal descendant of a
24 person described in subparagraph (A), (B), or
25 (D);”.

1 TITLE IV—INSURANCE BENEFITS**2 SEC. 401. LIFE INSURANCE.**

3 (a) IN GENERAL.—Chapter 87 is amended—

4 (1) in section 8701(d)—

5 (A) in paragraph (1)(A), by inserting “or
6 domestic partner” after “spouse”; and

7 (B) by adding at the end the following:

8 “(3) In the case of an individual whose domestic part-
9 ner has a child by a previous marriage, domestic partner-
10 ship (as defined under regulations of the Office of Per-
11 sonnel Management), or otherwise, such child shall, unless
12 adopted by such individual, be treated as a stepchild of
13 such individual.”;

14 (2) in section 8705(a), by inserting “or sur-
15 viving domestic partner” after “widow or widower”;
16 and

17 (3) in section 8714c(b)(1)(A), by striking
18 “spouse;” and inserting “spouse or domestic part-
19 ner;”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to calendar years be-
22 ginning after the end of the 6-month period beginning on
23 the date of the enactment of this Act.

24 SEC. 402. HEALTH INSURANCE.

25 (a) DEFINITIONS.—Section 8901 is amended—

1 (1) in paragraph (5) (in the matter before sub-
2 paragraph (A)), by inserting “or domestic partner”
3 after “the spouse”;

4 (2) in paragraph (8)(B), by striking “or former
5 spouses,” and inserting “former spouses, or former
6 domestic partners,”;

7 (3) by striking “and” at the end of paragraph
8 (10), by redesignating paragraph (11) as paragraph
9 (12), and by inserting after paragraph (10) the fol-
10 lowing:

11 “(11) ‘former domestic partner’ means a do-
12 mestic partner—

13 “(A) whose domestic partnership with an
14 employee, former employee, or annuitant has
15 terminated,

16 “(B) who has not entered into another do-
17 mestic partnership before age 55 after the do-
18 mestic partnership to the employee, former em-
19 ployee, or annuitant was terminated,

20 “(C) who was enrolled in an approved
21 health benefits plan under this chapter as a
22 family member at any time during the 18-
23 month period before the date of the termination
24 of the domestic partnership to the employee,
25 former employee, or annuitant, and

1 “(D)(i) who is receiving any portion of a
2 survivor annuity under section 8341(h) or 8445
3 (or benefits similar to either of the aforemen-
4 tioned annuity benefits under a retirement sys-
5 tem for Government employees other than the
6 Civil Service Retirement System or the Federal
7 Employees’ Retirement System),

8 “(ii) for whom an election has been made
9 under section 8339(j)(3) or 8417(b) (or similar
10 provision of law), or

11 “(iii) who is otherwise entitled to an annu-
12 ity or any portion of an annuity as a former do-
13 mestic partner under a retirement system for
14 Government employees,

15 except that such term shall not include any such
16 former domestic partner, who has not entered into
17 another domestic partnership, of a former employee
18 whose domestic partnership was terminated after the
19 former employee’s separation from the service (other
20 than by retirement); and”;

21 (4) by adding after paragraph (12) (as so re-
22 designated by paragraph (3)), as a flush left sen-
23 tence, the following:

24 “For purposes of paragraph (5), in the case of an em-
25 ployee or annuitant whose domestic partner has a child

1 by a previous marriage, domestic partnership (as defined
2 under regulations of the Office of Personnel Manage-
3 ment), or otherwise, such child shall, unless adopted by
4 such individual, be treated as a stepchild of such indi-
5 vidual.”.

6 (b) CONTRACTING AUTHORITY.—Section 8902 is
7 amended in subsections (g), (j), and (k)(1), by inserting
8 “former domestic partner,” after “former spouse,” each
9 place it appears.

10 (c) DEBARMENT AND OTHER SANCTIONS.—Section
11 8902a(a)(1)(B) is amended by striking “or former
12 spouse” and inserting “former spouse, or former domestic
13 partner”.

