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[Report No. 112-257]

To provide benefits to domestic partners of Federal employees.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2011

Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mrs. SHAHEEN, Mr. WHITEHOUSE, Ms. CANTWELL, Mr. COONS, Mr. MENENDEZ, Mr. WYDEN, Mr. TESTER, Mrs. FEINSTEIN, Mr. BROWN of Ohio, Mr. REED, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19, 2012

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide 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; AND TABLE OF**
 2 **CONTENTS.**

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; and table of contents.
 Sec. 2. Purpose.

**TITLE I—ESTABLISHMENT AND TERMINATION OF DOMESTIC
 PARTNERSHIPS; OTHER GENERAL PROVISIONS**

Sec. 101. Federal employees in domestic partnerships.
 Sec. 102. Guidance and educational materials.
 Sec. 103. Review of programs under which employment benefits and obligations
 are established.
 Sec. 104. Effective date.

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

Subtitle A—General Provisions

Sec. 301. Definitions.

Subtitle B—Creditable Service

- Sec. 311. Creditable service.
- Sec. 312. Survivor reduction for a current spouse or a current domestic partner.
- Sec. 313. Survivor reduction for a former spouse or former domestic partner.
- Sec. 314. Survivor elections; deposit; offsets.
- Sec. 315. Survivor reductions; computation.
- Sec. 316. Insurable interest reductions.
- Sec. 317. Alternative forms of annuities.
- Sec. 318. Lump-sum benefits; designation of beneficiary; order of precedence.

Subtitle C—Thrift Savings Plan

- Sec. 321. Benefits and election of benefits.
- Sec. 322. Annuities: methods of payment; election; purchase.
- Sec. 323. Protections for spouses, domestic partners, former spouses, and former domestic partners.
- Sec. 324. Justices and judges.

Subtitle D—Survivor Annuities

- Sec. 331. Definitions.
- Sec. 332. Rights of a widow, widower, or surviving partner.
- Sec. 333. Rights of a child.
- Sec. 334. Rights of a former spouse or former domestic partner.

Subtitle E—General Administrative Provisions

- Sec. 341. Authority of the Office of Personnel Management.
- Sec. 342. Cost-of-living adjustments.

Subtitle F—Federal Retirement Thrift Investment Management System

- Sec. 351. 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. Definition.
- Sec. 503. Relocation expenses of employees transferred or reemployed.
- Sec. 504. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.
- Sec. 505. Relocation expenses of an employee who is performing an extended assignment.
- Sec. 506. Transportation of family members incident to repatriation of employees held captive.
- Sec. 507. Regulations to include domestic partners.

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. Employees of nonappropriated fund instrumentalities.
- Sec. 609. Effective date.

TITLE VII—EMPLOYEE LEAVE, DEATH OR CAPTIVITY
COMPENSATION, OTHER EMPLOYEE BENEFITS

- Sec. 701. Voluntary transfers of leave; Voluntary Leave Bank Program.
- Sec. 702. Family and medical leave.
- Sec. 703. Settlement of accounts.
- Sec. 704. Payments to missing employees.
- Sec. 705. Compensation for disability or death.
- Sec. 706. Annuity of the Comptroller General.

TITLE VIII—ETHICS IN GOVERNMENT, CONFLICTS OF INTEREST,
EMPLOYMENT OF RELATIVES, GIFTS, AND EMPLOYEE CONDUCT

- Sec. 801. Ethics in Government Act of 1978.
- Sec. 802. Conflicts of interest.
- Sec. 803. Employment of relatives; restrictions.
- Sec. 804. Receipt and disposition of foreign gifts and decorations.
- Sec. 805. Regulation of conduct; gifts.
- Sec. 806. Acceptance of travel assistance from non-Federal sources.

1 SEC. 2. PURPOSE.

2 The purpose of this Act is to apply employment bene-
3 fits and obligations to Federal employees in same-sex do-
4 mestic partnerships and to their domestic partners that
5 are the same as the employment benefits and obligations
6 that apply under existing statutes to married Federal em-
7 ployees and to their spouses.

1 **TITLE I—ESTABLISHMENT AND**
 2 **TERMINATION OF DOMESTIC**
 3 **PARTNERSHIPS; OTHER GEN-**
 4 **ERAL PROVISIONS**

5 **SEC. 101. FEDERAL EMPLOYEES IN DOMESTIC PARTNER-**
 6 **SHIPS.**

7 (a) **IN GENERAL.**—Subpart A of part III is amended
 8 by inserting after section 2305 the following:

9 **“CHAPTER 25—FEDERAL EMPLOYEES IN**
 10 **DOMESTIC PARTNERSHIPS**

“Sec.

“2501. Definitions.

“2502. Establishment and termination of domestic partnerships.

11 **“§ 2501. Definitions**

12 “In this chapter—

13 “(1) the term ‘annuitant’ means—

14 “(A) an annuitant as defined under section
 15 8331, 8401, or 8901(3)(A); and

16 “(B) as determined under regulations pre-
 17 scribed by the President or a designee of the
 18 President, any other individual who is entitled
 19 to benefits (based on the service of such indi-
 20 vidual) under a retirement system for employees
 21 of the Government;

22 “(2) the term ‘Director’ means the Director of
 23 the Office of Personnel Management;

1 “(3) the term ‘domestic partner’ means either
2 of the individuals in a domestic partnership;

3 “(4) the term ‘domestic partnership’ means a
4 relationship between 2 individuals of the same sex,
5 at least 1 of whom is an employee, former employee,
6 or annuitant, that has been established under sec-
7 tion 2502(a) and not terminated under section
8 2502(b); and

9 “(5) the term ‘employee’ means—

10 “(A) an employee as defined under section
11 2105, including an employee referred to in sub-
12 section (e) or (e) of that section;

13 “(B) a Member of Congress;

14 “(C) the President;

15 “(D) an individual who is an employee, as
16 defined under section 8331, 8401, 8701, 8901,
17 or 9001; or

18 “(E) any other individual who is employed
19 by the Government and is included within this
20 definition under regulations prescribed by the
21 President or a designee of the President.

22 **“§ 2502. Establishment and termination of domestic**
23 **partnerships**

24 “(a) ESTABLISHMENT OF DOMESTIC PARTNER-
25 SHIP.—

1 “(1) An employee, former employee, or annu-
2 itant and another individual (who may also be an
3 employee, former employee, or annuitant) may es-
4 tablish a domestic partnership as provided in this
5 section for the purposes of the provisions of law to
6 which this chapter applies.

7 “(2) To establish a domestic partnership, the 2
8 individuals referred to in paragraph (1) shall jointly
9 execute, and the employee, former employee, or an-
10 nuitant shall file, an affidavit in such form and filed
11 in such manner as the Director shall by regulation
12 prescribe.

13 “(3) By the affidavit referred to in paragraph
14 (2), each of the individuals shall attest to the fol-
15 lowing:

16 “(A)(i) The individuals are of the same
17 sex; and

18 “(ii) the individual who files the affidavit is
19 an employee, former employee, or annuitant.

20 “(B)(i) The individuals are in a committed
21 domestic partnership relationship with each
22 other satisfying the conditions in clauses (ii),
23 (iii), and (iv) and intend to remain so indefi-
24 nitely.

1 “(ii) The individuals have a common resi-
2 dence and intend to continue to do so (or would
3 have a common residence, but are prevented
4 from doing so because of an assignment abroad
5 or other employment-related factors, financial
6 considerations, family responsibilities, or other
7 similar reason (which shall be specifically iden-
8 tified in the affidavit)).

9 “(iii) The individuals share responsibility
10 for a significant measure of each other’s welfare
11 and financial obligations.

12 “(iv) Neither individual is married to or in
13 a domestic partnership with anyone except each
14 other.

15 “(C) Each individual is at least 18 years
16 of age and mentally competent to consent to a
17 contract.

18 “(D) The individuals are not related to
19 each other by blood in a way that would pro-
20 hibit legal marriage between individuals other-
21 wise eligible to marry in the jurisdiction (or, if
22 applicable, in any jurisdiction) in which the in-
23 dividuals have a common residence.

24 “(E) Each of the individuals understands
25 that—

1 “(i) as a domestic partner, each indi-
2 vidual not only gains certain benefits, but
3 also assumes certain obligations, as set
4 forth in the provision of law to which this
5 chapter applies, the violation of which may
6 lead to disciplinary action against an em-
7 ployee and to criminal and other penalties;

8 “(ii) either or both of the domestic
9 partners are required to file notification
10 under subsection (b)(2) terminating the
11 domestic partnership within 30 days after
12 any condition under clause (ii), (iii), or (iv)
13 of subparagraph (B) ceases to be satisfied,
14 and, if 1 domestic partner dies, the other
15 is required to file a notification under sub-
16 section (b)(3) within 30 days after the
17 death; and

18 “(iii) willful falsification of informa-
19 tion in the affidavit, or willful failure to
20 file notification as required under sub-
21 section (b)(2) or (3), may lead to recovery
22 of amounts obtained as a result of such
23 falsification or failure, disciplinary action
24 against an employee, and criminal or other
25 penalties.

1 “(b) TERMINATION OF DOMESTIC PARTNERSHIP.—

2 “(1) A domestic partnership is terminated
3 upon—

4 “(A) the death of either domestic partner;

5 “(B) the filing of a notification under
6 paragraph (2) by either or both domestic part-
7 ners; or

8 “(C) the satisfaction of such other condi-
9 tions as the Director may by regulation pre-
10 scribe.

11 “(2)(A) If any condition referred to under
12 clause (ii), (iii), or (iv) of subsection (a)(3)(B)
13 ceases to be satisfied, either or both of the domestic
14 partners shall, within 30 days after the condition
15 ceases to be satisfied, execute and file a notification,
16 in such form and in such manner as prescribed by
17 the Director in regulation, stating that the condition
18 is no longer satisfied and that the domestic partner-
19 ship is terminated.

20 “(B) Each domestic partner has a duty that the
21 notification under subparagraph (A) be timely filed,
22 but the duty of 1 domestic partner shall be satisfied
23 if the other domestic partner timely executes and
24 files the required notification.

1 ~~“(C) The Director shall promulgate regulations~~
 2 ~~establishing the criteria for determining when any~~
 3 ~~condition referred to under clause (ii), (iii), or (iv)~~
 4 ~~of subsection (a)(2)(B) ceases to be satisfied.~~

5 ~~“(3) When one domestic partner dies, the other~~
 6 ~~domestic partner shall, within 30 days after the~~
 7 ~~death, execute and file a notification of the death, in~~
 8 ~~such form and in such manner as prescribed by the~~
 9 ~~Director in regulation.~~

10 ~~“(e) EFFECTIVENESS OF THE FILING OF AN AFFI-~~
 11 ~~DAVIT.—~~

12 ~~“(1) The filing of an affidavit under subsection~~
 13 ~~(a)(2) shall not be effective for purposes of this sec-~~
 14 ~~tion unless the filing individual is an employee,~~
 15 ~~former employee, or annuitant as of the time of the~~
 16 ~~filing.~~

17 ~~“(2) No individual shall, for purposes of the~~
 18 ~~provisions of law to which this chapter applies, be~~
 19 ~~treated as being in a domestic partnership—~~

20 ~~“(A) unless an affidavit has been filed in~~
 21 ~~accordance with this section and with regula-~~
 22 ~~tions prescribed by the Director, or~~

23 ~~“(B) after the earlier of—~~

24 ~~“(i) the date of the death of either in-~~
 25 ~~dividual, or~~

1 “(ii) the date as of which the domestic
2 partnership is otherwise terminated, as de-
3 termined under regulations prescribed by
4 the Director.

5 “(d) ~~ADDITIONAL NOTIFICATIONS TO GOVERNMENT~~
6 ~~EMPLOYER.~~—A domestic partner employed by an entity
7 of the United States shall provide such notifications to the
8 employing entity of the formation, existence, or termi-
9 nation of the domestic partnership, in addition to the fil-
10 ings required under subsections (a) and (b), as may be
11 required, and in such form and in such manner as pre-
12 scribed, by the Director in regulation.

13 “(e) ~~APPLICABILITY.~~—

14 “(1) This section applies for purposes of the
15 provisions of this title (excluding chapter 81).

16 “(2) Two individuals determined under section
17 8101(21) or 8171(e)(1)(A) to be domestic partners
18 for purposes of chapter 81 shall be deemed to be do-
19 mestic partners in a domestic partnership, as de-
20 fined under section 2501, for purposes of any provi-
21 sion of law.

22 “(3) Under regulations prescribed by the Presi-
23 dent—

24 “(A) the Secretary of Labor shall inform
25 the Director of any individual determined under

1 section 8101(21) or 8171(e)(1)(A) to be domes-
 2 tie partners; and

3 “(B) if an individual who is an employee
 4 or annuitant is determined under section
 5 8101(21) or 8171(e)(1)(A) to be a domestic
 6 partner with another individual for purposes of
 7 chapter 81, the individual shall promptly estab-
 8 lish a domestic partnership under subsection (a)
 9 and shall be subject to the requirements of sub-
 10 sections (b), (c), and (d).

11 “(f) REGULATIONS.—The Director shall issue regula-
 12 tions to carry out subsection (a) through (d).”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 14 The table of chapters for part III of title 5, United States
 15 Code, is amended by inserting after the item relating to
 16 chapter 23 the following:

“25. Federal Employees in Domestic Partnerships 2501”.

17 **SEC. 102. GUIDANCE AND EDUCATIONAL MATERIALS.**

18 (a) IN GENERAL.—The officers and agencies that
 19 have authority to develop and issue guidance and edu-
 20 cational materials with respect to benefits and obligations
 21 established under the amendments made by this Act and
 22 the measures taken under section 103 shall issue the ma-
 23 terials—

24 (1) in accordance with subsection (c); and

1 (2) if in the executive branch, under the coordi-
2 nation of the Director of the Office of Personnel
3 Management.

4 (b) OFFICE OF PERSONNEL MANAGEMENT.—The
5 Director of the Office of Personnel Management shall, to
6 the greatest extent practicable—

7 (1) compile the materials referred to under sub-
8 section (a);

9 (2) prepare and issue guidance and educational
10 materials with respect to benefits and obligations
11 available to domestic partners of certain Secret Serv-
12 ice and Park Police Officers who are covered under
13 the DC Police Officers' and Firefighters' Retirement
14 Plan, and include that guidance documentation in
15 the compilation under paragraph (1); and

16 (3) ensure that such materials are readily avail-
17 able to employees and their domestic partners, both
18 in print form and by publicly accessible website.

19 (c) TIMELINESS.—To the maximum extent prac-
20 ticable, the materials shall be—

21 (1) prepared and made readily available not
22 later than 30 days before the effective date of this
23 Act; and

24 (2) updated as necessary.

1 (d) EFFECTIVE DATE.—This section shall take effect
2 on the date of enactment of this Act.

3 **SEC. 103. REVIEW OF PROGRAMS UNDER WHICH EMPLOY-**
4 **MENT BENEFITS AND OBLIGATIONS ARE ES-**
5 **TABLISHED.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “benefit” includes any right,
8 power, privilege, immunity, or protection, whether
9 substantive, procedural, remedial, or otherwise;

10 (2) the term “domestic partner” means either
11 of the individuals in a domestic partnership;

12 (3) the term “domestic partnership” means a
13 relationship between 2 individuals—

14 (A) who are of the same sex;

15 (B) at least 1 of whom is an employee;

16 (C)(i) who are in a committed domestic-
17 partnership relationship with each other satis-
18 fying the conditions in clauses (ii), (iii), and (iv)
19 and intend to remain so indefinitely;

20 (ii) who have a common residence and in-
21 tend to continue to do so (or would have a com-
22 mon residence, but are prevented from doing so
23 because of such reasons as an assignment
24 abroad or other employment-related factors; fi-

1 nancial considerations, family responsibilities,
2 or other such reasons);

3 (iii) who share responsibility for a signifi-
4 cant measure of each other's welfare and finan-
5 cial obligations; and

6 (iv) neither of whom is married to or in a
7 domestic partnership with anyone except each
8 other;

9 (D) each of whom are at least 18 years of
10 age and mentally competent to consent to a
11 contract; and

12 (E) who are not related to each other by
13 blood in a way that would prohibit legal mar-
14 riage between individuals otherwise eligible to
15 marry in the jurisdiction (or, if applicable, in
16 any jurisdiction) in which the individuals have
17 a common residence; and

18 (4) the term "employee" means—

19 (A) an employee as defined under section
20 2501 of title 5, United States Code, as added
21 by section 101 of this Act;

22 (B) a member of the commissioned corps
23 of the Public Health Service or of the commis-
24 sioned corps of the National Oceanic and At-
25 mospheric Administration; or

1 (C) any other individual performing per-
2 sonal service to the Government (including an
3 instrumentality wholly owned by the United
4 States), whether for pay, for nominal pay, or as
5 a volunteer, who is not performing such service
6 as an employee of any employer other than the
7 Government or as a member of the Armed
8 Forces; and

9 (5) the term “obligation” includes any duty,
10 disability, or liability, whether substantive, proce-
11 dural, remedial, or otherwise.

12 (b) ~~REVIEWS, ADDITIONAL MEASURES, REC-~~
13 ~~COMMENDATIONS, AND REPORTS TO CONGRESS.~~—Not later
14 than 180 days after the date of enactment of this Act,
15 and not less frequently than once every 2 years thereafter,
16 the President and designees of the President shall—

17 (1) conduct a review of the employment benefits
18 and of the employment obligations applied to mar-
19 ried employees and their spouses to determine what
20 authority exists for the President and designees of
21 the President to apply such benefits and obligations
22 to employees who have domestic partners and the
23 domestic partners of those employees;

24 (2) include within the review under paragraph
25 (1) all employment benefits and obligations under

1 regulations prescribed by the President or a designee
 2 of the President, or promulgated by the head of any
 3 agency or department of the executive branch;

4 (3) take any additional measures that can be
 5 taken, to the greatest extent practicable and con-
 6 sistent with law, to apply such benefits and obliga-
 7 tions to employees with domestic partners and the
 8 domestic partners of those employees;

9 (4) develop recommendations for any legislation
 10 to further apply such benefits and obligations to em-
 11 ployees with domestic partners and the domestic
 12 partners of those employees; and

13 (5) submit a report to Congress summarizing
 14 the review, determinations, and recommendations
 15 under paragraphs (1), (2), (3), and (4).

16 (c) EFFECTIVE DATE.—This section shall take effect
 17 on the date of enactment of this Act.

18 **SEC. 104. EFFECTIVE DATE.**

19 (a) IN GENERAL.—Except as otherwise specifically
 20 provided, this Act and amendments made by this Act shall
 21 take effect 180 days after the date of enactment of this
 22 Act.

23 (b) APPLICATION TO CURRENT AND FUTURE EM-
 24 PLOYEES.—An employee, former employee, or annuitant
 25 shall be eligible to establish a domestic partnership by fil-

1 ing an affidavit under section 2502(a)(2) of title 5, United
 2 States Code, as added by section 101 of this Act, only
 3 if the employee, former employee, or annuitant is or has
 4 been employed as an employee on or after the effective
 5 date of this Act.

6 **TITLE II—CIVIL SERVICE**

7 **RETIREMENT SYSTEM**

8 **SEC. 201. DEFINITIONS.**

9 Section 8331 is amended—

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

12 (2) in paragraph (31), by striking the period
 13 and inserting a semicolon; and

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

15 “(32) ‘domestic partner’ and ‘domestic partner-
 16 ship’ have the meanings given under section 2501;
 17 and

18 “(33) ‘former domestic partner’ means a former
 19 domestic partner of an individual—

20 “(A) if such individual performed at least
 21 18 months of civilian service covered under this
 22 subchapter as an employee or Member; and

23 “(B) if the former domestic partner was in
 24 a domestic partnership with such individual for
 25 at least 9 months.”.

1 **SEC. 202. CREDITABLE SERVICE.**

2 Section 8332 is amended—

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

6 (2) in paragraphs (4) and (5) of subsection (c),
7 by striking “spouse” each place it appears and in-
8 serting “spouse (or domestic partner).”.