14 (d) HEALTH BENEFITS PLANS.—Section 8903(1) is
15 amended—

16 (1) by inserting “former domestic partners,”
17 after “former spouses,”; and

18 (2) by inserting “former domestic partner,”
19 after “former spouse,”.

20 (e) ELECTION OF COVERAGE.—Section 8905 is
21 amended—

22 (1) in subsection (c), by adding at the end the
23 following:

1 “(3) The Office shall prescribe regulations to ensure
2 that, in the administration of this subsection, parity of
3 treatment is afforded—

4 “(A) to former spouses and former domestic
5 partners; and

6 “(B) to the children of a marriage that has
7 been dissolved and the children of a domestic part-
8 nership that has been terminated.”;

9 (2) in subsection (e)—

10 (A) by inserting “or domestic partner”
11 after “has a spouse”; and

12 (B) by striking “either spouse,” and in-
13 serting “either spouse or domestic partner,”;
14 and

15 (3) in subsections (f) and (g), by inserting
16 “former domestic partner,” after “former spouse,”
17 each place it appears.

18 (f) CONTINUED COVERAGE.—Section 8905a is
19 amended by adding at the end the following:

20 “(g) The Office shall prescribe regulations to ensure
21 that, in the administration of this section, parity of treat-
22 ment is afforded—

23 “(1) to former spouses and former domestic
24 partners; and

1 “(2) to the children of a marriage that has been
2 dissolved and the children of a domestic partnership
3 that has been terminated.”.

4 (g) **COVERAGE OF RESTORED EMPLOYEES AND SUR-**
5 **VIVOR OR DISABILITY ANNUITANTS.**—Section 8908(b) is
6 amended—

7 (1) by inserting “or surviving domestic part-
8 ner” after “surviving spouse”; and

9 (2) by inserting “or a subsequent domestic
10 partnership” after “because of remarriage”.

11 (h) **REGULATIONS.**—Section 8913(c) is amended—

12 (1) by striking “and former spouses” and in-
13 serting “former spouses, and former domestic part-
14 ners”; and

15 (2) by striking “annuitant or former spouse”
16 and inserting “annuitant, former spouse, or former
17 domestic partner”.

18 (i) **EFFECTIVE DATE.**—The amendments made by
19 this section shall apply with respect to contract years be-
20 ginning after the end of the 6-month period beginning on
21 the date of the enactment of this Act.

22 **SEC. 403. ENHANCED DENTAL BENEFITS.**

23 (a) **IN GENERAL.**—Chapter 89A is amended—

24 (1) in section 8956(a)—

1 (A) by inserting “or domestic partner”
2 after “a spouse”; and

3 (B) by striking “either spouse,” and in-
4 serting “either spouse or either domestic part-
5 ner (as the case may be),”; and

6 (2) in section 8957, by inserting “surviving do-
7 mestic partner,” after “surviving spouse,”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to contract years be-
10 ginning after the end of the 6-month period beginning on
11 the date of the enactment of this Act.

12 **SEC. 404. ENHANCED VISION BENEFITS.**

13 (a) IN GENERAL.—Chapter 89B is amended—

14 (1) in section 8986(a)—

15 (A) by inserting “or domestic partner”
16 after “a spouse”; and

17 (B) by striking “either spouse,” and in-
18 serting “either spouse or either domestic part-
19 ner (as the case may be),”; and

20 (2) in section 8987, by inserting “surviving do-
21 mestic partner,” after “surviving spouse,”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to contract years be-
24 ginning after the end of the 6-month period beginning on
25 the date of the enactment of this Act.

1 **SEC. 405. LONG-TERM CARE INSURANCE.**

2 (a) **IN GENERAL.**—Chapter 90 is amended—

3 (1) in section 9001(5)—

4 (A) in subparagraph (A), by striking “or
5 (4).” and inserting “or (4) (and the domestic
6 partner of an individual described in paragraph
7 (1), (2), or (4) or of an individual who satisfies
8 paragraph (3) by virtue of having been ap-
9 pointed to a position in the commissioned corps
10 of the Public Health Service or the commis-
11 sioned corps of the National Oceanic and At-
12 mospheric Administration).”; and

13 (B) in subparagraph (C), by inserting “or
14 of the domestic partner of such an individual,”
15 after “(4).”; and

16 (2) in section 9002(e)(2)—

17 (A) in the heading, by striking “SPOUSAL
18 PARITY” and inserting the following: “PARITY
19 FOR SPOUSE OR DOMESTIC PARTNER”; and

20 (B) by inserting “or domestic partner”
21 after “spouse”.

22 (b) **EFFECTIVE DATE.**—The amendments made by
23 this section shall apply with respect to calendar years be-
24 ginning after the end of the 6-month period beginning on
25 the date of the enactment of this Act.

1 **TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE**
2

3 **SEC. 501. REIMBURSEMENT FOR TAXES INCURRED ON**
4 **MONEY RECEIVED FOR TRAVEL EXPENSES.**

5 (a) IN GENERAL.—Section 5706c is amended—

6 (1) in subsection (a), by striking “by an em-
7 ployee and such employee’s spouse (if filing joint-
8 ly),” and inserting “by an employee and such em-
9 ployee’s spouse (or, where allowable, such employee’s
10 domestic partner), if filing jointly,”; and

11 (2) in subsection (b), by striking “employee and
12 spouse, as the case may be,” and inserting “em-
13 ployee and spouse (or domestic partner), as the case
14 may be”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to taxable years begin-
17 ning after the end of the 6-month period beginning on the
18 date of the enactment of this Act.

19 **SEC. 502. RELOCATION EXPENSES OF EMPLOYEES TRANS-**
20 **FERRED OR REEMPLOYED.**

21 (a) IN GENERAL.—Section 5724a(b)(1)(A) is amend-
22 ed by striking “employee’s spouse” and inserting “employ-
23 ee’s spouse (or domestic partner)”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 this section shall apply with respect to expenses incurred

1 after the end of the 6-month period beginning on the date
2 of the enactment of this Act.

3 **SEC. 503. TAXES ON REIMBURSEMENTS FOR TRAVEL,**
4 **TRANSPORTATION, AND RELOCATION EX-**
5 **PENSES OF EMPLOYEES TRANSFERRED.**

6 (a) IN GENERAL.—Section 5724b(a) is amended—

7 (1) by striking “by an employee and such em-
8 ployee’s spouse (if filing jointly),” and inserting “by
9 an employee and such employee’s spouse (or, where
10 allowable, such employee’s domestic partner), if fil-
11 ing jointly,”; and

12 (2) by striking “employee and spouse, as the
13 case may be,” and inserting “employee and spouse
14 (or domestic partner), as the case may be,”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to taxable years begin-
17 ning after the end of the 6-month period beginning on the
18 date of the enactment of this Act.

19 **SEC. 504. RELOCATION EXPENSES OF AN EMPLOYEE WHO**
20 **IS PERFORMING AN EXTENDED ASSIGNMENT.**

21 (a) IN GENERAL.—Section 5737(a)(4) is amended by
22 inserting “(or domestic partner)” after “employee and
23 spouse”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 this section shall apply with respect to expenses incurred

1 after the end of the 6-month period beginning on the date
2 of the enactment of this Act.

3 **TITLE VI—COMPENSATION FOR**
4 **WORK INJURIES**

5 **SEC. 601. DEFINITIONS.**

6 Section 8101 is amended—

7 (1) in paragraph (9), by inserting “children (in-
8 cluding adopted children) of a domestic partner,”
9 after “adopted children,”;

10 (2) in paragraph (19), by striking “and” at the
11 end;

12 (3) in paragraph (20), by striking the period
13 and inserting a semicolon; and

14 (4) by adding after paragraph (20) the fol-
15 lowing:

16 “(21) ‘domestic partner’ means an individual
17 who is in a domestic partnership with another indi-
18 vidual of the same sex, as determined by the Sec-
19 retary of Labor for purposes of this subchapter pur-
20 suant to regulations issued by the Secretary, in con-
21 sultation with the Director of the Office of Per-
22 sonnel Management, consistent with the require-
23 ments that—

24 “(A) both individuals are at least 18 years
25 of age and competent to contract;

1 “(B) both individuals intend to remain in
2 the domestic partnership indefinitely;

3 “(C) such individuals—

4 “(i) have a common residence; or

5 “(ii) do not have a common residence
6 because of financial, employment-related,
7 or other reasons;

8 “(D) neither individual is married to or in
9 a domestic partnership with anyone outside of
10 the domestic partnership referred to in subpara-
11 graph (B);

12 “(E) the 2 individuals share responsibility
13 for a significant measure of each other’s com-
14 mon welfare and financial obligations;

15 “(F) the 2 individuals are not related in a
16 way that, if they were of the opposite sex,
17 would prohibit legal marriage in the jurisdiction
18 in which either of them resides;

19 “(G) at least 1 of them is an employee or
20 an individual otherwise eligible for coverage
21 under this subchapter based on such individ-
22 ual’s employment or other service; and

23 “(H) both individuals understand that will-
24 ful falsification of information within the affi-
25 davit or failure to provide appropriate notifica-

1 tion of the termination of the domestic partner-
2 ship may lead to the recovery of the amounts
3 obtained as a result of such falsification or fail-
4 ure (as the case may be), criminal or other pen-
5 alties, and (in appropriate circumstances) dis-
6 ciplinary action; and

7 “(22) ‘surviving partner’ means the domestic
8 partner living with or dependent for support on the
9 decedent at the time of his or her death, or living
10 apart for reasonable cause or because of his or her
11 desertion.”.

12 **SEC. 602. DEATH GRATUITY FOR INJURIES INCURRED IN**
13 **CONNECTION WITH EMPLOYEE’S SERVICE**
14 **WITH AN ARMED FORCE.**

15 Section 8102a(d) is amended—

16 (1) in paragraph (1)(A), by striking “surviving
17 spouse.” and inserting “surviving spouse (or sur-
18 viving partner).”; and

19 (2) in paragraph (2)(C), by inserting “(includ-
20 ing children of a domestic partner)” after “step-
21 children”.

22 **SEC. 603. BENEFICIARIES OF AWARDS UNPAID AT DEATH;**
23 **ORDER OF PRECEDENCE.**

24 Section 8109(a)(D) is amended—

1 (1) in clause (i), by striking “the widow or wid-
2 ower.” and inserting “the widow or widower (or the
3 surviving partner).”;

4 (2) in clause (ii)—

5 (A) by inserting “(or a surviving partner)”
6 after “a widow or widower”; and

7 (B) by inserting “(or the surviving part-
8 ner)” after “the widow or widower”; and

9 (3) in clause (iii), by striking “no widow or wid-
10 ower,” and inserting “no widow or widower (and no
11 surviving partner),”.

12 **SEC. 604. AUGMENTED COMPENSATION FOR DEPENDENTS.**

13 Section 8110(a) is amended—

14 (1) in paragraph (3), by striking “and” at the
15 end;

16 (2) in paragraph (4), by striking the period and
17 inserting “; and”; and

18 (3) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) a domestic partner, if—

21 “(A) he or she is a member of the same
22 household as the employee;

23 “(B) he or she is receiving regular con-
24 tributions from the employee for his or her sup-
25 port; or

1 “(C) the employee has been ordered by a
2 court to contribute to his or her support.”.