9 **SEC. 203. COMPUTATION OF ANNUITY.**

10 Section 8339 is amended—

11 (1) in subsection (j)—

12 (A) in paragraph (1)—

13 (i) by inserting “(or domestic part-
14 ner)” after “the spouse” each place it ap-
15 pears;

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

18 (iii) by inserting “(or domestic part-
19 ner’s)” after “the spouse’s” each place it
20 appears;

21 (B) in paragraph (2), by inserting “(or
22 former domestic partner)” after “former
23 spouse” each place it appears;

24 (C) in paragraph (3)—

25 (i) in the first sentence—

1 (I) by inserting “(or former do-
2 mestie partner)” after “former
3 spouse” each place it appears; and

4 (II) by inserting “(or being in a
5 domestic partnership with)” after
6 “based on marriage to”;

7 (ii) in the second sentence—

8 (I) by inserting “(or the domestic
9 partnership of the former domestic
10 partner with)” after “the marriage of
11 the former spouse to”; and

12 (II) by striking “is dissolved,”
13 and inserting “is dissolved (or termi-
14 nated),”;

15 (iii) in the sixth sentence, by striking
16 “former spouse.” and inserting “former
17 spouse (or former domestic partner).”;

18 (iv) in subparagraph (B)—

19 (I) by striking “is then married,”
20 and inserting “is then married (or is
21 then in a domestic partnership),”; and

22 (II) by striking “the spouse’s
23 written consent.” and inserting “the
24 written consent of the spouse (or do-
25 mestie partner).”; and

1 (v) by amending the next to last sen-
2 tence to read as follows: “In the case of a
3 retired employee or Member whose annuity
4 is being reduced in order to provide a sur-
5 vivor annuity for a former spouse (or
6 former domestic partner); an election to
7 provide or increase a survivor annuity for
8 any other former spouse (or any other
9 former domestic partner); and to continue
10 an appropriate reduction for that purpose;
11 may be made within the same period that,
12 and subject to the same conditions under
13 which, an election could be made under
14 paragraph (5)(B) for a current spouse (or
15 a current domestic partner); subject to the
16 provisions of this paragraph relating to
17 consent of a current spouse (or of a cur-
18 rent domestic partner); if the retired em-
19 ployee or Member is then married (or in a
20 domestic partnership).”;

21 (D) by amending paragraph (5) to read as
22 follows:

23 “(5)(A) Any reduction in an annuity for the purpose
24 of providing a survivor annuity for the current spouse (or

1 the current domestic partner) of a retired employee or
2 Member shall be terminated for each full month—

3 “(i) after the death of the spouse (or domestic
4 partner); or

5 “(ii) after the dissolution of the marriage of the
6 spouse (or the termination of the domestic partner-
7 ship of the domestic partner) to the employee or
8 Member,

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

13 “(B) Any reduction in an annuity for the purpose of
14 providing a survivor annuity for a former spouse (or a
15 former domestic partner) of a retired employee or Member
16 shall be terminated for each full month after the former
17 spouse remarries (or enters into a domestic partnership)
18 (or the former domestic partner enters into a subsequent
19 domestic partnership or marries) before reaching age 55
20 or dies. This reduction shall be replaced by an appropriate
21 reduction or reductions under paragraph (4) if the retired
22 employee or Member has (i) another former spouse (or an-
23 other former domestic partner) who is entitled to a sur-
24 vivor annuity under section 8341(h), (ii) a current spouse
25 to whom the employee or Member was married (or a cur-

1 rent domestic partner with whom the employee or Member
 2 was in a domestic partnership) at the time of retirement
 3 and with respect to whom a survivor annuity was not
 4 jointly waived under paragraph (1), or (iii) a current
 5 spouse whom the employee or Member married (or a cur-
 6 rent domestic partner with whom the employee or Member
 7 entered into domestic partnership) after retirement and
 8 with respect to whom an election has been made under
 9 subparagraph (C) or subsection (k)(2).

10 “(C)(i) Upon entry into a subsequent marriage (or
 11 domestic partnership), a retired employee or Member who
 12 was married (or in a domestic partnership) at the time
 13 of retirement, including an employee or Member whose an-
 14 nuity was not reduced to provide a survivor annuity for
 15 the employee’s or Member’s spouse or former spouse (or
 16 domestic partner or former domestic partner) as of the
 17 time of retirement, may irrevocably elect during such mar-
 18 riage (or domestic partnership), in a signed writing re-
 19 ceived by the Office—

20 “(I) within 2 years after such entry into a sub-
 21 sequent marriage (or domestic partnership); or

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

23 “(aa) the death of or entry into a subse-
 24 quent marriage (or domestic partnership) by
 25 any former spouse (or former domestic partner)

1 of such employee or Member who was entitled
2 to a survivor annuity under section 8341(h); or
3 “(bb) if there was more than 1 surviving
4 former spouse (or surviving former domestic
5 partner), the death of or entry into a subse-
6 quent marriage (or domestic partnership) by
7 the last such surviving former spouse (or sur-
8 viving former domestic partner),
9 a reduction in the employee’s or Member’s annuity
10 under paragraph (4) for the purpose of providing an
11 annuity for such employee’s or Member’s spouse (or
12 domestic partner) in the event such spouse (or do-
13 mestic partner) survives the employee or Member.
14 “(ii) Such election and reduction shall be effective the
15 first day of the second month after the election is received
16 by the Office, but not less than 9 months after the date
17 of the subsequent marriage (or entry into the subsequent
18 domestic partnership), and the retired employee or Mem-
19 ber shall deposit in the Fund an amount determined by
20 the Office of Personnel Management, as nearly as may
21 be administratively feasible, to reflect the amount by
22 which the annuity of such retired employee or Member
23 would have been reduced if the election had been in effect
24 since the date of retirement or, if later, the date the pre-
25 vious reduction in such retired employee’s or Member’s an-

1 nnuity was terminated under subparagraph (A) or (B), plus
2 interest. For the purposes of the preceding sentence, the
3 annual rate of interest for each year during which an an-
4 nnuity would have been reduced if the election had been
5 in effect on and after the applicable date referred to in
6 such sentence shall be 6 percent.

7 “(iii) The Office shall, by regulation, provide for pay-
8 ment of the deposit required under clause (ii) by a reduc-
9 tion in the annuity of the employee or Member. The reduc-
10 tion shall, to the extent practicable, be designed so that
11 the present value of the future reduction is actuarially
12 equivalent to the deposit required under clause (ii), except
13 that total reductions in the annuity of an employee or
14 Member to pay deposits required by the provisions of this
15 paragraph or paragraph (3) shall not exceed 25 percent
16 of the annuity computed under subsections (a) through
17 (i), (n), (q), and (r), including adjustments under section
18 8340. The reduction required by this clause, which shall
19 be effective on the same date as the election under clause
20 (i), shall be permanent and unaffected by any future dis-
21 solution of the marriage (or termination of the domestic
22 partnership). Such reduction shall be independent of and
23 in addition to the reduction required under clause (i).

24 “(iv) Notwithstanding any other provision of this sub-
25 paragraph, an election under this subparagraph may not

1 be made for the purpose of providing an annuity in the
2 ease of a spouse by remarriage (or a domestic partner by
3 a subsequent domestic partnership) if such spouse was
4 married to (or if such domestic partner was in a domestic
5 partnership with) the employee or Member at the time of
6 such employee's or Member's retirement, and all rights to
7 survivor benefits for such spouse (or domestic partner)
8 under this subchapter based on marriage (or domestic
9 partnership) to such employee or Member were then
10 waived under paragraph (1) or a similar prior provision
11 of law.

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

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

17 “(II) shall, if an election was made by the em-
18 ployee or Member under such subsection (k)(1) with
19 respect to a different person, prospectively void such
20 election if appropriate written application is made by
21 such employee or Member at the time of making the
22 election under this subparagraph.

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

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

4 ~~“(II) the election under subsection (k)(1) be-~~
 5 ~~comes void under clause (v).”;~~

6 ~~(2) in subsection (k)—~~

7 ~~(A) in paragraph (1)—~~

8 ~~(i) by striking “a married employee or~~
 9 ~~Member” and inserting “an employee or~~
 10 ~~Member who is married (or in a domestic~~
 11 ~~partnership)”;~~ and

12 ~~(ii) by inserting “(or domestic part-~~
 13 ~~ner)” after “spouse” each place it appears;~~

14 ~~(B) in paragraph (2)—~~

15 ~~(i) by striking the matter before sub-~~
 16 ~~paragraph (B) and inserting the following:~~

17 ~~“(2)(A) An employee or Member, who is unmarried~~
 18 ~~(and not in a domestic partnership) at the time of retiring~~
 19 ~~under a provision of law which permits election of a re-~~
 20 ~~duced annuity with a survivor annuity payable to such em-~~
 21 ~~ployee’s or Member’s spouse (or domestic partner) and~~
 22 ~~who later marries (or enters into a domestic partnership);~~
 23 ~~may irrevocably elect, in a signed writing received in the~~
 24 ~~Office—~~

1 “(i) within 2 years after such employee or
2 Member marries (or enters into a domestic partner-
3 ship); or

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

5 “(I) the death of, or entry into a subse-
6 quent marriage (or domestic partnership) by,
7 any former spouse (or former domestic partner)
8 of such employee or Member who was entitled
9 to a survivor annuity under section 8341(h); or

10 “(II) if there was more than 1 surviving
11 former spouse (or surviving former domestic
12 partner); the death of or entry into a subse-
13 quent marriage (or domestic partnership) by
14 the last such surviving former spouse (or sur-
15 viving former domestic partner);

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

18 (ii) in subparagraph (B)(i) (in the
19 matter before subclause (I)), by striking
20 “marriage.” and inserting “marriage (or
21 entry into a domestic partnership).”;

22 (iii) in subparagraph (B)(ii), by in-
23 serting “(or in a domestic partnership)”
24 after “married”; and

- 1 (iv) in subparagraph (C), by striking
 2 “marriage.” and inserting “marriage (or
 3 domestic partnership).”; and
 4 (3) in subsection (o)(1)—
 5 (A) in subparagraphs (A)(i) and (B)(i), by
 6 striking “is married,” and inserting “is married
 7 (or is in a domestic partnership).”; and
 8 (B) in subparagraph (A) (in the matter
 9 following clause (ii)), by inserting “(or domestic
 10 partner)” after “spouse”.

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

12 Section 8340 is amended—

13 (1) in subsection (a)—

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

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

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

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

22 (2) in subsection (c)(1)—

23 (A) in the matter before subparagraph (A),
 24 by striking all after “who retires,” and before
 25 “of a deceased annuitant” and inserting “to the

1 widow, widower, or former spouse (or the sur-
 2 viving partner or former domestic partner) of a
 3 deceased employee or Member, or to the widow,
 4 widower, or former spouse (or the surviving
 5 partner or former domestic partner), or insur-
 6 able interest designee”; and

7 (B) in subparagraph (B)(ii), by striking “a
 8 widow, widower, former spouse, or insurable in-
 9 terest designee” and inserting “a widow, wid-
 10 ower, or former spouse (or surviving partner or
 11 former domestic partner) or insurable interest
 12 designee”.

13 **SEC. 205. SURVIVOR ANNUITIES.**

14 Section 8341 is amended—

15 (1) in subsection (a)—

16 (A) by redesignating paragraphs (3) and
 17 (4) as paragraphs (4) and (5), respectively;

18 (B) by inserting after paragraph (2) the
 19 following:

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

22 “(A) was in a domestic partnership with
 23 such employee or Member for at least 9 months
 24 immediately before the death of such employee
 25 or Member; or

1 “(B) satisfies such other requirements, re-
2 lated to parenthood and the domestic partner-
3 ship, as the Director of the Office of Personnel
4 Management shall by regulation prescribe based
5 on the definition of a widow or widower under
6 paragraphs (1)(B) and (2)(B) of this section;”;
7 and

8 (C) in paragraph (5) (as so redesignated
9 by subparagraph (A))—

10 (i) in subparagraph (A)—

11 (I) by striking “an unmarried de-
12 pendent child” and inserting “a de-
13 pendent child who is unmarried (and
14 not in a domestic partnership) and”;

15 (II) in clause (ii), by striking
16 “stepchild but only if the stepchild”
17 and inserting “stepchild (or child of
18 the domestic partner not adopted by
19 or otherwise the child of the employee
20 or Member) but only if the stepchild
21 (or the child of the domestic part-
22 ner)”;

23 (III) in clause (iv), by inserting
24 “(or surviving domestic partner)”
25 after “the surviving spouse”; and

1 (ii) in subparagraphs (B) and (C), by
2 striking “unmarried dependent child” and
3 inserting “dependent child who is unmar-
4 ried (and not in a domestic partnership)”;

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 serting “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, in the case of a widow or widower,
3 enters into a domestic partnership) (or, in
4 the case of a surviving partner, enters into
5 a subsequent domestic partnership or mar-
6 ries)” after “remarries”; and

7 (D) in paragraph (4)—

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

11 (ii) in subparagraph (B), by inserting
12 “(or former domestic partner)” after
13 “former spouse”;

14 (3) in subsection (d)—

15 (A) by striking “widow or widower” each
16 place it appears and inserting “widow or wid-
17 ower (or surviving partner)”; and

18 (B) in subparagraph (B), by inserting “(or
19 former domestic partner)” after “former
20 spouse”; and

21 (C) in clause (ii), by inserting “(or, in the
22 case of a widow or widower, enters into a do-
23 mestic partnership) (or, in the case of a sur-
24 viving partner, enters into a subsequent domes-
25 tic partnership or marries)” after “remarries”;

1 (4) in subsection (c)—

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

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

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

10 “(B) the term ‘former domestic partner’ in-
11 cludes a former domestic partner who was in a do-
12 mestic partnership with an employee or Member for
13 less than 9 months and a former domestic partner
14 of an employee or Member who completed less than
15 18 months of service covered by this subchapter.”;

16 (B) in paragraph (2), by striking “a
17 spouse or a former spouse” each place it ap-
18 pears and inserting “a spouse or former spouse
19 (or a domestic partner or former domestic part-
20 ner)”;

21 (C) in paragraph (3)—

22 (i) in subparagraph (E), by striking
23 “dies or marries;” and inserting “dies or
24 marries (or enters into a domestic partner-
25 ship);” and

1 (ii) in the matter following subpara-
2 graph (E)—

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

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

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

16 (5) by striking subsection (f) and inserting the
17 following:

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

1 “(1) is entitled to an annuity equal to 55 per-
2 cent of the deferred annuity of the Member com-
3 mencing on the day after the Member dies and ter-
4 minating on the last day of the month before the
5 surviving spouse dies or remarries (or enters into a
6 domestic partnership) (or the surviving domestic
7 partner dies or enters into a subsequent domestic
8 partnership or marries); or

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

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

18 “(A) the annuity which would otherwise be pay-
19 able to such surviving spouse (or such surviving do-
20 mestic partner) under this subsection; and

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

24 (6) by striking subsection (g) and inserting the
25 following:

1 “(g) In the case of a surviving spouse (or surviving
 2 domestic partner) whose annuity under this section is ter-
 3 minated because of a subsequent entry into a marriage
 4 (or domestic partnership) before becoming 55 years of
 5 age, annuity at the same rate shall be restored com-
 6 mencing on the day the remarriage (or subsequent domes-
 7 tie partnership) is dissolved by death, annulment, or di-
 8 vorce (or terminated), if—

9 “(1) the surviving spouse (or surviving domestic
 10 partner) elects to receive this annuity instead of a
 11 survivor benefit to which he may be entitled, under
 12 this subchapter or another retirement system for
 13 Government employees, by reason of the subsequent
 14 entry into a marriage (or domestic partnership); and

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

17 (7) by striking subsection (h) and inserting the
 18 following:

19 “(h)(1) Subject to paragraphs (2) through (5), a
 20 former spouse (or former domestic partner) of a deceased
 21 employee, Member, annuitant, or former Member who was
 22 separated from the service with title to a deferred annuity
 23 under section 8338(b) is entitled to a survivor annuity
 24 under this subsection, if and to the extent expressly pro-
 25 vided for in an election under section 8339(j)(3), or in

1 the terms of any decree of divorce or annulment or any
 2 court order or court-approved property settlement agree-
 3 ment incident to such decree.

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

7 “(i) the amount applicable in the case of such
 8 former spouse (or former domestic partner), as de-
 9 termined under subparagraph (B); and

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

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

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

24 “(ii) under subparagraph (A) of subsection (d)
 25 in the case of a widow or widower (or surviving part-

1 ner); if the deceased was an employee or Member de-
 2 scribed in the first sentence of such subsection; or

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

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

11 ~~“(A) shall not commence before—~~

12 ~~“(i) the day after the employee, Member,~~
 13 ~~or annuitant dies; or~~

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

20 ~~whichever is later, and~~

21 ~~“(B) shall terminate—~~

22 ~~“(i) except as provided in subsection (k),~~
 23 ~~in the case of an annuity computed by reference~~
 24 ~~to clause (i) or (ii) of paragraph (2)(B), no~~
 25 ~~later than the last day of the month before the~~

1 former spouse remarries (or enters into a do-
2 mestic partnership) (or former domestic partner
3 enters into a subsequent domestic partnership
4 or marries) before becoming 55 years of age or
5 dies; or

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

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

16 “(A) if such modification is made after the re-
17 tirement or death of the employee or Member con-
18 cerned, and

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

21 “(5) For purposes of this subchapter, a decree, order,
22 agreement, or election referred to in paragraph (1) shall
23 not be effective, in the case of a former spouse (or former
24 domestic partner), to the extent that it is inconsistent with
25 any joint designation or waiver previously executed with

1 respect to such former spouse (or former domestic part-
 2 ner) under section 8339(j)(1) or a similar prior provision
 3 of law.

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

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

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

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

22 “(1) the death of the employee or Member was
 23 accidental; or

24 “(2) the surviving spouse (or surviving domestic
 25 partner) of such individual had been previously mar-

1 ried to (or in a domestic partnership with) the indi-
2 vidual that was subsequently dissolved (or termi-
3 nated), and the aggregate time married (or in a do-
4 mestic partnership) is at least 9 months.”; and

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

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

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

1 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
 2 **FICIARY; ORDER OF PRECEDENCE.**

3 Section 8342 is amended—

4 (1) in subsection (e)—

5 (A) by inserting “(or surviving partner)”

6 after “widow or widower”; and

7 (B) by striking “stepchild.” and inserting

8 “stepchild (or a child of a domestic partner

9 which child is not adopted by or otherwise a

10 child of the employee or Member).”; and

11 (2) in subsection (j)—

12 (A) in paragraph (1)(A), by inserting “(or

13 the domestic partner, if any)” after “the

14 spouse, if any”;

15 (B) by inserting “(or domestic partner)”

16 after “spouse” each place it appears; and

17 (C) by inserting “(or former domestic part-

18 ner)” after “former spouse” each place it ap-

19 pears.

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

21 Section 8342a is amended—

22 (1) in subsection (b)(2)—

23 (A) (in the material before subparagraph

24 (A)), by inserting “(or in a domestic partner-

25 ship)” after “married”; and

1 (B) in subparagraph (B), by inserting “(or
2 surviving domestic partner)” after “surviving
3 spouse”;

4 (2) in subsection (d)—

5 (A) in paragraph (1), by striking “mar-
6 ried,” each place it appears and inserting “mar-
7 ried (or in a domestic partnership),”; and

8 (B) in paragraph (2), by striking “former
9 spouse,” and inserting “former spouse (or
10 former domestic partner),”; and

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

13 **SEC. 208. ADMINISTRATION; REGULATIONS.**

14 Section 8347(n)(1)(D) is amended by striking “their
15 spouses, and their former spouses” and inserting “their
16 spouses (and domestic partners), and their former spouses
17 (and former domestic partners)”.

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

19 Section 8351(b)(5) is amended—

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

23 (2) in subparagraph (B), by striking “a married
24 employee or Member” and inserting “an employee or

1 Member who is married (or in a domestic partner-
2 ship)”; and

3 ~~(3)~~ in subparagraph (D), by inserting “(or do-
4 mestic partner or former domestic partner)” after
5 “spouse or former spouse”.