3 **SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSA-**
4 **TION.**

5 Section 8116(c) is amended by striking “spouse,”
6 and inserting “spouse (or domestic partner),”.

7 **SEC. 606. COMPENSATION IN CASE OF DEATH.**

8 Section 8133 is amended—

9 (1) in subsection (a)—

10 (A) in paragraphs (1) and (2), by striking
11 “the widow or widower,” and inserting “the
12 widow or widower (or the surviving partner),”;
13 and

14 (B) in paragraph (2), by inserting “(or the
15 surviving partner)” after “for the widow or wid-
16 ower”;

17 (C) in paragraph (3), by striking “no
18 widow or widower,” and inserting “no widow or
19 widower (and no surviving partner),” and

20 (D) in paragraphs (4) and (5), by inserting
21 “surviving partner,” after “widow, widower,”
22 each place it appears; and

23 (2) in subsection (b)—

24 (A) by amending paragraph (1) to read as
25 follows:

1 “(1) a widow or widower dies or remarries (or
2 a surviving partner dies or enters into a subsequent
3 domestic partnership) before reaching age 55;” and

4 (B) in the last sentence—

5 (i) by inserting “(or surviving part-
6 ner)” after “widow or widower”; and

7 (ii) by inserting “(or more than one
8 domestic partner)” after “husband or
9 wife”.

10 **SEC. 607. LUMP-SUM PAYMENT.**

11 Section 8135(b) is amended to read as follows:

12 “(b) On remarriage (or entry into a subsequent do-
13 mestic partnership) before reaching age 55 a widow or
14 widower (or surviving partner) entitled to compensation
15 under section 8133 of this title, shall be paid a lump sum
16 equal to twenty-four times the monthly compensation pay-
17 ment (excluding compensation on account of another indi-
18 vidual) to which that individual was entitled immediately
19 before the remarriage (or subsequent domestic partner-
20 ship).”.

21 **SEC. 608. REGULATIONS.**

22 (a) IN GENERAL.—The Secretary of Labor may pre-
23 scribe regulations to carry out this title and the amend-
24 ments made by this title.

1 (b) CONSULTATION.—The Secretary of Labor shall
2 consult with the Director of the Office of Personnel Man-
3 agement and the heads of any other agencies whose pro-
4 grams are affected by this Act in order to standardize,
5 to the extent possible, the process for establishing the ex-
6 istence of a domestic partnership under each such pro-
7 gram.

8 **SEC. 609. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Subject to succeeding provisions
10 of this section, this title and the amendments made by
11 this title—

12 (1) shall take effect on the date of enactment
13 of this Act; and

14 (2) shall apply with respect to any injury or
15 death occurring before, on, or after such date of en-
16 actment.

17 (b) TIMELY CLAIM REQUIRED; LIMITATION ON PAY-
18 MENTS.—No compensation shall be payable, by virtue of
19 the enactment of this title—

20 (1) unless timely claim therefor is filed in ac-
21 cordance with the provisions of sections 8122 or
22 8193 of title 5, United States Code (as applicable),
23 and subsection (c); or

24 (2) with respect to any period commencing be-
25 fore the date of enactment of this Act.

1 (c) ALLOWABILITY OF CLAIMS.—In the case of an
2 original claim for compensation for a disability or death
3 that occurred before the date of enactment of this Act
4 (and which would not otherwise be payable, but for the
5 enactment of the amendments made by this title)—

6 (1) such claim shall not be allowed if, as of
7 such date of enactment, a claim based on such dis-
8 ability or death would no longer be timely (deter-
9 mined in accordance with such section 8122 or 8193
10 (as applicable), before the application of paragraph
11 (2)); and

12 (2) the timeliness of any such claim, if not pre-
13 cluded by paragraph (1), shall be determined—

14 (A) by applying the provisions of such sec-
15 tion 8122 or 8193 (as applicable); and

16 (B) as if the time limitations of such sec-
17 tion 8122 or 8193 (as applicable) did not begin
18 to run until the date on which implementing
19 regulations under section 608 become effective.

20 (d) PAYMENTS FOR PRIOR PERIODS NOT AF-
21 FECTED.—No recovery shall be made of compensation
22 paid to any individual whose entitlement to compensation
23 is terminated or reduced as a result of the enactment of
24 this title.