6 **TITLE III—FEDERAL EMPLOY-**
7 **EES’ RETIREMENT SYSTEM**
8 **Subtitle A—General Provisions**

9 **SEC. 301. DEFINITIONS.**

10 Section 8401 is amended—

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

13 (2) in paragraph (36), by striking the period at
14 the end and inserting a semicolon; and

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

16 “(37) ‘domestic partner’ and ‘domestic partner-
17 ship’ have the meanings given under section 2501;
18 and

19 “(38) ‘former domestic partner’ means a former
20 domestic partner of an individual—

21 “(A) if such individual performed at least
22 18 months of civilian service creditable under
23 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 **Subtitle B—Creditable Service**

5 **SEC. 311. CREDITABLE SERVICE.**

6 Section 8411 is amended—

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

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

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

14 **SEC. 312. SURVIVOR REDUCTION FOR A CURRENT SPOUSE** 15 **OR A CURRENT DOMESTIC PARTNER.**

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

17 (1) in the section heading, by inserting “(or
18 **domestic partner)**” after “**spouse**”;

19 (2) in subsection (a)—

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

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

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

3 (3) by striking subsection (b) and inserting the
4 following:

5 “(b)(1) Upon entry into a subsequent marriage (or
6 subsequent domestic partnership), a retired employee or
7 Member who was married (or in a domestic partnership)
8 at the time of retirement, including an employee or Mem-
9 ber whose annuity was not reduced to provide a survivor
10 annuity for the employee’s or Member’s spouse or former
11 spouse (or domestic partner or former domestic partner)
12 as of the time of retirement, may irrevocably elect during
13 such marriage (or domestic partnership), in a signed writ-
14 ing received by the Office—

15 “(A) within 2 years after such entry into a sub-
16 sequent marriage (or domestic partnership); or

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

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

23 “(ii) if there was more than 1 surviving
24 former spouse (or surviving former domestic
25 partner); the death of or entry into a subse-

1 quent marriage (or domestic partnership) by
2 the last such surviving former spouse (or sur-
3 viving former domestic partner),

4 a reduction in the employee's or Member's annuity
5 under section 8419(a) for the purpose of providing
6 an annuity for such employee's or Member's spouse
7 (or domestic partner) in the event such spouse (or
8 domestic partner) survives the employee or Member.

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

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

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

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

1 ~~“(4) Any election under this subsection made by an~~
 2 ~~employee or Member on behalf of an individual after the~~
 3 ~~retirement of such employee or Member shall not be effec-~~
 4 ~~tive if—~~

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

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

11 ~~(4) in subsection (c)—~~

12 ~~(A) by striking the matter before para-~~
 13 ~~graph (2) and inserting the following:~~

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

19 ~~“(A) within 2 years after such employee or~~
 20 ~~Member marries (or enters into a domestic partner-~~
 21 ~~ship); or~~

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

23 ~~“(i) the death of or entry into a subse-~~
 24 ~~quent remarriage (or entry into a subsequent~~
 25 ~~domestic partnership or a marriage by any~~

1 former domestic partner) by of any former
 2 spouse (or domestic partner) of such employee
 3 or Member who was entitled to a survivor annu-
 4 ity under section 8445;

5 “(ii) if more than 1 surviving former
 6 spouse (or surviving former domestic partner);
 7 the death of or entry into a subsequent mar-
 8 riage (or domestic partnership) by the last such
 9 surviving former spouse (or surviving former
 10 domestic partner);

11 a reduction in the current annuity of the retired em-
 12 ployee or Member, in accordance with section
 13 8419(a).”; and

14 (B) in paragraph (2), by striking “mar-
 15 riage.” and inserting “marriage (or domestic
 16 partnership).”; and

17 (5) in subsection (d)(1)—

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

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

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 23 The table of sections for chapter 84 of title 5, United
 24 States Code, is amended by striking the item relating to
 25 section 8416 and inserting the following:

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

1 **SEC. 313. SURVIVOR REDUCTION FOR A FORMER SPOUSE**
 2 **OR FORMER DOMESTIC PARTNER.**

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

4 (1) in the section heading, by inserting “**(or**
 5 **former domestic partner)**” after “**former**
 6 **spouse**”;

7 (2) in subsection (a), by inserting “(or a former
 8 domestic partner)” after “former spouse”; and

9 (3) in subsection (b)—

10 (A) in paragraph (1), by inserting “(or
 11 former domestic partner)” after “former
 12 spouse” each place it appears;

13 (B) by amending paragraph (2) to read as
 14 follows:

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

23 (C) in paragraph (3)—

24 (i) in subparagraph (A)(ii), by insert-
 25 ing “(or a surviving partner)” after “a
 26 widow or widower”; and

1 (ii) by amending subparagraph (B) to
2 read as follows:

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

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—

8 The table of sections for chapter 84 of title 5, United
9 States Code, is amended by striking the item relating to
10 section 8417 and inserting the following:

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

11 **SEC. 314. SURVIVOR ELECTIONS; DEPOSIT; OFFSETS.**

12 Section 8418(b) is amended—

13 (1) by inserting “(or domestic partnership)”
14 after “marriage”; and

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

17 **SEC. 315. SURVIVOR REDUCTIONS; COMPUTATION.**

18 Section 8419 is amended—

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

21 (2) by amending subsection (b) to read as fol-
22 lows:

23 “(b)(1) Any reduction in an annuity for the purpose
24 of providing a survivor annuity for the current spouse (or

1 current domestic partner) of a retired employee or Mem-
2 ber shall be terminated for each full month—

3 “(A) after the death of the spouse (or domestic
4 partner); or

5 “(B) after the dissolution of the spouse’s mar-
6 riage to (or the termination of the domestic part-
7 ner’s domestic partnership with) the employee or
8 Member, except that an appropriate reduction shall
9 be made thereafter if the spouse (or domestic part-
10 ner) is entitled, as a former spouse (or former do-
11 mestic partner), to a survivor annuity under section
12 8445.

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

23 “(A) another former spouse (or former domestic
24 partner) who is entitled to a survivor annuity under
25 section 8445;

1 “(B) a current spouse to whom the employee or
 2 Member was married (or a current domestic partner
 3 with whom the employee or Member was in a domes-
 4 tic partnership) at the time of retirement and with
 5 respect to whom a survivor annuity was not waived
 6 under section 8416(a) or, if waived, with respect to
 7 whom an election under section 8416(d) has been
 8 made; or

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

15 **SEC. 316. INSURABLE INTEREST REDUCTIONS.**

16 Section 8420 is amended—

17 (1) in subsection (b)(1)—

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

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

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

1 **SEC. 317. ALTERNATIVE FORMS OF ANNUITIES.**

2 Section 8420a is amended—

3 (1) in subsection (b)(2)—

4 (A) in the matter before subparagraph (A),
5 by inserting “(or in a domestic partnership)”
6 after “married”; and

7 (B) in subparagraph (B), by striking “sur-
8 viving spouse.” inserting “surviving spouse (or
9 surviving domestic partner).”;

10 (2) in subsection (d)—

11 (A) in paragraph (1), by striking “mar-
12 ried,” inserting “married (or in a domestic
13 partnership),” and

14 (B) in paragraph (2), by inserting “(or
15 former domestic partner)” after “former
16 spouse” each place it appears; and

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

19 **SEC. 318. LUMP-SUM BENEFITS; DESIGNATION OF BENE-
20 FICIARY; ORDER OF PRECEDENCE.**

21 Section 8424 is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A), by striking
25 “the spouse, if any, and any former
26 spouse” and inserting “any spouse or

1 former spouse (and any domestic partner
2 or former domestic partner)”; and

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

8 (B) in paragraph (2), by striking “spouse
9 or former spouse” each place it appears and in-
10 serting “spouse or former spouse (or domestic
11 partner or former domestic partner)”; and
12 (2) in subsection (d)—

13 (A) by striking “widow or widower” and
14 inserting “widow or widower (or surviving part-
15 ner)”; and

16 (B) by striking “stepchild.” and inserting
17 “stepchild (or a child of a domestic partner
18 which child is not adopted by or otherwise a
19 child of the employee or Member).”.

20 **Subtitle C—Thrift Savings Plan**

21 **SEC. 321. BENEFITS AND ELECTION OF BENEFITS.**

22 Section 8433(e) is amended by striking paragraph
23 (2) and inserting the following:

24 “(2) Notwithstanding section 8424(d), if an
25 employee, Member, former employee, or former

1 Member dies and has designated as sole or partial
2 beneficiary his or her spouse (or domestic partner)
3 at the time of death, or, if an employee, Member,
4 former employee, or former Member, dies with no
5 designated beneficiary and is survived by a spouse
6 (or domestic partner), the spouse (or domestic part-
7 ner) may maintain the portion of the employee's or
8 Member's account to which the spouse (or domestic
9 partner) is entitled in accordance with the following
10 terms:

11 “(A) Subject to the limitations of subpara-
12 graph (B), the spouse (or domestic partner)
13 shall have the same withdrawal options under
14 subsection (b) as the employee or Member were
15 the employee or Member living.

16 “(B) The spouse (or domestic partner)
17 may not make withdrawals under subsection (g)
18 or (h).

19 “(C) The spouse (or domestic partner)
20 may not make contributions or transfers to the
21 account.

22 “(D) The account shall be disbursed upon
23 the death of the surviving spouse (or surviving
24 domestic partner). A beneficiary or surviving
25 spouse (or surviving domestic partner) of a de-

1 ceased spouse (or domestic partner) who has in-
 2 herited an account is ineligible to maintain the
 3 inherited spousal account.”.

4 **SEC. 322. ANNUITIES: METHODS OF PAYMENT; ELECTION;**
 5 **PURCHASE.**

6 Section 8434(a)(2) is amended—

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

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

11 **SEC. 323. PROTECTIONS FOR SPOUSES, DOMESTIC PART-**
 12 **NERS, FORMER SPOUSES, AND FORMER DO-**
 13 **MESTIC PARTNERS.**

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

15 (1) in the section heading, by inserting “**(and**
 16 **domestic partners and former domestic**
 17 **partners)”** after “**spouses and former**
 18 **spouses”**;

19 (2) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking
 22 “A married employee or Member (or
 23 former employee or Member)” each place it
 24 appears and inserting “An employee or
 25 Member, or former employee or former

1 Member, who is married (or in a domestic
2 partnership)”; and

3 (ii) in subparagraph (B), by inserting
4 “(or domestic partner)” after “spouse”
5 each place it appears; and

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

9 (3) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) by inserting “(or surviving domes-
12 tic partner)” after “surviving spouse” each
13 place it appears; and

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

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

18 (4) in subsection (d)—

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

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

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

4 (D) in paragraph (3)(A), by inserting “(or
5 surviving domestic partner)” after “surviving
6 spouse”;

7 (5) in subsection (e)(1)—

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

10 “(e)(1)(A) A loan or withdrawal under subsection (g)
11 or (h) of section 8433 may be made to an employee or
12 Member who is married (or in a domestic partnership)
13 only if the employee’s or Member’s spouse (or domestic
14 partner) consents to such loan or withdrawal in writing.”;
15 and

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

19 (6) in subsection (g), by inserting “(or domestic
20 partner or former domestic partner)” after “spouse
21 or former spouse”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—

23 The table of sections for chapter 84 is amended by strik-
24 ing the item relating to section 8435 and inserting the
25 following:

“8435. Protections for spouses and former spouses (and domestic partners and former domestic partners).”.

1 **SEC. 324. JUSTICES AND JUDGES.**

2 Section 8440a(b)(6) is amended by inserting “(or do-
3 mestie partners)” after “spouses”.

4 **Subtitle D—Survivor Annuities**

5 **SEC. 331. DEFINITIONS.**

6 Section 8441 is amended—

7 (1) by redesignating paragraphs (3) and (4) as
8 paragraphs (4) and (5), respectively, and by insert-
9 ing after paragraph (2) the following:

10 “(3) the term ‘surviving partner’ means the
11 surviving domestic partner of an employee, Member,
12 or annuitant, or of a former employee or Member,
13 who—

14 “(A) was in a domestic partnership with
15 such employee, Member, or annuitant, or
16 former employee or Member, for at least 9
17 months immediately before the death of such
18 employee, Member, or annuitant, or former em-
19 ployee or Member; or

20 “(B) satisfies such other requirements,
21 based on parenthood and the domestic partner-
22 ship, as the Director of the Office of Personnel
23 Management shall by regulation prescribe based
24 on the definition of a widow or widower under

1 paragraphs ~~(1)(B)~~ and ~~(2)(B)~~ of this section;
2 and”;

3 ~~(2)~~ in paragraph ~~(5)~~ (as so redesignated by
4 paragraph ~~(1)~~)—

5 (A) in subparagraph (A)—

6 (i) by striking “an unmarried depend-
7 ent child” and inserting “a dependent child
8 who is unmarried (and not in a domestic
9 partnership)”;

10 (ii) in clause (ii), by striking “step-
11 child but only if the stepchild” and insert-
12 ing “stepchild (or child of the domestic
13 partner not adopted by or otherwise the
14 child of the employee or Member) but only
15 if the stepchild (or the child of the domes-
16 tic partner)”;

17 (iii) in clause (iv), by inserting “(or
18 surviving partner)” after “widow or wid-
19 ower”;

20 (B) in subparagraphs (B) and (C), by
21 striking “unmarried dependent child” each
22 place that term appears and inserting “depend-
23 ent child who is unmarried (and not in a do-
24 mestic partnership)”.

1 **SEC. 332. RIGHTS OF A WIDOW, WIDOWER, OR SURVIVING**
2 **PARTNER.**

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

4 (1) in the section heading, by inserting “~~(or~~
5 **surviving partner)” after “~~widow or wid-~~
6 **ower”;****

7 (2) in subsection (a)—

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

10 (B) by inserting “(or entry into a domestic
11 partnership)” after “marriage”; and

12 (C) by inserting “(or domestic partner)”
13 after “spouse” each place it appears;

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

17 (4) in subsection (c)—

18 (A) in the matter in paragraph (1) before
19 subparagraph (A) thereof, by inserting “(or a
20 surviving partner with whom in a domestic
21 partnership)” after “widow or widower to whom
22 married”; and

23 (B) by striking “widow or widower” each
24 place it appears (other than where amended by
25 subparagraph (A)) and inserting “widow or
26 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 domestic partnership) (or in the
7 case of a surviving partner, enters into a subse-
8 quent domestic partnership or marries)” after
9 “remarries”;

10 (C) in paragraph (2)—

11 (i) by striking “remarriage before”
12 and inserting “subsequent entry into a
13 marriage (or domestic partnership) be-
14 fore”;

15 (ii) by striking “remarriage is dis-
16 solved by death, divorce, or annulment,”
17 and inserting “subsequent marriage is dis-
18 solved by death, divorce, annulment (or
19 subsequent domestic partnership is termi-
20 nated),”; and

21 (iii) in subparagraph (A), by striking
22 “remarriage,” and inserting “subsequent
23 marriage (or domestic partnership),”; and

24 (D) in paragraph (3)—

1 (i) by striking “remarriage” and in-
2 serting “subsequent entry into a marriage
3 (or domestic partnership)”;

4 (ii) by inserting “(or in a domestic
5 partnership for at least 30 years with)”
6 after “married for at least 30 years to”;

7 (6) in subsection (c)—

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

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

12 (C) by amending paragraph (2) to read as
13 follows:

14 “(2) the surviving spouse of such individual had
15 been previously married to such individual and sub-
16 sequently divorced (or the surviving partner of such
17 individual had been previously in a domestic partner-
18 ship with such individual which domestic partnership
19 was subsequently terminated); and the aggregate
20 time married (or in a domestic partnership) is at
21 least 9 months.”;

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

25 (8) in subsection (h)—

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

4 (B) by inserting “(or former domestic
 5 partner)” after “former spouse” each place it
 6 appears.

7 (b) **TECHNICAL AND CONFORMING AMENDMENT.—**
 8 The table of sections for chapter 84 is amended by strik-
 9 ing the item relating to section 8442 and inserting the
 10 following:

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

11 **SEC. 333. RIGHTS OF A CHILD.**

12 Section 8443(b) is amended by striking subparagraph
 13 (E) and the matter following that subparagraph and in-
 14 serting the following:

15 “(E) dies or marries (or enters into a do-
 16 mestic partnership);

17 whichever occurs first. On the death of the surviving
 18 wife or husband (or surviving domestic partner), or
 19 former wife or husband (or former domestic part-
 20 ner), or termination of the annuity of a child, the
 21 annuity of any other child or children shall be re-
 22 computed and paid as though the wife or husband
 23 (or domestic partner), former wife or husband (or
 24 former domestic partner), or child had not survived
 25 the annuitant, employee, or Member. If the annuity

1 of a child under this subchapter terminates under
 2 subparagraph (E) because of marriage (or domestic
 3 partnership); then, if such marriage (or domestic
 4 partnership) ends, such annuity shall resume on the
 5 first day of the month in which it ends, but only if
 6 any lump sum paid is returned to the Fund, and
 7 that individual is not otherwise ineligible for such
 8 annuity.”.

9 **SEC. 334. RIGHTS OF A FORMER SPOUSE OR FORMER DO-**
 10 **MESTIC PARTNER.**

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

12 (1) in the section heading, by inserting “**(or**
 13 **former domestic partner)**” after “**former**
 14 **spouse**”;

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

17 (3) in subsection (b)—

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

21 (B) by inserting “(or surviving partner)”
 22 after “widow or widower”;

23 (4) in subsection (c)(2), by inserting “(or enters
 24 into a domestic partnership) (or the former domestic

1 partner enters into a subsequent domestic partner-
 2 ship or marries)” after “remarries”;

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

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

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

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

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 22 The table of sections for chapter 84 is amended by strik-
 23 ing the item relating to section 8445 and inserting the
 24 following:

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

1 **Subtitle E—General Administrative**
2 **Provisions**

3 **SEC. 341. AUTHORITY OF THE OFFICE OF PERSONNEL MAN-**
4 **AGEMENT.**

5 Section 8461(j)(1)(D) is amended by striking “such
6 employees, their spouses, their former spouses, and their
7 survivors” and inserting “such employees and their
8 spouses (and domestic partners), former spouses (and
9 former domestic partners), and survivors”.

10 **SEC. 342. COST-OF-LIVING ADJUSTMENTS.**

11 Section 8462(c) is amended—

12 (1) in paragraph (2), by striking “survivor
13 (other than a widow or widower whose annuity is
14 computed under section 8442(g) or a child under
15 section 8443)” and inserting the following: “sur-
16 vivor, other than a widow or widower (or surviving
17 partner) whose annuity is computed under section
18 8442(g) or a child under section 8443,”;

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

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

1 **Subtitle F—Federal Retirement**
 2 **Thrift Investment Management**
 3 **System**

4 **SEC. 351. FIDUCIARY RESPONSIBILITIES; LIABILITY AND**
 5 **PENALTIES.**

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

7 “(F) a spouse (or domestic partner), sib-
 8 ling, ancestor, lineal descendant, or spouse (or
 9 domestic partner) of a lineal descendant of a
 10 person described in subparagraph (A), (B), or
 11 (D).”

12 **TITLE IV—INSURANCE BENEFITS**

13 **SEC. 401. LIFE INSURANCE.**

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

15 (1) in section 8701(d)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A), by inserting

18 “(or domestic partner)” after “spouse”;

19 and

20 (ii) in subparagraph (B), by striking

21 “stepchild or foster child (but only if the

22 stepchild” and inserting “stepchild (or

23 child of the domestic partner of the indi-

24 vidual not adopted by or otherwise the

25 child of the individual) or foster child (but

1 only if the stepchild (or the child of the do-
2 mestic partner)”; and

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

4 “(3) For the purpose of this subsection, ‘domes-
5 tie partner’ has the meaning given under section
6 2501.”;

7 (2) in section 8705(a), by inserting “(or sur-
8 viving domestic partner)” after “widow or widower”;
9 and

10 (3) in section 8714e(b)(1)(A), by striking
11 “spouse;” and inserting “spouse (or domestic part-
12 ner);”.