1 **TITLE VII—PROVISIONS RELAT-**
2 **ING TO EMPLOYMENT OF**
3 **RELATIVES AND OTHER MAT-**
4 **TERS**

5 **SEC. 701. EMPLOYMENT OF RELATIVES; RESTRICTIONS.**

6 Section 3110(a)(3) is amended by inserting “domes-
7 tic partner,” after “husband, wife,”.

8 **SEC. 702. SETTLEMENT OF ACCOUNTS.**

9 (a) DEFINITION.—Section 5581 is amended—

10 (1) in paragraph (1), by striking “and” at the
11 end;

12 (2) in paragraph (2), by striking “by Federal
13 statute.” at the end and inserting “by Federal stat-
14 ute; and”; and

15 (3) by adding at the end the following:

16 “(3) ‘surviving partner’ has the meaning given
17 it by sections 8341 and 8441, respectively.”.

18 (b) ORDER OF PRECEDENCE.—Section 5582(b) is
19 amended by inserting “(or surviving partner)” after
20 “widow or widower”.

21 **SEC. 703. BENEFITS FOR CAPTIVES.**

22 Section 5569(j) is amended by adding at the end the
23 following: “Such regulations shall include provisions to en-
24 sure that, in the administration of this section, a domestic
25 partner shall be afforded the same status as a spouse.”.

1 **SEC. 704. COMPENSATION FOR DISABILITY OR DEATH.**

2 Section 5570 is amended by adding at the end the
3 following:

4 “(h) Regulations to carry out this section shall in-
5 clude provisions to ensure that, in the administration of
6 this section, a domestic partner shall be afforded the same
7 status as a spouse.”.

8 **SEC. 705. FAMILY AND MEDICAL LEAVE.**

9 (a) DEFINITION.—Section 6381(6) is amended (in
10 the matter before subparagraph (A)), by inserting “or a
11 biological, adopted, or foster child of the domestic partner
12 of the employee,” before “who is”.

13 (b) LEAVE REQUIREMENT.—Section 6382 is amend-
14 ed in subsections (a)(1)(C) and (e)(2)(A) by striking
15 “spouse,” and inserting “spouse (or domestic partner),”.

16 (c) CERTIFICATION.—Section 6383 is amended in
17 subsections (a) and (b)(4)(A) by striking “spouse,” each
18 place it appears and inserting “spouse (or domestic part-
19 ner),”.

20 **TITLE VIII—ADDITIONAL**
21 **PROVISIONS**

22 **SEC. 801. APPLICABILITY.**

23 This title applies with respect to—

24 (1) benefits in the nature of family, medical,
25 and emergency leave, as provided for under—

1 (A) the Family and Medical Leave Act of
2 1993 (29 U.S.C. 2601 et seq.), insofar as that
3 Act applies to the Government Accountability
4 Office and the Library of Congress;

5 (B) section 202 of the Congressional Ac-
6 countability Act of 1995 (2 U.S.C. 1312); or

7 (C) section 412 of title 3, United States
8 Code;

9 (2) travel, transportation, and related payments
10 and benefits, as provided for under—

11 (A) chapter 9 of title I of the Foreign
12 Service Act of 1980 (22 U.S.C. 4081 et seq.);

13 or

14 (B) section 1599b of title 10, United
15 States Code;

16 (3) benefits for members of the commissioned
17 officer corps of the National Oceanic and Atmos-
18 pheric Administration, as provided for under—

19 (A) section 261 of the National Oceanic
20 and Atmospheric Administration Commissioned
21 Officer Corps Act of 2002 (33 U.S.C. 3071); or

22 (B) any other provisions of title 10, United
23 States Code (apart from those made applicable
24 by the provision of law cited in subparagraph
25 (A)); and

1 (4) benefits, provided for under any other provi-
 2 sions of law, which (as determined by the President
 3 or a designee)—

4 (A) relate to employees or annuitants (as
 5 those terms are defined by section 2110 of title
 6 5, United States Code); and

7 (B) are necessary to carry out the pur-
 8 poses of this Act with respect to benefits.