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

17 **SEC. 402. HEALTH INSURANCE.**

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

19 (1) in paragraph (5)—

20 (A) in the matter before subparagraph

21 (A)—

22 (i) by inserting “(or domestic part-
23 ner)” after “spouse”; and

24 (ii) by striking “an unmarried de-
25 pendent child” and inserting “a dependent

1 child who is unmarried (and not in a do-
 2 mestic partnership) and is”;

3 ~~(B)~~ in subparagraph ~~(B)~~, by inserting “(or
 4 a child of the domestic partner not adopted by
 5 or otherwise the child of the employee or annu-
 6 itant)” after “stepchild”; and

7 ~~(C)~~ in the matter following subparagraph
 8 ~~(B)~~, by striking “an unmarried dependent child
 9 regardless of age” and inserting “a dependent
 10 child regardless of age who is unmarried (and
 11 not in a domestic partnership)”;

12 ~~(2)~~ in paragraph ~~(8)~~~~(B)~~, by striking “or former
 13 spouses,” and inserting “former spouses (or former
 14 domestic partners),”;

15 ~~(3)~~ in paragraph ~~(10)~~—

16 ~~(A)~~ in subparagraph ~~(A)~~, by inserting “(or
 17 entered into a domestic partnership)” after “re-
 18 married”; and

19 ~~(B)~~ by striking “and” at the end;

20 ~~(4)~~ by redesignating paragraph ~~(11)~~ as para-
 21 graph ~~(12)~~, and by inserting after paragraph ~~(10)~~
 22 the following:

23 “~~(11)~~ ‘former domestic partner’ means a former
 24 domestic partner of an employee, former employee,
 25 or annuitant—

1 “(A) who has not entered into another do-
2 mestic partnership (or married) before age 55
3 after the domestic partnership to the employee,
4 former employee, or annuitant was terminated;

5 “(B) who was enrolled in an approved
6 health benefits plan under this chapter as a
7 family member at any time during the 18-
8 month period before the date of the termination
9 of the domestic partnership to the employee,
10 former employee, or annuitant; and

11 “(C)(i) who is receiving any portion of a
12 survivor annuity under section 8341(h) or 8445
13 (or benefits similar to either of the aforemen-
14 tioned annuity benefits under a retirement sys-
15 tem for Government employees other than the
16 Civil Service Retirement System or the Federal
17 Employees’ Retirement System);

18 “(ii) for whom an election has been made
19 under section 8339(j)(3) or 8417(b) (or similar
20 provision of law); or

21 “(iii) who is otherwise entitled to an annu-
22 ity or any portion of an annuity as a former do-
23 mestic partner under a retirement system for
24 Government employees;

1 except that such term shall not include any
 2 such former domestic partner of a former em-
 3 ployee whose domestic partnership was termi-
 4 nated after the former employee's separation
 5 from the service (other than by retirement).”;

6 (5) by striking the period at the end of para-
 7 graph (12) (as redesignated) and inserting “; and”;
 8 and

9 (6) by adding at the end the following:

10 “(13) ‘domestic partner’ and ‘domestic partner-
 11 ship’ have the meanings given under section 2501.”.

12 (b) CONTRACTING AUTHORITY.—Section 8902 is
 13 amended in subsections (g), (j), and (k)(1), by striking
 14 “former spouse,” each place it appears and inserting
 15 “former spouse (or former domestic partner).”.

16 (c) DEBARMENT AND OTHER SANCTIONS.—Section
 17 8902a(a)(1)(B) is amended by inserting “(or former do-
 18 mestic partner)” after “or former spouse”.

19 (d) HEALTH BENEFITS PLANS.—Section 8903(1) is
 20 amended—

21 (1) by striking “former spouses,” and inserting
 22 “former spouses (or former domestic partners).”;
 23 and

24 (2) by striking “former spouse,” and inserting
 25 “former spouse (or former domestic partner).”.

1 (e) ELECTION OF COVERAGE.—Section 8905 is
2 amended—

3 (1) in subsection (e), by adding at the end the
4 following:

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

8 “(A) to former spouses and former domestic
9 partners; and

10 “(B) to the children of a marriage that has
11 been dissolved and the children of a domestic part-
12 nership that has been terminated.”;

13 (2) in subsection (e)—

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

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

19 (3) in subsections (f) and (g), by striking
20 “former spouse,” each place it appears and inserting
21 “former spouse (or former domestic partner),”.

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

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

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

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

9 (g) ~~COVERAGE OF RESTORED EMPLOYEES AND SUR-~~
10 ~~VIVOR OR DISABILITY ANNUITANTS.~~—Section 8908(b) is
11 amended by striking “remarriage and is later restored”
12 and inserting “having entered into a subsequent marriage
13 (or domestic partnership) and is later restored (or a sur-
14 viving domestic partner whose survivor annuity under this
15 title was terminated because of having entered into a sub-
16 sequent domestic partnership or a marriage and is later
17 restored)”.

18 (h) ~~EMPLOYEES HEALTH BENEFITS FUND.~~—Section
19 8909(d) is amended by striking “former spouse,” each
20 place it appears and inserting “former spouse (or former
21 domestic partner),”.

22 (i) ~~REGULATIONS.~~—Section 8913(e) is amended—

23 (1) by inserting “(and former domestic part-
24 ners)” after “and former spouses”; and

1 (2) by inserting “(or former domestic partner)”
2 after “or former spouse”.

3 (j) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply with respect to contract years be-
5 ginning after the end of the 6-month period beginning on
6 the date of the enactment of this Act.

7 **SEC. 403. ENHANCED DENTAL BENEFITS.**

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

9 (1) in section 8956(a)—

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

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

15 (2) in section 8957, by striking “surviving
16 spouse,” and inserting “surviving spouse (or sur-
17 viving domestic partner),”.

18 (b) **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. 404. ENHANCED VISION BENEFITS.**

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

24 (1) in section 8986(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 8987, by striking “surviving
7 spouse,” and inserting “surviving spouse (or sur-
8 viving domestic partner),”.

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

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

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

15 (1) in section 9001(5), by redesignating sub-
16 paragraph (D) as subparagraph (E) and by insert-
17 ing after subparagraph (C) the following:

18 “(D)(i) a domestic partner (as that term is
19 defined in section 2501) of an individual de-
20 scribed in paragraph (1), (2), (3), or (4);

21 “(ii) a child of a domestic partner referred
22 to in clause (i), if such child is at least 18 years
23 of age; and

1 “(iii) a parent of a domestic partner of an
 2 individual referred to in paragraph (1) or (3).”;
 3 and
 4 (2) in section 9002(e)(2)—

5 (A) in the heading, by striking “SPOUSAL
 6 PARITY” and inserting the following: “PARITY
 7 FOR SPOUSE (OR DOMESTIC PARTNER)”;

8 (B) by inserting “(or domestic partner)”
 9 after “spouse”.

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

14 **TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE**

16 **SEC. 501. REIMBURSEMENT FOR TAXES INCURRED ON** 17 **MONEY RECEIVED FOR TRAVEL EXPENSES.**

18 (a) IN GENERAL.—Section 5706e is amended—

19 (1) in subsection (a), by striking “(if filing
 20 jointly),” and inserting “(if filing jointly) (or by an
 21 employee and such employee’s domestic partner (as
 22 that term is defined under section 2501), if joint fil-
 23 ing is allowed and they file jointly),”;

24 (2) in subsection (b), by striking “employee and
 25 spouse, as the case may be,” and inserting “em-

1 ployee and spouse (or domestic partner), as the case
2 may be”.

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

7 **SEC. 502. DEFINITION.**

8 Section 5721 is amended—

9 (1) in paragraph (6), by striking “and” at the
10 end;

11 (2) in paragraph (7), by striking the period and
12 inserting “; and”; and

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

14 “(8) ‘domestic partner’ has the meaning given
15 under section 2501.”.

16 **SEC. 503. RELOCATION EXPENSES OF EMPLOYEES TRANS-**
17 **FERRED OR REEMPLOYED.**

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

21 (b) **EFFECTIVE DATE.**—The amendment made by
22 this section shall apply with respect to expenses incurred
23 after the end of the 6-month period beginning on the date
24 of the enactment of this Act.

1 **SEC. 504. TAXES ON REIMBURSEMENTS FOR TRAVEL,**
2 **TRANSPORTATION, AND RELOCATION EX-**
3 **PENSES OF EMPLOYEES TRANSFERRED.**

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

5 (1) in subsection (a), by striking “(if filing
6 jointly),” and inserting “by an employee and such
7 employee’s spouse (or, where allowable, such employ-
8 ee’s domestic partner), if filing jointly,”; and

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

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

17 **SEC. 505. RELOCATION EXPENSES OF AN EMPLOYEE WHO**
18 **IS PERFORMING AN EXTENDED ASSIGNMENT.**

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

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

1 **SEC. 506. TRANSPORTATION OF FAMILY MEMBERS INCI-**
 2 **DENT TO REPATRIATION OF EMPLOYEES**
 3 **HELD CAPTIVE.**

4 Section 5760(e) is amended by striking the period at
 5 the end and inserting “; and includes the domestic partner
 6 (as defined under section 2501) of an employee described
 7 in subsection (b).”.

8 **SEC. 507. REGULATIONS TO INCLUDE DOMESTIC PART-**
 9 **NERS.**

10 (a) **IN GENERAL.**—Chapter 57 is amended by adding
 11 after section 5761 the following:

12 **“§ 5762. Regulations to include domestic partners**

13 “Regulations prescribed under, or to administer pro-
 14 visions of, this chapter shall include a domestic partner
 15 (as defined under section 2501) within the meaning of the
 16 terms ‘immediate family’ and ‘dependent’.”.

17 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
 18 The table of sections for chapter 57 is amended by adding
 19 after the item relating to section 5761 the following:

“5762. Regulations to include domestic partners.”.

20 **TITLE VI—COMPENSATION FOR**
 21 **WORK INJURIES**

22 **SEC. 601. DEFINITIONS.**

23 Section 8101 is amended—

24 (1) in paragraph (8), by striking “married
 25 brothers or married sisters;” and inserting “any

1 brother or sister who is married (or is in a domestic
2 partnership);”;

3 (2) in paragraph (9)—

4 (A) by inserting “(or children of the em-
5 ployee’s domestic partner not adopted by or
6 otherwise the children of the employee)” after
7 “stepchildren”; and

8 (B) by striking “married children” and in-
9 serting “any child who is married (or in a do-
10 mestic partnership)”;

11 (3) in paragraph (18), by striking “and” at the
12 end;

13 (4) in paragraph (19), by striking “and” at the
14 end;

15 (5) in paragraph (20), by striking the period
16 and inserting a semicolon; and

17 (6) by adding at the end the following:

18 “(21) ‘domestic partner’ means an individual
19 who is in a domestic partnership with another indi-
20 vidual, as determined by the Secretary of Labor for
21 purposes of this subchapter under regulations issued
22 by the Secretary, in consultation with the Director
23 of the Office of Personnel Management—

24 “(A) who are of the same sex;

1 “(B) at least 1 of whom is an employee or
2 an individual otherwise eligible for coverage
3 under this subchapter (or any application or ex-
4 tension thereof) based on such individual’s em-
5 ployment or other service;

6 “(C)(i) who are in a committed domestic-
7 partnership relationship with each other satis-
8 fying the conditions in clauses (ii), (iii), and (iv)
9 and intend to remain so indefinitely;

10 “(ii) who have a common residence and in-
11 tend to continue to do so (or would have a com-
12 mon residence, but are prevented from doing so
13 because of such reasons as an assignment
14 abroad or other employment-related factors, fi-
15 nancial considerations, family responsibilities or
16 other such reasons);

17 “(iii) who share responsibility for a signifi-
18 cant measure of each other’s welfare and finan-
19 cial obligations; and

20 “(iv) neither of whom is married to or in
21 a domestic partnership with anyone except each
22 other;

23 “(D) who are at least 18 years of age and
24 mentally competent to consent to a contract;
25 and

1 “(E) who are not related to each other by
 2 blood in a way that would prohibit legal mar-
 3 riage between individuals otherwise eligible to
 4 marry in the jurisdiction (or, if applicable, in
 5 any jurisdiction) in which the individuals have
 6 a common residence; and

7 “(22) ‘surviving partner’ means the domestic
 8 partner in a domestic partnership with the decedent
 9 at the time of his or her death.”.

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

13 Section 8102a(d) is amended—

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

17 (2) in paragraph (2)(C), by inserting “(or chil-
 18 dren of the employee’s domestic partner not adopted
 19 by or otherwise the children of the employee)” after
 20 “stepchildren”.

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

23 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)—

15 (A) by striking “an unmarried child” and
 16 inserting “a child who is unmarried (and not in
 17 a domestic partnership)”; and

18 (B) by striking “and” at the end;

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

21 (3) by inserting after paragraph (4) the fol-
 22 lowing:

23 “(5) a domestic partner, if—

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

1 “(B) he or she is receiving regular con-
2 tributions from the employee for his or her sup-
3 port; or

4 “(C) the employee has been ordered by a
5 court to contribute to his or her support.”; and

6 (4) in the last sentence, by striking “he mar-
7 ries.” and inserting “he marries (or enters into a do-
8 mestic partnership).”.

9 **SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSA-**
10 **TION.**

11 Section 8116(e) is amended by striking “spouse,”
12 and inserting “spouse (or domestic partner).”.

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

14 Section 8133 is amended—

15 (1) in subsection (a)—

16 (A) in paragraphs (1) and (2), by striking
17 “the widow or widower,” and inserting “the
18 widow or widower (or the surviving partner).”;

19 and

20 (B) in paragraph (2), by inserting “(or the
21 surviving partner)” after “for the widow or wid-
22 ower”;

23 (C) in paragraph (3), by striking “no
24 widow or widower,” and inserting “no widow or
25 widower (and no surviving partner).”; and

1 (D) in paragraphs (4) and (5), by striking
2 “widower,” and inserting “widower (or sur-
3 viving partner),” each place it appears; and
4 (2) in subsection (b)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) a widow or widower dies or remarries (or
8 enters into a domestic partnership) (or a surviving
9 partner dies or enters into a subsequent domestic
10 partnership or marries) before reaching age 55;”
11 and

12 (B) in paragraphs (2) and (3), by striking
13 “marries,” each place that term appears and
14 inserting “marries (or enters into a domestic
15 partnership),”; and

16 (C) in the matter following paragraph
17 (3)—

18 (i) in the first sentence, by striking
19 “marries.” and inserting “marries (or en-
20 ters into a domestic partnership).”; and

21 (ii) in the second sentence, by insert-
22 ing “(or domestic partner) (or a surviving
23 partner who has entitlements to benefits
24 under this title derived from more than 1

1 domestic partner or spouse)” after “hus-
 2 band or wife”.

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

4 Section 8135 is amended—

5 (1) in subsection (a), by inserting “(or sur-
 6 viving partner)” after “widow or widower”; and

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

9 “(b) A widow or widower on remarriage (or on entry
 10 into a domestic partnership) before reaching age 55 (or
 11 a surviving partner on entry into a subsequent domestic
 12 partnership or on marriage before age 55) who is entitled
 13 to compensation under section 8133 of this title, shall be
 14 paid a lump sum equal to 24 times the monthly compensa-
 15 tion payment (excluding compensation on account of an-
 16 other individual) to which that individual was entitled im-
 17 mediately before the remarriage (or entry into a domestic
 18 partnership) (or, in the case of a surviving partner, imme-
 19 diately before entry into the subsequent domestic partner-
 20 ship or the marriage).”.

21 **SEC. 608. EMPLOYEES OF NONAPPROPRIATED FUND IN-**
 22 **STRUMENTALITIES.**

23 (a) IN GENERAL.—Section 8171 is amended by add-
 24 ing at the end the following:

25 “(c)(1) For the purpose of this section—

1 “(A) the term ‘domestic partner’ means an in-
2 dividual who is in a domestic partnership with an-
3 other individual, as determined by the Secretary of
4 Labor for purposes of this subchapter under regula-
5 tions issued by the Secretary, in consultation with
6 the Director of the Office of Personnel Manage-
7 ment—

8 “(i) who are of the same sex;

9 “(ii) at least 1 of whom is an employee or
10 an individual otherwise eligible for coverage
11 under this subchapter (or any application or ex-
12 tension thereof) based on such individual’s em-
13 ployment or other service;

14 “(iii)(I) who are in a committed domestic-
15 partnership relationship with each other satis-
16 fying the conditions in subclauses (II), (III),
17 and (IV) and intend to remain so indefinitely;

18 “(II) who have a common residence and
19 intend to continue to do so (or would have a
20 common residence, but are prevented from
21 doing so because of such reasons as an assign-
22 ment abroad or other employment-related fac-
23 tors, financial considerations, family responsibil-
24 ities or other such reasons);

1 “(III) who share responsibility for a sig-
2 nificant measure of each other’s welfare and fi-
3 nancial obligations; and

4 “(IV) neither of whom is married to or in
5 a domestic partnership with anyone except each
6 other;

7 “(iv) who are at least 18 years of age and
8 mentally competent to consent to a contract;
9 and

10 “(v) who are not related to each other by
11 blood in a way that would prohibit legal mar-
12 riage between individuals otherwise eligible to
13 marry in the jurisdiction (or, if applicable, in
14 any jurisdiction) in which the individuals have
15 a common residence; and

16 “(B) the term ‘surviving partner’ means the de-
17 cedent’s domestic partner at the time of his or her
18 death.

19 “(2) In the application of the Longshore and Harbor
20 Workers’ Compensation Act under this subchapter—

21 “(A) section 2(14) of that Act shall apply as
22 though—

23 “(i) ‘(or child of the domestic partner of
24 an employee or volunteer referred to in section

1 8171(a) of title 5, United States Code) were
2 inserted after ‘stepchild’; and

3 “(ii) ‘(or children in domestic partner-
4 ships)’ were inserted after ‘married children’
5 and ‘(or brothers or sisters in domestic partner-
6 ships)’ were inserted after ‘married sisters’;

7 “(B) in section 8(d)(1) of that Act—

8 “(i) subparagraphs (A), (C), and (D) shall
9 apply as though ‘(or surviving partner)’ were
10 inserted after ‘widow or widower’ each place it
11 appears; and

12 “(ii) subparagraph (D) shall apply as
13 though ‘wife, husband,’ were struck and ‘wife or
14 husband (or domestic partner)’ were inserted;
15 and

16 “(C) in section 9 of that Act—

17 “(i) subsection (b) shall apply as though
18 the portion of the first sentence up to and in-
19 cluding the sixth comma reads as follows: ‘If
20 there be a widow or widower (or surviving part-
21 ner) and no child of the deceased, to such
22 widow or widower (or surviving partner) 50 per
23 centum of the average wages of the deceased,
24 during widowhood, or dependent widowerhood
25 (or during the life of the surviving partner, as

1 the case may be), with 2 years' compensation in
2 1 sum upon remarriage (or entry into a domes-
3 tic partnership) of such widow or widower (or
4 entry into another domestic partnership or mar-
5 riage of such surviving partner); and if there be
6 a surviving child or children of the deceased,
7 the additional amount of 16²/₃ per centum of
8 such wages for each such child; in case of the
9 death or remarriage (or entry into a domestic
10 partnership) of such widow or widower (or
11 entry into another domestic partnership or a
12 marriage of such surviving partner)';

13 “(ii) subsection (c) shall apply as though
14 the portion of the subsection up to and includ-
15 ing the fourth comma reads as follows: ‘If there
16 be 1 surviving child of the deceased, but no
17 widow or widower (or surviving partner), then
18 for the support of such child 50 per centum of
19 the wages of the deceased; and if there be more
20 than 1 surviving child of the deceased, but no
21 widow or dependent husband (or surviving part-
22 ner)';

23 “(iii) subsection (d) shall apply as
24 though—

1 “(I) the portion of the first sentence
2 up through the word ‘children’ reads as
3 follows: ‘If there be no surviving wife or
4 husband (or surviving domestic partner) or
5 child, or if the amount payable to a sur-
6 viving wife or husband (or surviving do-
7 mestic partner) and to children’; and

8 “(II) the second sentence reads as fol-
9 lows: ‘But in no case shall the aggregate
10 amount payable under this subsection ex-
11 ceed the difference between 66 $\frac{2}{3}$ per cen-
12 tum of such wages and the amount payable
13 as hereinbefore provided to widow or wid-
14 ower (or surviving partner) and for the
15 support of surviving child or children.’;

16 “(iv) subsection (g) shall apply as though
17 the term ‘(or surviving domestic partner)’ were
18 inserted after ‘surviving wife’ each place it ap-
19 pears; and

20 “(v) section 31(b)(2)(C) shall apply as
21 though the term ‘(or domestic partner)’ were
22 inserted after ‘spouse.’”.

23 (b) EXCLUSIVE LIABILITY.—Section 8173 is amend-
24 ed by striking “spouse,” and inserting “spouse (or domes-
25 tie partner),”.

1 **SEC. 609. EFFECTIVE DATE.**

2 (a) **IN GENERAL.**—Subject to succeeding provisions
3 of this section, this title and the amendments made by
4 this title—

5 (1) shall take effect on the date of enactment
6 of this Act; and

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

10 (b) **TIMELY CLAIM REQUIRED; LIMITATION ON PAY-**
11 **MENTS.**—No compensation shall be payable, by virtue of
12 the enactment of this title—

13 (1) unless timely claim therefor is filed in ac-
14 cordance with the provisions of section 8122 or 8193
15 of title 5, United States Code (as applicable), and
16 subsection (e); or

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

19 (c) **ALLOWABILITY OF CLAIMS.**—In the case of an
20 original claim for compensation for a disability or death
21 that occurred before the date of enactment of this Act
22 (and which would not otherwise be payable, but for the
23 enactment of the amendments made by this title)—

24 (1) such claim shall not be allowed if, as of
25 such date of enactment, a claim based on such dis-
26 ability or death would no longer be timely (deter-

1 mined in accordance with such section ~~8122~~ or ~~8193~~
2 (as applicable), before the application of paragraph
3 ~~(2)~~; and

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

6 ~~(A)~~ by applying the provisions of such sec-
7 tion ~~8122~~ or ~~8193~~ (as applicable); and

8 ~~(B)~~ as if the time limitations of such sec-
9 tion ~~8122~~ or ~~8193~~ (as applicable) did not begin
10 to run until the date on which the provisions of
11 section ~~2502(a)~~ of title ~~5~~, United States Code
12 (as added by section ~~101~~ of this Act) become
13 effective.

14 ~~(d) PAYMENTS FOR PRIOR PERIODS NOT AF-~~
15 ~~FFECTED.—~~No recovery shall be made of compensation
16 paid to any individual whose entitlement to compensation
17 is terminated or reduced as a result of the enactment of
18 this title.

1 **TITLE VII—EMPLOYEE LEAVE;**
 2 **DEATH OR CAPTIVITY COM-**
 3 **PENSATION; OTHER EM-**
 4 **PLOYEE BENEFITS**

5 **SEC. 701. VOLUNTARY TRANSFERS OF LEAVE; VOLUNTARY**
 6 **LEAVE BANK PROGRAM.**

7 (a) VOLUNTARY TRANSFERS OF LEAVE.—Section
 8 ~~6333~~ is amended by adding at the end the following:

9 “(d) Regulations to carry out this section shall in-
 10 clude provisions to ensure that, in the administration of
 11 this section, a domestic partner (as that term is defined
 12 in section 2501) shall be afforded the same status as a
 13 spouse.”.

14 (b) VOLUNTARY LEAVE BANK PROGRAM.—Section
 15 ~~6362~~ is amended—

16 (1) by inserting “(a)” before “Notwith-
 17 standing”; and

18 (2) by adding at the end the following:

19 “(b) The established program under this section shall
 20 include provisions to ensure that, in the administration of
 21 this section, a domestic partner (as that term is defined
 22 in section 2501) shall be afforded the same status as a
 23 spouse.”.

24 **SEC. 702. FAMILY AND MEDICAL LEAVE.**

25 (a) IN GENERAL.—

1 (1) DEFINITION.—Section 6381 is amended—

2 (A) in paragraph (6), in the matter before
3 subparagraph (A), by striking “parentis,” and
4 inserting “parentis (or a biological, adopted, or
5 foster child of the domestic partner of the em-
6 ployee),”;

7 (B) in paragraph (11), by striking “and”
8 at the end;

9 (C) in paragraph (12), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (D) by adding after paragraph (12) the
12 following:

13 “(13) the term ‘domestic partner’ has the
14 meaning given under section 2501.”.

15 (2) LEAVE REQUIREMENT.—Section 6382 is
16 amended by striking “spouse,” each place that term
17 appears and inserting “spouse (or domestic part-
18 ner),”.

19 (3) CERTIFICATION.—Section 6383 is amended
20 in subsections (a) and (b)(4)(A) by striking
21 “spouse,” each place it appears and inserting
22 “spouse (or domestic partner),”.

23 (b) CONGRESSIONAL ACCOUNTABILITY.—Section 202
24 of the Congressional Accountability Act of 1995 (2 U.S.C.
25 1312) is amended by adding at the end the following:

1 “(f) COVERAGE OF EMPLOYEES WITH DOMESTIC
2 PARTNERS.—

3 “(1) DEFINITION OF DOMESTIC PARTNER.—In
4 this subsection, the term ‘domestic partner’ has the
5 meaning given under section 2501 of title 5, United
6 States Code.

7 “(2) APPLICATION TO COVERED EMPLOYEES.—
8 In the application of the Family and Medical Leave
9 Act of 1993 (29 U.S.C. 2601 et seq.) under sub-
10 section (a)(1) as to a covered employee who has a
11 domestic partner—

12 “(A) sections 102 through 105 of that Act
13 shall apply as though ‘domestic partner’ were
14 inserted after ‘spouse’ each place it appears in
15 those sections;

16 “(B) section 101(12) of that Act shall
17 apply as though a child of the domestic partner
18 of a covered employee, which child meets the
19 conditions of subparagraphs (A) and (B) of
20 that section, were included in the term ‘son or
21 daughter’ as defined in that section; and

22 “(C) if the covered employee and the do-
23 mestic partner of the covered employee are em-
24 ployed by the same employing office, the limit
25 on the aggregate number of workweeks of leave

1 to which both may be entitled, as stated in sec-
2 tion 102(f) of that Act, shall apply.

3 ~~“(3) APPLICATION TO EMPLOYEES OF THE~~
4 ~~GOVERNMENT ACCOUNTABILITY OFFICE.—~~In the ap-
5 plication of the Family and Medical Leave Act of
6 1993 (29 U.S.C. 2601 et seq.) as to an employee of
7 the Government Accountability Office who has a do-
8 mestic partner—

9 “(A) sections 102 through 105 of that Act
10 shall apply as though ‘domestic partner’ were
11 inserted after ‘spouse’ each place it appears in
12 those sections;

13 “(B) section 101(12) of that Act shall
14 apply as though a child of the domestic partner
15 of the employee, which child meets the condi-
16 tions of subparagraphs (A) and (B) of that sec-
17 tion, were included in the term ‘son or daugh-
18 ter’ as defined in that section; and

19 “(C) in any case in which the employee
20 and the domestic partner of the employee are
21 both employed by the Government Account-
22 ability Office, the limit on the aggregate num-
23 ber of workweeks of leave to which both may be
24 entitled, as stated in section 102(f) of that Act,
25 shall apply.”.

1 ~~(e) PRESIDENTIAL AND EXECUTIVE OFFICE AC-~~
 2 ~~COUNTABILITY.—Section 412 of title 3, United States~~
 3 ~~Code, is amended by adding at the end the following:~~

4 ~~“(e) COVERAGE OF EMPLOYEES WITH DOMESTIC~~
 5 ~~PARTNERS.—~~

6 ~~“(1) DEFINITION OF DOMESTIC PARTNER.—In~~
 7 ~~this subsection, the term ‘domestic partner’ has the~~
 8 ~~meaning given under section 2501 of title 5.~~

9 ~~“(2) APPLICATION TO COVERED EMPLOYEES.—~~
 10 ~~In the application of the Family and Medical Leave~~
 11 ~~Act of 1993 (29 U.S.C. 2601 et seq.) under sub-~~
 12 ~~section (a)(1) as to a covered employee who has a~~
 13 ~~domestic partner—~~

14 ~~“(A) sections 102 through 105 of that Act~~
 15 ~~shall apply as though ‘domestic partner’ were~~
 16 ~~inserted after ‘spouse’ each place it appears in~~
 17 ~~those sections;~~

18 ~~“(B) section 101(12) of that Act shall~~
 19 ~~apply as though a child of the domestic partner~~
 20 ~~of a covered employee, which child meets the~~
 21 ~~conditions of subparagraphs (A) and (B) of~~
 22 ~~that section, shall be deemed to be included in~~
 23 ~~the term ‘son or daughter’ as defined in that~~
 24 ~~section; and~~

1 “(C) if the covered employee and the do-
 2 mestic partner of the covered employee are em-
 3 ployed by the same employing office, the limit
 4 on the aggregate number of workweeks of leave
 5 to which both may be entitled, as stated in sec-
 6 tion 102(f) of that Act, shall apply.”.

7 **SEC. 703. SETTLEMENT OF ACCOUNTS.**

8 Section 5582(b) is amended by inserting “(or sur-
 9 viving domestic partner (as defined under section 2501))”
 10 after “widow or widower”.

11 **SEC. 704. PAYMENTS TO MISSING EMPLOYEES.**

12 (a) **DEFINITIONS.**—Section 5561 is amended—

13 (1) in paragraph (3)—

14 (A) in subparagraph (A), by striking
 15 “wife” and inserting “spouse (or domestic part-
 16 ner)”; and

17 (B) by striking subparagraph (B) and in-
 18 serting—

19 “(B) a child, including a dependent adopt-
 20 ed child (or a dependent child of a domestic
 21 partner not adopted by or otherwise the child of
 22 the employee), who is—

23 “(i) unmarried (and not in a domestic
 24 partnership); and

25 “(ii) under 21 years of age;”;

1 (2) in paragraph (5)(E), by striking “and” at
2 the end;

3 (3) in paragraph (6)(F), by striking the period
4 at the end and inserting “; and”; and

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

6 “(7) ‘domestic partner’ and ‘domestic partner-
7 ship’ have the meanings given under section 2501.”.

8 (b) **BENEFITS FOR CAPTIVES.**—Section 5569 is
9 amended by inserting “(or domestic partner)” after
10 “spouse” each place it appears.

11 **SEC. 705. COMPENSATION FOR DISABILITY OR DEATH.**

12 Section 5570(a)(2)(B) is amended by striking
13 “household.” and inserting “household (including a do-
14 mestic partner (as defined in section 2501) of the em-
15 ployee).”.

16 **SEC. 706. ANNUITY OF THE COMPTROLLER GENERAL.**

17 (a) **DEFINITIONS.**—Section 771 of title 31, United
18 States Code, is amended—

19 (1) in the matter preceding paragraph (1), by
20 striking “subchapter—” and inserting “sub-
21 chapter.”;

22 (2) in paragraph (1)—

23 (A) by inserting “The term” after “(1)”;
24 and

1 (B) by inserting “(or the child of a report-
2 ing Comptroller General’s domestic partner not
3 adopted by or otherwise the child of the Comp-
4 troller General)” after “including a stepchild”;
5 and

6 (3) by striking paragraphs (2) and (3) and in-
7 serting the following:

8 “(2) The terms ‘domestic partner’ and ‘domes-
9 tie partnership’ have the meanings given under sec-
10 tion 2501 of title 5.

11 “(3) The term ‘surviving spouse’ means a sur-
12 viving spouse of an individual who was a Comp-
13 troller General or retired Comptroller General and
14 the spouse—

15 “(A) was married to the individual for at
16 least 1 year immediately before the individual
17 died; or

18 “(B) has not remarried (or entered into a
19 domestic partnership) before age 55 and is the
20 parent of issue by the marriage.

21 “(4) The term ‘surviving partner’ means a sur-
22 viving domestic partner of an individual who was a
23 Comptroller General or retired Comptroller General
24 and the domestic partner—

1 “(A) was in a domestic partnership for at
2 least 1 year immediately before the individual
3 died; or

4 “(B)(i) has not entered into a subsequent
5 domestic partnership or married before age 55;
6 and

7 “(ii) satisfies other requirements, related
8 to parenthood and the domestic partnership,
9 prescribed by the Director of the Office of Per-
10 sonnel Management by regulation under sec-
11 tions 8341(3)(b) and 8441(3)(B) of title 5, as
12 determined and applied by the General Counsel
13 of the Government Accountability Office on the
14 basis of those regulations.

15 “(5) Service as a Comptroller General equals
16 the number of years and complete months an indi-
17 vidual is Comptroller General.”.

18 (b) ELECTION OF SURVIVOR BENEFITS.—Section
19 773 of title 31, United States Code, is amended—

20 (1) in subsection (b)(2)(B), by inserting “(or
21 domestic partner’s)” after “surviving spouse’s”;

22 (2) in subsection (c), by inserting “(or surviving
23 domestic partner)” after “surviving spouse”; and

24 (3) in subsection (d), by inserting “(or domestic
25 partner)” before the period.

1 (e) SURVIVOR ANNUITIES.—Section 774 of title 31,
2 United States Code, is amended—

3 (1) in subsection (e)—

4 (A) by striking paragraph (1) and insert-
5 ing the following:

6 “~~(1) only by a spouse (or domestic partner), the~~
7 ~~surviving spouse (or surviving domestic partner)~~
8 ~~shall receive an annuity computed under subsection~~
9 ~~(d) of this section beginning on the death of the~~
10 ~~Comptroller General or retired Comptroller General~~
11 ~~or when the spouse (or domestic partner) is 50 years~~
12 ~~of age, whichever is later;”;~~

13 (B) in paragraph (2), by striking “by a
14 spouse and a dependent child, the surviving
15 spouse” and inserting “by a spouse (or domes-
16 tic partner) and a dependent child, the sur-
17 viving spouse (or surviving domestic partner)”;

18 and

19 (C) in paragraph (3)(A), by inserting “(or
20 surviving domestic partner)” after “surviving
21 spouse”;

22 (2) in subsection (d), by inserting “(or sur-
23 viving domestic partner)” after “surviving spouse”;

24 (3) in subsection (e)—

1 (A) by inserting “(or surviving domestic
2 partner’s)” after “A surviving spouse’s”;

3 (B) by inserting “(or surviving domestic
4 partner’s)” after “a surviving spouse’s”; and

5 (C) by inserting “(or domestic partner)”
6 after “unless the spouse”.

7 (d) REFUNDS.—Section 775 of title 31, United
8 States Code, is amended—

9 (1) in subsection (d)(2), by inserting “(or sur-
10 viving domestic partner)” after “surviving spouse”;
11 and

12 (2) in subsection (e), by inserting “(or surviving
13 domestic partner)” after “surviving spouse”.

14 (e) PAYMENT OF SURVIVOR BENEFITS.—Section
15 776(b) of title 31, United States Code, is amended—

16 (1) in paragraph (1), by striking “A surviving
17 spouse’s annuity ends when the spouse remarries”
18 and inserting “A surviving spouse’s (or surviving do-
19 mestic partner’s) annuity ends when the spouse re-
20 marries (or enters into a domestic partnership) (or
21 when the surviving domestic partner enters into an-
22 other domestic partnership or marries)”;

23 (2) in paragraph (2), by striking “marries, or
24 dies, whichever is earliest. However, if a child is not
25 self-supporting because of a physical or mental dis-

1 ability, an annuity ends when the child recovers,
 2 marries” and inserting “marries (or enters into a
 3 domestic partnership), or dies, whichever is earliest.
 4 However, if a child is not self-supporting because of
 5 a physical or mental disability, an annuity ends
 6 when the child recovers, marries (or enters into a
 7 domestic partnership)”; and

8 (3) in paragraph (3), by inserting “(or sur-
 9 viving domestic partner)” after “a surviving
 10 spouse”.

11 (f) ANNUITY INCREASES.—Section 777(b) of title 31,
 12 United States Code, is amended by inserting “(or sur-
 13 viving domestic partner’s)” after “A surviving spouse’s”.

14 **TITLE VIII—ETHICS IN GOVERN-**
 15 **MENT, CONFLICTS OF INTER-**
 16 **EST, EMPLOYMENT OF REL-**
 17 **ATIVES, GIFTS, AND EM-**
 18 **PLOYEE CONDUCT**

19 **SEC. 801. ETHICS IN GOVERNMENT ACT OF 1978.**

20 (a) CONTENTS OF REPORTS.—Section 102 of the
 21 Ethics in Government Act of 1978 (5 U.S.C. App.) is
 22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (2)(A), by inserting “(or
2 the domestic partner or a parent, child, or sib-
3 ling of the domestic partner)” after “relative”;

4 (B) in paragraph (3), by striking “spouse,
5 or by a parent, brother, sister, or child of the
6 reporting individual or of the reporting individ-
7 ual’s spouse,” and inserting “spouse (or domes-
8 tic partner), or by a parent, brother, sister, or
9 child of the reporting individual or of the re-
10 porting individual’s spouse (or of the reporting
11 individual’s domestic partner),”;

12 (C) in paragraph (4)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “spouse, or a par-
15 ent, brother, sister, or child of the report-
16 ing individual or of the reporting individ-
17 ual’s spouse,” and inserting “spouse (or
18 domestic partner), or a parent, brother,
19 sister, or child of the reporting individual
20 or of the reporting individual’s spouse (or
21 of the reporting individual’s domestic part-
22 ner),”; and

23 (ii) in subparagraph (A), by inserting
24 “(or domestic partner)” after “spouse”;
25 and

- 1 (D) in paragraph (5), by inserting “(or do-
2 mestic partner)” after “spouse” each place that
3 term appears;
- 4 (2) in subsection (c)—
- 5 (A) in paragraph (1)—
- 6 (i) in the matter preceding subpara-
7 graph (A) and subparagraphs (A), (B),
8 (C), and (D) by inserting “(or domestic
9 partner)” after “spouse” each place that
10 term appears;
- 11 (ii) in subparagraph (E), by inserting
12 “(or domestic partner’s)” after “spouse’s”;
- 13 (iii) in subparagraph (F)—
- 14 (I) by inserting “(and domestic
15 partners)” after “spouses”; and
- 16 (II) by inserting “(or domestic
17 partner)” after “spouse”; and
- 18 (iv) in the matter following subpara-
19 graph (F), by inserting “(or domestic part-
20 ner)” after “spouse”; and
- 21 (B) in paragraph (2), by inserting “(or the
22 termination of the reporting individual’s domes-
23 tic partnership)” after “his spouse”; and

1 (2) in subsection (f), by inserting “(or domestic
2 partner)” after “spouse” each place that term ap-
3 pears.

4 (b) DEFINITIONS RELATING TO FINANCIAL DISCLO-
5 SURE.—

6 (1) IN GENERAL.—Section 109 of the Ethics in
7 Government Act of 1978 (5 U.S.C. App.) is amend-
8 ed—

9 (A) in paragraph (2)—

10 (i) in the matter preceding subpara-
11 graph (A), by inserting “(or who is a son
12 or daughter of the reporting individual’s
13 domestic partner)” after “stepdaughter”;

14 (ii) in subparagraph (A), by striking
15 “unmarried” and inserting “not married
16 (and not in a domestic partnership)”; and

17 (iii) in subparagraph (B), by inserting
18 “(or, in the case of a son or daughter of
19 the reporting individual’s domestic partner,
20 would be a dependent within the meaning
21 of such section if the requirements of sub-
22 sections (c)(1)(A) and (d)(1)(A) of such
23 section were disregarded)” before the semi-
24 colon;

1 (B) by redesignating paragraphs (4)
2 through (19) as paragraphs (5) through (20),
3 respectively; and

4 (C) by inserting after paragraph (3) the
5 following:

6 “(4) ‘domestic partner’ and ‘domestic partner-
7 ship’ have the meanings given under section 2501 of
8 title 5, United States Code.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENTS.—

11 (A) ETHICS IN GOVERNMENT ACT OF
12 1978.—The Ethics in Government Act of 1978
13 (5 U.S.C. App.) is amended—

14 (i) in section 101(f)—

15 (I) in paragraph (9), by striking
16 “section 109(12)” and inserting “sec-
17 tion 109(13)”;

18 (II) in paragraph (10), by strik-
19 ing “section 109(13)” and inserting
20 “section 109(14)”;

21 (III) in paragraph (11), by strik-
22 ing “section 109(10)” and inserting
23 “section 109(11)”; and

1 (IV) in paragraph (12), by strik-
 2 ing “section 109(8)” and inserting
 3 “section 109(9)”; and

4 (ii) in section 105(b)(3)(A), by strik-
 5 ing “section 109(8) or 109(10)” and in-
 6 serting “section 109(9) or (11)”.

7 (B) OTHER PROVISIONS.—

8 (i) LOBBYING DISCLOSURE ACT OF
 9 1995.—Section 3(4)(D) of the Lobbying
 10 Disclosure Act of 1995 (2 U.S.C.
 11 1602(4)(D)) is amended by striking “sec-
 12 tion 109(13)” and inserting “section
 13 109(14)”.

14 (ii) PUBLIC HEALTH SERVICE ACT.—
 15 Section 499(j)(2) of the Public Health
 16 Service Act (42 U.S.C. 290b(j)(2)) is
 17 amended by striking “section 109(16)”
 18 and inserting “section 109(17)”.

19 (c) OUTSIDE EARNED INCOME LIMITATION.—Sec-
 20 tion 501(e) of the Ethics in Government Act of 1978 (5
 21 U.S.C. App.) is amended by striking “spouse, child, or de-
 22 pendent relative of such individual” and inserting “spouse
 23 (or domestic partner), child, or dependent relative of such
 24 individual (or child, sibling, or parent of such individual’s

1 domestic partner, which child, sibling, or parent is a de-
 2 pendent of such individual)”.
 3

4 (d) DEFINITIONS RELATING TO OUTSIDE EARNED
 5 INCOME AND EMPLOYMENT.—Section 505 of the Ethics
 6 in Government Act of 1978 (5 U.S.C. App.) is amended—

7 (1) in paragraph (3), by inserting “(or the indi-
 8 vidual’s domestic partner, or a parent, child, or sib-
 9 ling of the individual’s domestic partner)” after “rel-
 10 ative”; and

11 (2) in paragraph (4), by inserting “(or the do-
 12 mestic partner, or a parent, child, or sibling of the
 13 domestic partner)” after “relative”.