9 **SEC. 802. REGULATIONS.**

10 The President (or designee) shall prescribe any regu-
 11 lations necessary to ensure that the provisions of law iden-
 12 tified in or under section 801 are administered in a man-
 13 ner consistent with the purposes of this Act.

14 **TITLE IX—AMENDMENT TO THE**
 15 **ETHICS IN GOVERNMENT ACT**
 16 **OF 1978**

17 **SEC. 901. AMENDMENT TO THE ETHICS IN GOVERNMENT**
 18 **ACT OF 1978.**

19 The Ethics in Government Act of 1978 (5 U.S.C.
 20 App.) is amended by adding at the end of title I the fol-
 21 lowing:

22 “DOMESTIC PARTNERS

23 “SEC. 112. (a) An employee, former employee, or an-
 24 nuitant and the domestic partner of such employee, former
 25 employee, or annuitant (as the case may be) shall be sub-
 26 ject to the provisions of law cited in subsection (b) to the

1 same extent and in the same manner as in the case of
2 a married employee, former employee, or annuitant and
3 the spouse of such employee, former employee, or annu-
4 itant (as the case may be).

5 “(b) The provisions of law cited in this subsection are
6 as follows:

7 “(1) The preceding provisions of this title (re-
8 lating to financial disclosure requirements of Federal
9 personnel) and the provisions of title V (relating to
10 Government-wide limitations on outside earned in-
11 come and employment).

12 “(2) Regulations prescribed under section 7301
13 of title 5, United States Code (relating to regula-
14 tions for the conduct of employees in the executive
15 branch).

16 “(3) Section 7351 of title 5, United States
17 Code (relating to gifts to superiors).

18 “(4) Section 7353 of title 5, United States
19 Code (relating to gifts to Federal employees).

20 “(5) Chapter 11 of title 18, United States Code
21 (relating to bribery, graft, and conflicts of interest).

22 “(6) Section 7342 of title 5, United States
23 Code (relating to receipt and disposition of foreign
24 gifts and decorations).

1 “(7) Section 1353 of title 31, United States
2 Code (relating to acceptance of travel and related
3 expenses from non-Federal sources).

4 “(8) Sections 4941 and 4946 of the Internal
5 Revenue Code of 1986 (relating to taxes on self-
6 dealing and definitions and special rules).

7 “(9) Section 455 of title 28, United States
8 Code (relating to disqualification of justice, judge, or
9 magistrate judge).

10 “(c) For purposes of this section, the term ‘domestic
11 partner’ has the meaning given such term by section 2110
12 of title 5, United States Code.”.

13 **TITLE X—REPORTING** 14 **REQUIREMENTS**

15 **SEC. 1001. REPORT OF THE PRESIDENT.**

16 Not later than 6 months after the date of the enact-
17 ment of this Act, the President shall transmit to the Com-
18 mittee on Oversight and Government Reform of the House
19 of Representatives and the Committee on Homeland Secu-
20 rity and Governmental Affairs of the Senate—

21 (1) a report on the implementation of this Act,
22 including the amendments made by this Act; and

23 (2) a description of any further measures that
24 should be taken in order to carry out the purposes
25 of this Act, including recommendations for any legis-

1 lation or administrative action that may be nec-
2 essary.

3 **SEC. 1002. GAO REPORT.**

4 Not later than 2 years after the date of the enact-
5 ment of this Act, the Government Accountability Office
6 shall transmit to the Committee on Oversight and Govern-
7 ment Reform of the House of Representatives and the
8 Committee on Homeland Security and Governmental Af-
9 fairs of the Senate a report on the effect that this Act
10 and any amendments made by this Act have had on pre-
11 miums or any other periodic charges payable by enrollees
12 under chapter 89 of title 5, United States Code (relating
13 to the Federal employees health benefits program), and
14 the impact of extending benefits to domestic partners on
15 the employee retention and recruitment efforts by the Fed-
16 eral government.

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