14 **SEC. 802. CONFLICTS OF INTEREST.**

15 (a) COMPENSATION TO MEMBERS OF CONGRESS, OF-
 16 FICERS, AND OTHERS IN MATTERS AFFECTING THE GOV-
 17 ERNMENT.—Section 203(d) of title 18, United States
 18 Code, is amended in the matter preceding paragraph (1)
 19 by inserting “(or domestic partner, as that term is defined
 20 in section 2501 of title 5)” after “spouse”.

21 (b) ACTIVITIES OF OFFICERS AND EMPLOYEES IN
 22 CLAIMS AGAINST AND OTHER MATTERS AFFECTING THE
 23 GOVERNMENT.—Section 205(e) of title 18, United States
 24 Code, is amended in the matter preceding paragraph (1)
 25 by inserting “(or domestic partner, as that term is defined
 in section 2501 of title 5)” after “spouse”.

1 (e) ACTS AFFECTING A PERSONAL FINANCIAL IN-
 2 INTEREST.—Section 208(a) of title 18, United States Code,
 3 is amended by inserting “(or domestic partner, as that
 4 term is defined in section 2501 of title 5)” after “spouse”.

5 **SEC. 803. EMPLOYMENT OF RELATIVES, RESTRICTIONS.**

6 Section 3110 is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (2), by striking “and” at
 9 the end;

10 (B) in paragraph (3), by striking the pe-
 11 riod and inserting “; and”; and

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

13 “(4) ‘domestic partner’ has the meaning given
 14 under section 2501.”; and

15 (2) in subsection (b), by inserting “The restric-
 16 tions in this subsection shall apply also to a public
 17 official with respect to any individual, and to any in-
 18 dividual with respect to a public official, if the indi-
 19 vidual is the public official’s domestic partner; is a
 20 parent, child, or sibling of the public official’s do-
 21 mestic partner; or is the domestic partner of a child,
 22 parent, or sibling of the public official.” at the end.

23 **SEC. 804. RECEIPT AND DISPOSITION OF FOREIGN GIFTS**
 24 **AND DECORATIONS.**

25 Section 7342(a)(1) is amended—

1 (1) in paragraph (1)(G), by inserting “(or do-
2 mestic partner)” after “spouse” each place it ap-
3 pears;

4 (2) in paragraph (5), by striking “and” at the
5 end;

6 (3) in paragraph (6), by striking the period at
7 the end and inserting “; and”; and

8 (4) by adding at the end the following:

9 “(7) ‘domestic partner’ has the same meaning
10 given under section 2501.”.

11 **SEC. 805. REGULATION OF CONDUCT; GIFTS.**

12 (a) **IN GENERAL.**—Regulations under section 7301
13 of title 5, United States Code, shall be modified by the
14 President, and regulations under sections 7351 and 7353
15 of that title shall be modified by the Office of Government
16 Ethics, so as to provide that any benefits and obligations
17 applicable to married employees and their spouses shall
18 also apply to employees in domestic partnerships and their
19 domestic partners.

20 (b) **DEFINITION.**—In this section, the term “domestic
21 partner” has the meaning given under section 2501 of title
22 5, United States Code.

1 **SEC. 806. ACCEPTANCE OF TRAVEL ASSISTANCE FROM**
 2 **NON-FEDERAL SOURCES.**

3 Section ~~1353(a)~~ of title ~~31~~, United States Code, is
 4 amended by inserting “(or domestic partner (as defined
 5 under section ~~2501~~ of title ~~5~~))” after “spouse”.

6 **SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF**
 7 **CONTENTS.**

8 (a) *SHORT TITLE.*—*This Act may be cited as the “Do-*
 9 *mestic Partnership Benefits and Obligations Act of 2012”.*

10 (b) *REFERENCES.*—*Except as otherwise expressly pro-*
 11 *vided, whenever in this Act an amendment or repeal is ex-*
 12 *pressed in terms of an amendment to, or a repeal of, a sec-*
 13 *tion or other provision, the reference shall be considered to*
 14 *be made to a section or other provision of title 5, United*
 15 *States Code.*

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

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

Sec. 2. Purpose.

**TITLE I—ESTABLISHMENT AND TERMINATION OF DOMESTIC
 PARTNERSHIPS; OTHER GENERAL PROVISIONS**

Sec. 101. Federal employees in domestic partnerships.

Sec. 102. Guidance and educational materials.

*Sec. 103. Review of programs under which employment benefits and obligations
 are established.*

Sec. 104. Effective date.

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

Subtitle A—General Provisions

- Sec. 301. Definitions.*

Subtitle B—Creditable Service

- Sec. 311. Creditable service.*
Sec. 312. Survivor reduction for a current spouse or a current domestic partner.
Sec. 313. Survivor reduction for a former spouse or former domestic partner.
Sec. 314. Survivor elections; deposit; offsets.
Sec. 315. Survivor reductions; computation.
Sec. 316. Insurable interest reductions.
Sec. 317. Alternative forms of annuities.
Sec. 318. Lump-sum benefits; designation of beneficiary; order of precedence.

Subtitle C—Thrift Savings Plan

- Sec. 321. Benefits and election of benefits.*
Sec. 322. Annuities: methods of payment; election; purchase.
Sec. 323. Protections for spouses, domestic partners, former spouses, and former domestic partners.
Sec. 324. Justices and judges.

Subtitle D—Survivor Annuities

- Sec. 331. Definitions.*
Sec. 332. Rights of a widow, widower, or surviving partner.
Sec. 333. Rights of a child.
Sec. 334. Rights of a former spouse or former domestic partner.

Subtitle E—General Administrative Provisions

- Sec. 341. Authority of the Office of Personnel Management.*
Sec. 342. Cost-of-living adjustments.

Subtitle F—Federal Retirement Thrift Investment Management System

- Sec. 351. 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. Definition.
Sec. 503. Relocation expenses of employees transferred or reemployed.

- Sec. 504. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.*
- Sec. 505. Relocation expenses of an employee who is performing an extended assignment.*
- Sec. 506. Transportation of family members incident to repatriation of employees held captive.*
- Sec. 507. Regulations to include domestic partners.*

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. Employees of nonappropriated fund instrumentalities.*
- Sec. 609. Effective date.*

**TITLE VII—EMPLOYEE LEAVE; DEATH OR CAPTIVITY
COMPENSATION; OTHER EMPLOYEE BENEFITS**

- Sec. 701. Voluntary transfers of leave; Voluntary Leave Bank Program.*
- Sec. 702. Family and medical leave.*
- Sec. 703. Settlement of accounts.*
- Sec. 704. Payments to missing employees.*
- Sec. 705. Annuity of the Comptroller General.*

**TITLE VIII—ETHICS IN GOVERNMENT, CONFLICTS OF INTEREST,
EMPLOYMENT OF RELATIVES, GIFTS, AND EMPLOYEE CONDUCT**

- Sec. 801. Ethics in Government Act of 1978.*
- Sec. 802. Conflicts of interest.*
- Sec. 803. Employment of relatives, restrictions.*
- Sec. 804. Receipt and disposition of foreign gifts and decorations.*
- Sec. 805. Regulation of conduct; gifts.*
- Sec. 806. Acceptance of travel assistance from non-Federal sources.*

1 SEC. 2. PURPOSE.

2 *The purpose of this Act is to apply employment bene-*
 3 *fits and obligations to Federal employees in same-sex do-*
 4 *mestic partnerships and to their domestic partners that are*
 5 *the same as the employment benefits and obligations that*
 6 *apply under existing statutes to married Federal employees*
 7 *and to their spouses.*

1 **TITLE I—ESTABLISHMENT AND**
 2 **TERMINATION OF DOMESTIC**
 3 **PARTNERSHIPS; OTHER GEN-**
 4 **ERAL PROVISIONS**

5 **SEC. 101. FEDERAL EMPLOYEES IN DOMESTIC PARTNER-**
 6 **SHIPS.**

7 (a) *IN GENERAL.*—Subpart A of part III is amended
 8 by inserting after section 2305 the following:

9 **“CHAPTER 25—FEDERAL EMPLOYEES IN**
 10 **DOMESTIC PARTNERSHIPS**

“Sec.

“2501. Definitions.

“2502. Establishment and termination of domestic partnerships.

11 **“§ 2501. Definitions**

12 “In this chapter—

13 “(1) the term ‘annuitant’ means—

14 “(A) an annuitant as defined under section
 15 8331, 8401, or 8901(3)(A); and

16 “(B) as determined under regulations pre-
 17 scribed by the President or a designee of the
 18 President, any other individual who is entitled
 19 to benefits (based on the service of such indi-
 20 vidual) under a retirement system for employees
 21 of the Government;

22 “(2) the term ‘Director’ means the Director of the
 23 Office of Personnel Management;

1 “(3) the term ‘domestic partner’ means either of
2 the individuals in a domestic partnership;

3 “(4) the term ‘domestic partnership’ means a re-
4 lationship between 2 individuals of the same sex, at
5 least 1 of whom is an employee, former employee, or
6 annuitant, that has been established under section
7 2502(a) and not terminated under section 2502(b);
8 and

9 “(5) the term ‘employee’ means—

10 “(A) an employee as defined under section
11 2105, including an employee referred to in sub-
12 section (c) or (e) of that section;

13 “(B) a Member of Congress;

14 “(C) the President;

15 “(D) an individual who is an employee, as
16 defined under section 8331, 8401, 8701, 8901, or
17 9001; or

18 “(E) any other individual who is employed
19 by the Government and is included within this
20 definition under regulations prescribed by the
21 President or a designee of the President.

22 **“§2502. Establishment and termination of domestic**
23 **partnerships**

24 “(a) *ESTABLISHMENT OF DOMESTIC PARTNERSHIP.*—

1 “(1) *An employee, former employee, or annu-*
2 *itant and another individual (who may also be an*
3 *employee, former employee, or annuitant) may estab-*
4 *lish a domestic partnership as provided in this sec-*
5 *tion for the purposes of the provisions of law to which*
6 *this chapter applies.*

7 “(2) *To establish a domestic partnership, the 2*
8 *individuals referred to in paragraph (1) shall jointly*
9 *execute, and the employee, former employee, or annu-*
10 *itant shall file, an affidavit in such form and filed in*
11 *such manner as the Director shall by regulation pre-*
12 *scribe.*

13 “(3) *By the affidavit referred to in paragraph*
14 *(2), each of the individuals shall attest to the fol-*
15 *lowing:*

16 “(A)(i) *The individuals are of the same sex;*

17 *and*

18 “(ii) *the individual who files the affidavit is*
19 *an employee, former employee, or annuitant.*

20 “(B)(i) *The individuals are in a committed*
21 *domestic-partnership relationship with each*
22 *other satisfying the conditions in clauses (ii),*
23 *(iii), and (iv) and intend to remain so indefi-*
24 *nitely.*

1 “(ii) *The individuals have a common resi-*
2 *dence and intend to continue to do so (or would*
3 *have a common residence, but are prevented from*
4 *doing so because of an assignment abroad or*
5 *other employment-related factors, financial con-*
6 *siderations, family responsibilities, or other*
7 *similar reason (which shall be specifically identi-*
8 *fied in the affidavit)).*

9 “(iii) *The individuals share responsibility*
10 *for a significant measure of each other’s welfare*
11 *and financial obligations.*

12 “(iv) *Neither individual is married to or in*
13 *a domestic partnership with anyone except each*
14 *other.*

15 “(C) *Each individual is at least 18 years of*
16 *age and mentally competent to consent to a con-*
17 *tract.*

18 “(D) *The individuals are not related to each*
19 *other by blood in a way that would prohibit*
20 *legal marriage between individuals otherwise eli-*
21 *gible to marry in the jurisdiction (or, if applica-*
22 *ble, in any jurisdiction) in which the individuals*
23 *have a common residence.*

24 “(E) *Each of the individuals understands*
25 *that—*

1 “(i) as a domestic partner, each indi-
2 vidual not only gains certain benefits, but
3 also assumes certain obligations, as set forth
4 in the provision of law to which this chap-
5 ter applies, the violation of which may lead
6 to disciplinary action against an employee
7 and to criminal and other penalties;

8 “(ii) either or both of the domestic
9 partners are required to file notification
10 under subsection (b)(2) terminating the do-
11 mestic partnership within 30 days after
12 any condition under clause (ii), (iii), or
13 (iv) of subparagraph (B) ceases to be satis-
14 fied, and, if 1 domestic partner dies, the
15 other is required to file a notification under
16 subsection (b)(3) within 30 days after the
17 death; and

18 “(iii) willful falsification of informa-
19 tion in the affidavit, or willful failure to
20 file notification as required under sub-
21 section (b)(2) or (3), may lead to recovery
22 of amounts obtained as a result of such fal-
23 sification or failure, disciplinary action
24 against an employee, and criminal or other
25 penalties.

1 “(b) *TERMINATION OF DOMESTIC PARTNERSHIP.*—

2 “(1) *A domestic partnership is terminated*
3 *upon—*

4 “(A) *the death of either domestic partner;*

5 “(B) *the filing of a notification under para-*
6 *graph (2) by either or both domestic partners; or*

7 “(C) *the satisfaction of such other condi-*
8 *tions as the Director may by regulation pre-*
9 *scribe.*

10 “(2)(A) *If any condition referred to under clause*
11 *(ii), (iii), or (iv) of subsection (a)(3)(B) ceases to be*
12 *satisfied, either or both of the domestic partners shall,*
13 *within 30 days after the condition ceases to be satis-*
14 *fied, execute and file a notification, in such form and*
15 *in such manner as prescribed by the Director in regu-*
16 *lation, stating that the condition is no longer satisfied*
17 *and that the domestic partnership is terminated.*

18 “(B) *Each domestic partner has a duty that the*
19 *notification under subparagraph (A) be timely filed,*
20 *but the duty of 1 domestic partner shall be satisfied*
21 *if the other domestic partner timely executes and files*
22 *the required notification.*

23 “(C) *The Director shall promulgate regulations*
24 *establishing the criteria for determining when any*

1 *condition referred to under clause (ii), (iii), or (iv)*
2 *of subsection (a)(2)(B) ceases to be satisfied.*

3 “(3) *When one domestic partner dies, the other*
4 *domestic partner shall, within 30 days after the*
5 *death, execute and file a notification of the death, in*
6 *such form and in such manner as prescribed by the*
7 *Director in regulation.*

8 “(c) *EFFECTIVENESS OF THE FILING OF AN AFFI-*
9 *DAVIT.—*

10 “(1) *The filing of an affidavit under subsection*
11 *(a)(2) shall not be effective for purposes of this section*
12 *unless the filing individual is an employee, former*
13 *employee, or annuitant as of the time of the filing.*

14 “(2) *No individual shall, for purposes of the pro-*
15 *visions of law to which this chapter applies, be treat-*
16 *ed as being in a domestic partnership—*

17 “(A) *unless an affidavit has been filed in*
18 *accordance with this section and with regula-*
19 *tions prescribed by the Director; or*

20 “(B) *after the earlier of—*

21 “(i) *the date of the death of either indi-*
22 *vidual; or*

23 “(ii) *the date as of which the domestic*
24 *partnership is otherwise terminated, as de-*

1 *terminated under regulations prescribed by*
2 *the Director.*

3 “(d) *ADDITIONAL NOTIFICATIONS TO GOVERNMENT*
4 *EMPLOYER.—A domestic partner employed by an entity of*
5 *the United States shall provide such notifications to the em-*
6 *ploying entity of the formation, existence, or termination*
7 *of the domestic partnership, in addition to the filings re-*
8 *quired under subsections (a) and (b), as may be required,*
9 *and in such form and in such manner as prescribed, by*
10 *the Director in regulation.*

11 “(e) *APPLICABILITY.—*

12 “(1) *This section applies for purposes of the pro-*
13 *visions of this title (excluding chapter 81).*

14 “(2) *Two individuals determined under section*
15 *8101(21) or 8171(e)(1)(A) to be domestic partners for*
16 *purposes of chapter 81 shall be deemed to be domestic*
17 *partners in a domestic partnership, as defined under*
18 *section 2501, for purposes of any provision of law to*
19 *which that definition applies.*

20 “(3) *Under regulations prescribed by the Presi-*
21 *dent, the Secretary of Labor shall inform the Director*
22 *of any individuals determined under section 8101(21)*
23 *or 8171(e)(1)(A) to be domestic partners.*

24 “(f) *REGULATIONS.—The Director shall issue regula-*
25 *tions to carry out subsection (a) through (d).”.*

1 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 2 *table of chapters for part III of title 5, United States Code,*
 3 *is amended by inserting after the item relating to chapter*
 4 *23 the following:*

 “25. *Federal Employees in Domestic Partnerships* 2501”.

5 **SEC. 102. GUIDANCE AND EDUCATIONAL MATERIALS.**

6 (a) *IN GENERAL.*—*The officers and agencies that have*
 7 *authority to develop and issue guidance and educational*
 8 *materials with respect to benefits and obligations estab-*
 9 *lished under the amendments made by this Act and the*
 10 *measures taken under section 103 shall issue the mate-*
 11 *rials—*

12 (1) *in accordance with subsection (c); and*

13 (2) *if in the executive branch, under the coordi-*
 14 *nation of the Director of the Office of Personnel Man-*
 15 *agement.*

16 (b) *OFFICE OF PERSONNEL MANAGEMENT.*—*The Di-*
 17 *rector of the Office of Personnel Management shall, to the*
 18 *greatest extent practicable—*

19 (1) *compile the materials referred to under sub-*
 20 *section (a);*

21 (2) *prepare and issue guidance and educational*
 22 *materials with respect to benefits and obligations*
 23 *available to domestic partners of certain Secret Serv-*
 24 *ice and Park Police Officers who are covered under*
 25 *the DC Police Officers’ and Firefighters’ Retirement*

1 *Plan, and include that guidance documentation in*
 2 *the compilation under paragraph (1); and*

3 *(3) ensure that such materials are readily avail-*
 4 *able to employees and their domestic partners, both in*
 5 *print form and by publicly accessible website.*

6 *(c) TIMELINESS.—To the maximum extent practicable,*
 7 *the materials shall be—*

8 *(1) prepared and made readily available not*
 9 *later than 30 days before the effective date of this Act;*
 10 *and*

11 *(2) updated as necessary.*

12 *(d) EFFECTIVE DATE.—This section shall take effect*
 13 *on the date of enactment of this Act.*

14 **SEC. 103. REVIEW OF PROGRAMS UNDER WHICH EMPLOY-**
 15 **MENT BENEFITS AND OBLIGATIONS ARE ES-**
 16 **TABLISHED.**

17 *(a) DEFINITIONS.—In this section—*

18 *(1) the term “benefit” includes any right, power,*
 19 *privilege, immunity, or protection, whether sub-*
 20 *stantive, procedural, remedial, or otherwise;*

21 *(2) the term “domestic partner” means either of*
 22 *the individuals in a domestic partnership;*

23 *(3) the term “domestic partnership” means a re-*
 24 *lationship between 2 individuals—*

25 *(A) who are of the same sex;*

1 (B) at least 1 of whom is an employee;

2 (C)(i) who are in a committed domestic-
3 partnership relationship with each other satis-
4 fying the conditions in clauses (ii), (iii), and
5 (iv) and intend to remain so indefinitely;

6 (ii) who have a common residence and in-
7 tend to continue to do so (or would have a com-
8 mon residence, but are prevented from doing so
9 because of such reasons as an assignment abroad
10 or other employment-related factors, financial
11 considerations, family responsibilities, or other
12 such reasons);

13 (iii) who share responsibility for a signifi-
14 cant measure of each other's welfare and finan-
15 cial obligations; and

16 (iv) neither of whom is married to or in a
17 domestic partnership with anyone except each
18 other;

19 (D) each of whom are at least 18 years of
20 age and mentally competent to consent to a con-
21 tract; and

22 (E) who are not related to each other by
23 blood in a way that would prohibit legal mar-
24 riage between individuals otherwise eligible to
25 marry in the jurisdiction (or, if applicable, in

1 *any jurisdiction) in which the individuals have*
2 *a common residence; and*

3 (4) *the term “employee” means—*

4 (A) *an employee as defined under section*
5 *2501 of title 5, United States Code, as added by*
6 *section 101 of this Act;*

7 (B) *a member of the commissioned corps of*
8 *the Public Health Service or of the commissioned*
9 *corps of the National Oceanic and Atmospheric*
10 *Administration; or*

11 (C) *any other individual performing per-*
12 *sonal service to the Government (including an*
13 *instrumentality wholly owned by the United*
14 *States), whether for pay, for nominal pay, or as*
15 *a volunteer, who is not performing such service*
16 *as an employee of any employer other than the*
17 *Government or as a member of the Armed*
18 *Forces; and*

19 (5) *the term “obligation” includes any duty, dis-*
20 *ability, or liability, whether substantive, procedural,*
21 *remedial, or otherwise.*

22 (b) *REVIEWS, ADDITIONAL MEASURES, RECOMMENDA-*
23 *TIONS, AND REPORTS TO CONGRESS.—Not later than 180*
24 *days after the date of enactment of this Act, and not less*

1 *frequently than once every 2 years thereafter, the President*
2 *and designees of the President shall—*

3 (1) *conduct a review of the employment benefits*
4 *and of the employment obligations applied to married*
5 *employees and their spouses to determine what au-*
6 *thority exists for the President and designees of the*
7 *President to apply such benefits and obligations to*
8 *employees who have domestic partners and the domes-*
9 *tic partners of those employees;*

10 (2) *include within the review under paragraph*
11 *(1) all employment benefits and obligations under*
12 *regulations prescribed by the President or a designee*
13 *of the President, or promulgated by the head of any*
14 *agency or department of the executive branch;*

15 (3) *take any additional measures that can be*
16 *taken, to the greatest extent practicable and consistent*
17 *with law, to apply such benefits and obligations to*
18 *employees with domestic partners and the domestic*
19 *partners of those employees;*

20 (4) *develop recommendations for any legislation*
21 *to further apply such benefits and obligations to em-*
22 *ployees with domestic partners and the domestic part-*
23 *ners of those employees; and*

1 (5) *submit a report to Congress summarizing the*
 2 *review, determinations, and recommendations under*
 3 *paragraphs (1), (2), (3), and (4).*

4 (c) *EFFECTIVE DATE.*—*This section shall take effect*
 5 *on the date of enactment of this Act.*

6 **SEC. 104. EFFECTIVE DATE.**

7 (a) *IN GENERAL.*—*Except as otherwise specifically*
 8 *provided, this Act and amendments made by this Act shall*
 9 *take effect 180 days after the date of enactment of this Act.*

10 (b) *APPLICATION TO CURRENT AND FUTURE EMPLOY-*
 11 *EES.*—*An employee, former employee, or annuitant shall*
 12 *be eligible to establish a domestic partnership by filing an*
 13 *affidavit under section 2502(a)(2) of title 5, United States*
 14 *Code, as added by section 101 of this Act, only if the em-*
 15 *ployee, former employee, or annuitant is or has been em-*
 16 *ployed as an employee on or after the effective date of this*
 17 *Act.*

18 **TITLE II—CIVIL SERVICE**

19 **RETIREMENT SYSTEM**

20 **SEC. 201. DEFINITIONS.**

21 *Section 8331 is amended—*

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

24 (2) *in paragraph (31), by striking the period*
 25 *and inserting a semicolon; and*

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

2 “(32) ‘domestic partner’ and ‘domestic partner-
3 ship’ have the meanings given under section 2501;
4 and

5 “(33) ‘former domestic partner’ means a former
6 domestic partner of an individual—

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

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

13 **SEC. 202. CREDITABLE SERVICE.**

14 Section 8332 is amended—

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

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

21 **SEC. 203. COMPUTATION OF ANNUITY.**

22 Section 8339 is amended—

23 (1) in subsection (j)—

24 (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 ap-
8 pears;

9 (B) in paragraph (2), by inserting “(or
10 former domestic partner)” after “former spouse”
11 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 spouse”
16 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 a*
4 *current domestic partner), subject to the*
5 *provisions of this paragraph relating to*
6 *consent of a current spouse (or of a current*
7 *domestic partner), if the retired employee or*
8 *Member is then married (or in a domestic*
9 *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 Mem-*
15 *ber 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 Mem-*
21 *ber,*

22 *except that an appropriate reduction shall be made there-*
23 *after if the spouse (or domestic partner) is entitled, as a*
24 *former spouse (or former domestic partner), to a survivor*
25 *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 enters into a domestic partnership) (or
6 the former domestic partner enters into a subsequent domes-
7 tic partnership or marries) before reaching age 55 or dies.
8 This reduction shall be replaced by an appropriate reduc-
9 tion or reductions under paragraph (4) if the retired em-
10 ployee or Member has (i) another former spouse (or another
11 former domestic partner) who is entitled to a survivor an-
12 nuity under section 8341(h), (ii) a current spouse to whom
13 the employee or Member was married (or a current domestic
14 partner with whom the employee or Member was in a do-
15 mestic partnership) at the time of retirement and with re-
16 spect to whom a survivor annuity was not jointly waived
17 under paragraph (1), or (iii) a current spouse whom the
18 employee or Member married (or a current domestic part-
19 ner with whom the employee or Member entered into domes-
20 tic partnership) after retirement and with respect to whom
21 an election has been made under subparagraph (C) or sub-
22 section (k)(2).

23 “(C)(i) Upon entry into a subsequent marriage (or do-
24 mestic partnership), a retired employee or Member who was
25 married (or in a domestic partnership) at the time of retire-

1 *ment, including an employee or Member whose annuity was*
2 *not reduced to provide a survivor annuity for the employee's*
3 *or Member's spouse or former spouse (or domestic partner*
4 *or former domestic partner) as of the time of retirement,*
5 *may irrevocably elect during such marriage (or domestic*
6 *partnership), in a signed writing received by the Office—*

7 *“(I) within 2 years after such entry into a subse-*
8 *quent marriage (or domestic partnership); or*

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

10 *“(aa) the death of or entry into a subse-*
11 *quent marriage (or domestic partnership) by any*
12 *former spouse (or former domestic partner) of*
13 *such employee or Member who was entitled to a*
14 *survivor annuity under section 8341(h); or*

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

21 *a reduction in the employee's or Member's annuity*
22 *under paragraph (4) for the purpose of providing an*
23 *annuity for such employee's or Member's spouse (or*
24 *domestic partner) in the event such spouse (or domes-*
25 *tic partner) survives 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 of
4 the subsequent marriage (or entry into the subsequent do-
5 mestic partnership), and the retired employee or Member
6 shall deposit in the Fund an amount determined by the Of-
7 fice of Personnel Management, as nearly as may be admin-
8 istratively 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 of
11 retirement or, if later, the date the previous reduction in
12 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 of
15 interest for each year during which an annuity would have
16 been reduced if the election had been in effect on and after
17 the applicable date referred to in such sentence shall be 6
18 percent.

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

1 to pay deposits required by the provisions of this paragraph
2 or paragraph (3) shall not exceed 25 percent of the annuity
3 computed under subsections (a) through (i), (n), (q), and
4 (r), including adjustments under section 8340. The reduc-
5 tion required by this clause, which shall be effective on the
6 same date as the election under clause (i), shall be perma-
7 nent and unaffected by any future dissolution of the mar-
8 riage (or termination of the domestic partnership). Such
9 reduction shall be independent of and in addition to the
10 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 mar-
16 ried to (or if such domestic partner was in a domestic part-
17 nership with) the employee or Member at the time of such
18 employee’s or Member’s retirement, and all rights to sur-
19 vivor benefits for such spouse (or domestic partner) under
20 this subchapter based on marriage (or domestic partner-
21 ship) to such employee or Member were then waived under
22 paragraph (1) or a similar prior provision of law.

23 “(v) An election to provide a survivor annuity to a
24 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) becomes
16 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)”; and

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 who
8 later marries (or enters into a domestic partnership), may
9 irrevocably elect, in a signed writing received in the Of-
10 fice—

11 “(i) within 2 years after such employee or Mem-
12 ber marries (or enters into a domestic partnership);
13 or

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

15 “(I) the death of, or entry into a subsequent
16 marriage (or domestic partnership) by, any
17 former spouse (or former domestic partner) of
18 such employee or Member who was entitled to a
19 survivor annuity under section 8341(h); or

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

1 *a reduction in the retired employee or Member's current an-*
 2 *nuity 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 fol-*
 18 *lowing 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 ‘surviving
5 partner’ have the respective meanings given them
6 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 “of
10 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 fol-
4 lowing:

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 or
10 Member; or

11 “(B) satisfies such other requirements, re-
12 lated to parenthood and the domestic partner-
13 ship, as the Director of the Office of Personnel
14 Management shall by regulation prescribe based
15 on the definition of a widow or widower under
16 paragraphs (1)(B) and (2)(B) of this section;”;
17 and

18 (C) in paragraph (5) (as so redesignated by
19 subparagraph (A))—

20 (i) in subparagraph (A)—

21 (I) by striking “an unmarried de-
22 pendent child” and inserting “a de-
23 pendent child who is unmarried (and
24 not in a domestic partnership) and”;

1 (II) in clause (ii), by striking
2 “stepchild but only if the stepchild”
3 and inserting “stepchild (or child of
4 the domestic partner not adopted by or
5 otherwise the child of the employee or
6 Member) but only if the stepchild (or
7 the child of the domestic partner)”;
8 and

9 (III) in clause (iv), by inserting
10 “(or surviving domestic partner)” after
11 “the surviving spouse”; and

12 (ii) in subparagraphs (B) and (C), by
13 striking “unmarried dependent child” and
14 inserting “dependent child who is unmar-
15 ried (and not in a domestic partnership)”;

16 (2) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by striking “widow or widower”
19 each place it appears and inserting “widow
20 or widower (or surviving partner)”;

21 (ii) by striking “remarriage,” and in-
22 serting “remarriage (or entry into a subse-
23 quent domestic partnership)”;

24 (B) in paragraph (2)—

1 (i) by striking “widow or widower”
2 each place it appears and inserting “widow
3 or widower (or surviving partner)”; and

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

6 (C) in paragraph (3)—

7 (i) in the matter before subparagraph
8 (A), by inserting “(or domestic partner)”
9 after “spouse”;

10 (ii) by striking “widow or widower”
11 each place it appears and inserting “widow
12 or widower (or surviving partner)”; and

13 (iii) in subparagraph (B), by inserting
14 “(or, in the case of a widow or widower, en-
15 ters into a domestic partnership) (or, in the
16 case of a surviving partner, enters into a
17 subsequent domestic partnership or mar-
18 ries)” after “remarries”; and

19 (D) in paragraph (4)—

20 (i) by striking “widow or widower”
21 each place it appears and inserting “widow
22 or widower (or surviving partner)”; and

23 (ii) in subparagraph (B), by inserting
24 “(or former domestic partner)” after
25 “former spouse”;

1 (3) *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 subparagraph (B), by inserting “(or*
6 *former domestic partner)” after “former spouse”;*
7 *and*

8 (C) *in clause (ii), by inserting “(or, in the*
9 *case of a widow or widower, enters into a domes-*
10 *tic partnership) (or, in the case of a surviving*
11 *partner, enters into a subsequent domestic part-*
12 *nership or marries)” after “remarries”;*

13 (4) *in subsection (e)—*

14 (A) *by striking the matter before paragraph*
15 *(2) and inserting the following:*

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

17 “(A) *the term ‘former spouse’ includes a former*
18 *spouse who was married to an employee or Member*
19 *for less than 9 months and a former spouse of an em-*
20 *ployee or Member who completed less than 18 months*
21 *of service covered by this subchapter; and*

22 “(B) *the term ‘former domestic partner’ includes*
23 *a former domestic partner who was in a domestic*
24 *partnership with an employee or Member for less than*
25 *9 months and a former domestic partner of an em-*

1 *ployee or Member who completed less than 18 months*
2 *of service covered by this subchapter.”;*

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

7 *(C) in paragraph (3)—*

8 *(i) in subparagraph (E), by striking*
9 *“dies or marries;” and inserting “dies or*
10 *marries (or enters into a domestic partner-*
11 *ship);”; and*

12 *(ii) in the matter following subpara-*
13 *graph (E)—*

14 *(I) by inserting “(or domestic*
15 *partner or former domestic partner)”*
16 *after “spouse or former spouse”; and*

17 *(II) by striking “spouse, former*
18 *spouse, or child” and inserting “spouse*
19 *or former spouse (or domestic partner*
20 *or former domestic partner) or child,”;*
21 *and*

22 *(D) in paragraph (4), by striking “mar-*
23 *riage, then, if such marriage” and inserting*
24 *“marriage, then, if such marriage (or a domestic*

1 *partnership, then, if such domestic partner-*
2 *ship)”;*

3 *(5) by striking subsection (f) and inserting the*
4 *following:*

5 *“(f) If a Member heretofore or hereafter separated from*
6 *the service with title to deferred annuity from the Fund*
7 *hereafter dies before having established a valid claim for*
8 *annuity and is survived by a spouse to whom married (or*
9 *a domestic partner to whom in a domestic partnership) at*
10 *the date of separation, the surviving spouse (or surviving*
11 *partner)—*

12 *“(1) is entitled to an annuity equal to 55 per-*
13 *cent of the deferred annuity of the Member com-*
14 *mencing on the day after the Member dies and termi-*
15 *nating on the last day of the month before the sur-*
16 *ving spouse dies or remarries (or enters into a do-*
17 *mestic partnership) (or the surviving domestic part-*
18 *ner dies or enters into a subsequent domestic partner-*
19 *ship or marries); or*

20 *“(2) may elect to receive the lump-sum credit in-*
21 *stead of annuity if the spouse (or domestic partner)*
22 *is the individual who would be entitled to the lump-*
23 *sum credit and files application therefor with the Of-*
24 *fice before the award of the annuity.*

1 *Notwithstanding the preceding sentence, an annuity pay-*
2 *able under this subsection to the surviving spouse (or sur-*
3 *iving domestic partner) of a Member may not exceed the*
4 *difference between—*

5 “(A) *the annuity which would otherwise be pay-*
6 *able to such surviving spouse (or such surviving do-*
7 *mestic partner) under this subsection; and*

8 “(B) *the amount of the survivor annuity payable*
9 *to any former spouse (or any former domestic part-*
10 *ner) of such Member under subsection (h).”;*

11 (6) *by striking subsection (g) and inserting the*
12 *following:*

13 “(g) *In the case of a surviving spouse (or surviving*
14 *domestic partner) whose annuity under this section is ter-*
15 *minated because of a subsequent entry into a marriage (or*
16 *domestic partnership) before becoming 55 years of age, an-*
17 *nuity at the same rate shall be restored commencing on the*
18 *day the remarriage (or subsequent domestic partnership) is*
19 *dissolved by death, annulment, or divorce (or terminated),*
20 *if—*

21 “(1) *the surviving spouse (or surviving domestic*
22 *partner) elects to receive this annuity instead of a*
23 *survivor benefit to which he may be entitled, under*
24 *this subchapter or another retirement system for Gov-*

1 *ernment employees, by reason of the subsequent entry*
2 *into a marriage (or domestic partnership); and*

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

5 *(7) by striking subsection (h) and inserting the*
6 *following:*

7 *“(h)(1) Subject to paragraphs (2) through (5), a*
8 *former spouse (or former domestic partner) of a deceased*
9 *employee, Member, annuitant, or former Member who was*
10 *separated from the service with title to a deferred annuity*
11 *under section 8338(b) is entitled to a survivor annuity*
12 *under this subsection, if and to the extent expressly provided*
13 *for in an election under section 8339(j)(3), or in the terms*
14 *of any decree of divorce or annulment or any court order*
15 *or court-approved property settlement agreement incident*
16 *to such decree.*

17 *“(2)(A) The annuity payable to a former spouse (or*
18 *former domestic partner) under this subsection may not ex-*
19 *ceed the difference between—*

20 *“(i) the amount applicable in the case of such*
21 *former spouse (or former domestic partner), as deter-*
22 *mined under subparagraph (B); and*

23 *“(ii) the amount of any annuity payable under*
24 *this subsection to any other former spouse (or former*
25 *domestic partner) of the employee, Member, or annu-*

1 *itant, based on an election previously made under sec-*
2 *tion 8339(j)(3), or a court order previously issued.*

3 *“(B) The applicable amount, for purposes of subpara-*
4 *graph (A)(i) in the case of a former spouse (or former do-*
5 *mestic partner), is the amount which would be applicable—*

6 *“(i) under subsection (b)(4)(A) in the case of a*
7 *widow or widower (or surviving partner), if the de-*
8 *ceased was an employee or Member who died after re-*
9 *tirement;*

10 *“(ii) under subparagraph (A) of subsection (d)*
11 *in the case of a widow or widower (or surviving part-*
12 *ner), if the deceased was an employee or Member de-*
13 *scribed in the first sentence of such subsection; or*

14 *“(iii) under subparagraph (A) of subsection (f)*
15 *in the case of a surviving spouse (or surviving domes-*
16 *tic partner), if the deceased was a Member described*
17 *in the first sentence of such subsection.*

18 *“(3) The commencement and termination of an annu-*
19 *ity payable under this subsection shall be governed by the*
20 *terms of the applicable order, decree, agreement, or election,*
21 *as the case may be, except that any such annuity—*

22 *“(A) shall not commence before—*

23 *“(i) the day after the employee, Member, or*
24 *annuitant dies; or*

1 “(i) the first day of the second month be-
2 ginning after the date on which the Office re-
3 ceives written notice of the order, decree, agree-
4 ment, or election, as the case may be, together
5 with such additional information or documenta-
6 tion as the Office may prescribe,

7 whichever is later, and

8 “(B) shall terminate—

9 “(i) except as provided in subsection (k), in
10 the case of an annuity computed by reference to
11 clause (i) or (ii) of paragraph (2)(B), no later
12 than the last day of the month before the former
13 spouse remarries (or enters into a domestic part-
14 nership) (or former domestic partner enters into
15 a subsequent domestic partnership or marries)
16 before becoming 55 years of age or dies; or

17 “(ii) in the case of an annuity computed by
18 reference to clause (iii) of such paragraph, no
19 later than the last day of the month before the
20 former spouse remarries (or enters into a domes-
21 tic partnership) or dies (or the former domestic
22 partner enters into a subsequent domestic part-
23 nership or marries or dies).

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

4 “(A) if such modification is made after the re-
5 tirement or death of the employee or Member con-
6 cerned, and

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

9 “(5) For purposes of this subchapter, a decree, order,
10 agreement, or election referred to in paragraph (1) shall
11 not be effective, in the case of a former spouse (or former
12 domestic partner), to the extent that it is inconsistent with
13 any joint designation or waiver previously executed with
14 respect to such former spouse (or former domestic partner)
15 under section 8339(j)(1) or a similar prior provision of law.

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

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

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

24 “(i) The requirement in subsections (a)(1)(A),
25 (a)(2)(A), and (a)(5)(A) that the surviving spouse (or sur-

1 *living domestic partner) of an employee or Member have*
2 *been married to (or in a domestic partnership with) such*
3 *employee or Member for at least 9 months immediately be-*
4 *fore the employee's or Member's death in order to qualify*
5 *as the widow or widower (or surviving partner) of such em-*
6 *ployee or Member shall be deemed satisfied in any case in*
7 *which the employee or Member dies within the applicable*
8 *9-month period, if—*

9 “(1) the death of the employee or Member was
10 *accidental; or*

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.”; and*

17 (9) by redesignating subsection (k) as subsection
18 (i) and amending such subsection to read as follows:

19 “(j)(1) Subsections (b)(3)(B), (d)(ii), and (h)(3)(B)(i),
20 *to the extent that they provide for termination of a survivor*
21 *annuity because of a subsequent entry into a marriage (or*
22 *domestic partnership) before age 55, shall not apply if the*
23 *widow, widower or former spouse was married to (or the*
24 *surviving partner or former domestic partner was in a do-*

1 *mestic partnership with) the individual on whose service*
 2 *the survivor annuity is based for at least 30 years.*

3 “(2) *A subsequent entry into a marriage (or domestic*
 4 *partnership) described in paragraph (1) shall not be taken*
 5 *into account for purposes of subparagraph (B) or (C) of*
 6 *section 8339(j)(5) or any other provision of this chapter*
 7 *which the Director of the Office of Personnel Management*
 8 *may by regulation identify in order to carry out the pur-*
 9 *poses of this subsection.”.*

10 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
 11 **FICIARY; ORDER OF PRECEDENCE.**

12 *Section 8342 is amended—*

13 *(1) in subsection (c)—*

14 *(A) by inserting “(or surviving partner)”*

15 *after “widow or widower”; and*

16 *(B) by striking “stepchild.” and inserting*

17 *“stepchild (or a child of a domestic partner*

18 *which child is not adopted by or otherwise a*

19 *child of the employee or Member).”;* and

20 *(2) in subsection (j)—*

21 *(A) in paragraph (1)(A), by inserting “(or*

22 *the domestic partner, if any)” after “the spouse,*

23 *if any”;*

24 *(B) by inserting “(or domestic partner)”*

25 *after “spouse” each place it appears; and*

1 (C) by inserting “(or former domestic part-
2 ner)” after “former spouse” each place it ap-
3 pears.

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

5 Section 8343a is amended—

6 (1) in subsection (b)(2)—

7 (A) (in the material before subparagraph
8 (A)), by inserting “(or in a domestic partner-
9 ship)” after “married”; and

10 (B) in subparagraph (B), by inserting “(or
11 surviving domestic partner)” after “surviving
12 spouse”;

13 (2) in subsection (d)—

14 (A) in paragraph (1), by striking “mar-
15 ried,” each place it appears and inserting “mar-
16 ried (or in a domestic partnership),”; and

17 (B) in paragraph (2), by striking “former
18 spouse,” and inserting “former spouse (or former
19 domestic partner),”; and

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

22 **SEC. 208. ADMINISTRATION; REGULATIONS.**

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

1 spouses (and domestic partners), and their former spouses
 2 (and former domestic partners)”.

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

4 Section 8351(b)(5) is amended—

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

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

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

15 **TITLE III—FEDERAL EMPLOY-**
 16 **EES’ RETIREMENT SYSTEM**
 17 **Subtitle A—General Provisions**

18 **SEC. 301. DEFINITIONS.**

19 Section 8401 is amended—

20 (1) in paragraph (36), by striking “and” at the
 21 end;

22 (2) in paragraph (37), by striking the period at
 23 the end and inserting a semicolon; and

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

1 “(38) ‘domestic partner’ and ‘domestic partner-
2 ship’ have the meanings given under section 2501;
3 and

4 “(39) ‘former domestic partner’ means a former
5 domestic partner of an individual—

6 “(A) if such individual performed at least
7 18 months of civilian service creditable under
8 section 8411 as an employee or Member; and

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

12 **Subtitle B—Creditable Service**

13 **SEC. 311. CREDITABLE SERVICE.**

14 Section 8411 is amended—

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

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

19 (3) in subsection (l)(5), by inserting “(or domes-
20 tic partner)” after “spouse” each place it appears.

21 **SEC. 312. SURVIVOR REDUCTION FOR A CURRENT SPOUSE**

22 **OR A CURRENT DOMESTIC PARTNER.**

23 (a) *IN GENERAL.*—Section 8416 is amended—

24 (1) in the section heading, by inserting “(or
25 **domestic partner**)” after “**spouse**”;

1 (2) *in subsection (a)—*

2 (A) *by inserting “(or in a domestic partner-*
3 *ship)” after “married” each place it appears;*

4 (B) *by inserting “(or domestic partner)”*
5 *after “spouse” each place it appears; and*

6 (C) *by inserting “(or domestic partner’s)”*
7 *after “spouse’s” each place it appears;*

8 (3) *by striking subsection (b) and inserting the*
9 *following:*

10 *“(b)(1) Upon entry into a subsequent marriage (or*
11 *subsequent domestic partnership), a retired employee or*
12 *Member who was married (or in a domestic partnership)*
13 *at the time of retirement, including an employee or Member*
14 *whose annuity was not reduced to provide a survivor annu-*
15 *ity for the employee’s or Member’s spouse or former spouse*
16 *(or domestic partner or former domestic partner) as of the*
17 *time of retirement, may irrevocably elect during such mar-*
18 *riage (or domestic partnership), in a signed writing re-*
19 *ceived by the Office—*

20 (A) *within 2 years after such entry into a sub-*
21 *sequent marriage (or domestic partnership); or*

22 (B) *if later, within 2 years after—*

23 (i) *the death of or entry into a subsequent*
24 *marriage (or domestic partnership) by any*
25 *former spouse (or former domestic partner) of*

1 *such employee or Member who was entitled to a*
2 *survivor annuity under section 8445, or*

3 “(i) *if there was more than 1 surviving*
4 *former spouse (or surviving former domestic*
5 *partner), the death of or entry into a subsequent*
6 *marriage (or domestic partnership) by the last*
7 *such surviving former spouse (or surviving*
8 *former domestic partner),*

9 *a reduction in the employee’s or Member’s annuity*
10 *under section 8419(a) for the purpose of providing an*
11 *annuity for such employee’s or Member’s spouse (or*
12 *domestic partner) in the event such spouse (or domes-*
13 *tic partner) survives the employee or Member.*

14 “(2) *The election and reduction shall be effective the*
15 *first day of the second month after the election is received*
16 *by the Office, but not less than 9 months after the date of*
17 *the subsequent marriage (or entry into the subsequent do-*
18 *mestic partnership).*

19 “(3) *An election to provide a survivor annuity to an*
20 *individual under this subsection—*

21 “(A) *shall prospectively void any election made*
22 *by the employee or Member under section 8420 with*
23 *respect to such individual; or*

24 “(B) *shall, if an election was made by the em-*
25 *ployee or Member under section 8420 with respect to*

1 *a different individual, prospectively void such election*
2 *if appropriate written application is made by such*
3 *employee or Member at the time of making the elec-*
4 *tion under this subsection.*

5 “(4) *Any election under this subsection made by an*
6 *employee or Member on behalf of an individual after the*
7 *retirement of such employee or Member shall not be effective*
8 *if—*

9 “(A) *the employee or Member was married to (or*
10 *in a domestic partnership with) such individual at*
11 *the time of retirement; and*

12 “(B) *the annuity rights of such individual based*
13 *on the service of such employee or Member were then*
14 *waived under subsection (a).”;*

15 (4) *in subsection (c)—*

16 (A) *by striking the matter before paragraph*
17 (2) *and inserting the following:*

18 “(c)(1) *An employee or Member who is unmarried*
19 *(and not in a domestic partnership) at the time of retiring*
20 *under this chapter and who later marries (or enters into*
21 *a domestic partnership) may irrevocably elect, in a signed*
22 *writing received by the Office—*

23 “(A) *within 2 years after such employee or Mem-*
24 *ber marries (or enters into a domestic partnership);*
25 *or*

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

2 “(i) the death of or entry into a subsequent
3 remarriage (or entry into a subsequent domestic
4 partnership or a marriage by any former domes-
5 tic partner) by of any former spouse (or domestic
6 partner) of such employee or Member who was
7 entitled to a survivor annuity under section
8 8445,

9 “(ii) if more than 1 surviving former spouse
10 (or surviving former domestic partner), the death
11 of or entry into a subsequent marriage (or do-
12 mestic partnership) by the last such surviving
13 former spouse (or surviving former domestic
14 partner),

15 a reduction in the current annuity of the retired em-
16 ployee or Member, in accordance with section
17 8419(a).”; and

18 (B) in paragraph (2), by striking “mar-
19 riage.” and inserting “marriage (or domestic
20 partnership).”; and

21 (5) in subsection (d)(1)—

22 (A) by inserting “(or in a domestic partner-
23 ship)” after “married”; and

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

1 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 2 *table of sections for chapter 84 of title 5, United States*
 3 *Code, is amended by striking the item relating to section*
 4 *8416 and inserting the following:*

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

5 **SEC. 313. SURVIVOR REDUCTION FOR A FORMER SPOUSE**
 6 **OR FORMER DOMESTIC PARTNER.**

7 (a) *IN GENERAL.*—*Section 8417 is amended—*

8 (1) *in the section heading, by inserting “(or*
 9 ***former domestic partner)*” after “**former****
 10 ***spouse*”;**

11 (2) *in subsection (a), by inserting “(or a former*
 12 *domestic partner)” after “former spouse”; and*

13 (3) *in subsection (b)—*

14 (A) *in paragraph (1), by inserting “(or*
 15 *former domestic partner)” after “former spouse”*
 16 *each place it appears;*

17 (B) *by amending paragraph (2) to read as*
 18 *follows:*

19 “(2) *An election under this subsection shall be made*
 20 *at the time of retirement or, if the marriage is dissolved*
 21 *(or the domestic partnership is terminated) after the date*
 22 *of retirement, within 2 years after the date on which the*
 23 *marriage of the former spouse to the employee or Member*
 24 *is so dissolved (or the domestic partnership of the former*

1 *domestic partner with the employee or Member is so termi-*
 2 *nated).”; and*

3 *(C) in paragraph (3)—*

4 *(i) in subparagraph (A)(ii), by insert-*
 5 *ing “(or a surviving partner)” after “a*
 6 *widow or widower”; and*

7 *(ii) by amending subparagraph (B) to*
 8 *read as follows:*

9 *“(B) shall not be effective, in the case of an em-*
 10 *ployee or Member who is then married (or in a do-*
 11 *mestic partnership), unless it is made with the*
 12 *spouse’s (or domestic partner’s) written consent.”.*

13 *(b) TECHNICAL AND CONFORMING AMENDMENT.—The*
 14 *table of sections for chapter 84 of title 5, United States*
 15 *Code, is amended by striking the item relating to section*
 16 *8417 and inserting the following:*

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

17 **SEC. 314. SURVIVOR ELECTIONS; DEPOSIT; OFFSETS.**

18 *Section 8418(b) is amended—*

19 *(1) by inserting “(or domestic partnership)”*
 20 *after “marriage”; and*

21 *(2) by striking “former spouse.” inserting*
 22 *“former spouse (or former domestic partner).”.*

23 **SEC. 315. SURVIVOR REDUCTIONS; COMPUTATION.**

24 *Section 8419 is amended—*

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

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

5 “(b)(1) *Any reduction in an annuity for the purpose*
6 *of providing a survivor annuity for the current spouse (or*
7 *current domestic partner) of a retired employee or Member*
8 *shall be terminated for each full month—*

9 “(A) *after the death of the spouse (or domestic*
10 *partner); or*

11 “(B) *after the dissolution of the spouse’s mar-*
12 *riage to (or the termination of the domestic partner’s*
13 *domestic partnership with) the employee or Member,*
14 *except that an appropriate reduction shall be made*
15 *thereafter if the spouse (or domestic partner) is enti-*
16 *tled, as a former spouse (or former domestic partner),*
17 *to a survivor annuity under section 8445.*

18 “(2) *Any reduction in an annuity for the purpose of*
19 *providing a survivor annuity for a former spouse (or former*
20 *domestic partner) of a retired employee or Member shall*
21 *be terminated for each full month after the former spouse*
22 *remarries (or enters into a domestic partnership) (or the*
23 *former domestic partner enters into a subsequent domestic*
24 *partnership or marries) before reaching age 55 or dies. This*

1 *reduction shall be replaced by appropriate reductions under*
 2 *subsection (a) if the retired employee or Member has—*

3 “(A) *another former spouse (or former domestic*
 4 *partner) who is entitled to a survivor annuity under*
 5 *section 8445;*

6 “(B) *a current spouse to whom the employee or*
 7 *Member was married (or a current domestic partner*
 8 *with whom the employee or Member was in a domes-*
 9 *tic partnership) at the time of retirement and with*
 10 *respect to whom a survivor annuity was not waived*
 11 *under section 8416(a) or, if waived, with respect to*
 12 *whom an election under section 8416(d) has been*
 13 *made; or*

14 “(C) *a current spouse whom the employee or*
 15 *Member married (or current domestic partner with*
 16 *whom the employee or Member entered into a domes-*
 17 *tic partnership) after retirement and with respect to*
 18 *whom an election has been made under subsection (b)*
 19 *or (c) of section 8416.”.*

20 **SEC. 316. INSURABLE INTEREST REDUCTIONS.**

21 *Section 8420 is amended—*

22 (1) *in subsection (b)(1)—*

23 (A) *by striking “married employee or Mem-*
 24 *ber” and inserting “employee or Member who is*
 25 *married (or in a domestic partnership)”;* and

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

5 **SEC. 317. ALTERNATIVE FORMS OF ANNUITIES.**

6 Section 8420a is amended—

7 (1) in subsection (b)(2)—

8 (A) in the matter before subparagraph (A),
9 by inserting “(or in a domestic partnership)”
10 after “married”; and

11 (B) in subparagraph (B), by striking “sur-
12 viving spouse.” inserting “surviving spouse (or
13 surviving domestic partner).”;

14 (2) in subsection (d)—

15 (A) in paragraph (1), by striking “mar-
16 ried,” inserting “married (or in a domestic part-
17 nership),” and

18 (B) in paragraph (2), by inserting “(or
19 former domestic partner)” after “former spouse”
20 each place it appears; and

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

23 **SEC. 318. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
24 **FIICIARY; ORDER OF PRECEDENCE.**

25 Section 8424 is amended—

1 (1) *in subsection (b)—*

2 (A) *in paragraph (1)—*

3 (i) *in subparagraph (A), by striking*
4 *“the spouse, if any, and any former spouse”*
5 *and inserting “any spouse or former spouse*
6 *(and any domestic partner or former do-*
7 *mestic partner)”*; and

8 (ii) *in subparagraph (B), by striking*
9 *“spouse or former spouse” each place it ap-*
10 *pears and inserting “spouse or former*
11 *spouse (or domestic partner or former do-*
12 *mestic partner)”*; and

13 (B) *in paragraph (2), by striking “spouse*
14 *or former spouse” each place it appears and in-*
15 *serting “spouse or former spouse (or domestic*
16 *partner or former domestic partner)”*; and

17 (2) *in subsection (d)—*

18 (A) *by striking “widow or widower” and*
19 *inserting “widow or widower (or surviving part-*
20 *ner)”*; and

21 (B) *by striking “stepchild.” and inserting*
22 *“stepchild (or a child of a domestic partner*
23 *which child is not adopted by or otherwise a*
24 *child of the employee or Member).”*.

1 **Subtitle C—Thrift Savings Plan**

2 **SEC. 321. BENEFITS AND ELECTION OF BENEFITS.**

3 *Section 8433(e) is amended by striking paragraph (2)*
4 *and inserting the following:*

5 “(2) Notwithstanding section 8424(d), if an em-
6 ployee, Member, former employee, or former Member
7 dies and has designated as sole or partial beneficiary
8 his or her spouse (or domestic partner) at the time of
9 death, or, if an employee, Member, former employee,
10 or former Member, dies with no designated bene-
11 ficiary and is survived by a spouse (or domestic part-
12 ner), the spouse (or domestic partner) may maintain
13 the portion of the employee’s or Member’s account to
14 which the spouse (or domestic partner) is entitled in
15 accordance with the following terms:

16 “(A) Subject to the limitations of subpara-
17 graph (B), the spouse (or domestic partner) shall
18 have the same withdrawal options under sub-
19 section (b) as the employee or Member were the
20 employee or Member living.

21 “(B) The spouse (or domestic partner) may
22 not make withdrawals under subsection (g) or
23 (h).

1 “(C) The spouse (or domestic partner) may
2 not make contributions or transfers to the ac-
3 count.

4 “(D) The account shall be disbursed upon
5 the death of the surviving spouse (or surviving
6 domestic partner). A beneficiary or surviving
7 spouse (or surviving domestic partner) of a de-
8 ceased spouse (or domestic partner) who has in-
9 herited an account is ineligible to maintain the
10 inherited spousal account.”.

11 **SEC. 322. ANNUITIES: METHODS OF PAYMENT; ELECTION;**
12 **PURCHASE.**

13 Section 8434(a)(2) is amended—

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

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

18 **SEC. 323. PROTECTIONS FOR SPOUSES, DOMESTIC PART-**
19 **NERS, FORMER SPOUSES, AND FORMER DO-**
20 **MESTIC PARTNERS.**

21 (a) *IN GENERAL.*—Section 8435 is amended—

22 (1) in the section heading, by inserting “**(and**
23 **domestic partners and former domestic**
24 **partners)”** after “**spouses and former**
25 **spouses”**;

1 (2) *in subsection (a)—*

2 (A) *in paragraph (1)—*

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

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

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

16 (3) *in subsection (b)—*

17 (A) *in paragraph (1)—*

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

21 (ii) *by inserting “(or in a domestic*
22 *partnership)” after “married”; and*

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

25 (4) *in subsection (d)—*

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

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

7 (C) in paragraph (3)(B), by inserting “(or
8 former domestic partners)” after “former
9 spouses”; and

10 (D) in paragraph (3)(A), by inserting “(or
11 surviving domestic partner)” after “surviving
12 spouse”;

13 (5) in subsection (e)(1)—

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

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

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

1 (6) *in subsection (g), by inserting “(or domestic*
 2 *partner or former domestic partner)” after “spouse or*
 3 *former spouse”.*

4 **(b) TECHNICAL AND CONFORMING AMENDMENT.**—*The*
 5 *table of sections for chapter 84 is amended by striking the*
 6 *item relating to section 8435 and inserting the following:*

“8435. Protections for spouses and former spouses (and domestic partners and former domestic partners).”.

7 **SEC. 324. JUSTICES AND JUDGES.**

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

10 ***Subtitle D—Survivor Annuities***

11 **SEC. 331. DEFINITIONS.**

12 *Section 8441 is amended—*

13 (1) *by redesignating paragraphs (3) and (4) as*
 14 *paragraphs (4) and (5), respectively, and by inserting*
 15 *after paragraph (2) the following:*

16 (3) *the term ‘surviving partner’ means the sur-*
 17 *ving domestic partner of an employee, Member, or*
 18 *annuitant, or of a former employee or Member, who—*

19 (A) *was in a domestic partnership with*
 20 *such employee, Member, or annuitant, or former*
 21 *employee or Member, for at least 9 months im-*
 22 *mediately before the death of such employee,*
 23 *Member, or annuitant, or former employee or*
 24 *Member; or*

1 “(B) satisfies such other requirements, based
2 on parenthood and the domestic partnership, as
3 the Director of the Office of Personnel Manage-
4 ment shall by regulation prescribe based on the
5 definition of a widow or widower under para-
6 graphs (1)(B) and (2)(B) of this section; and”;
7 and

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

10 (A) in subparagraph (A)—

11 (i) by striking “an unmarried depend-
12 ent child” and inserting “a dependent child
13 who is unmarried (and not in a domestic
14 partnership)”;

15 (ii) in clause (ii), by striking “step-
16 child but only if the stepchild” and insert-
17 ing “stepchild (or child of the domestic
18 partner not adopted by or otherwise the
19 child of the employee or Member) but only
20 if the stepchild (or the child of the domestic
21 partner)”;

22 (iii) in clause (iv), by inserting “(or
23 surviving partner)” after “widow or wid-
24 ower”; and

1 (B) in subparagraphs (B) and (C), by strik-
 2 ing “unmarried dependent child” each place that
 3 term appears and inserting “dependent child
 4 who is unmarried (and not in a domestic part-
 5 nership)”.

6 **SEC. 332. RIGHTS OF A WIDOW, WIDOWER, OR SURVIVING**
 7 **PARTNER.**

8 (a) *IN GENERAL.*—Section 8442 is amended—

9 (1) in the section heading, by inserting “**(or**
 10 **surviving partner)**” after “**widow or wid-**
 11 **ower**”;

12 (2) in subsection (a)—

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

15 (B) by inserting “(or entry into a domestic
 16 partnership)” after “marriage”; and

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

19 (3) in subsection (b), by inserting “(or surviving
 20 partner)” after “widow or widower” each place it ap-
 21 pears;

22 (4) in subsection (c)—

23 (A) in the matter in paragraph (1) before
 24 subparagraph (A) thereof, by inserting “(or a
 25 surviving partner with whom in a domestic

1 *partnership)*” after “*widow or widower to whom*
2 *married*”; and

3 (B) by striking “*widow or widower*” each
4 place it appears (other than where amended by
5 subparagraph (A)) and inserting “*widow or*
6 *widower (or surviving partner)*”;

7 (5) in subsection (d)—

8 (A) by striking “*widow or widower*” each
9 place it appears and inserting “*widow or wid-*
10 *ower (or surviving partner)*”;

11 (B) in paragraph (1)(B), by inserting “(or
12 enters into a domestic partnership) (or in the
13 case of a surviving partner, enters into a subse-

14 quent domestic partnership or marries)” after
15 “*remarries*”;

16 (C) in paragraph (2)—

17 (i) by striking “*remarriage before*” and
18 inserting “*subsequent entry into a marriage*
19 *(or domestic partnership) before*”;

20 (ii) by striking “*remarriage is dis-*
21 *solved by death, divorce, or annulment,*”
22 and inserting “*subsequent marriage is dis-*
23 *solved by death, divorce, annulment (or sub-*
24 *sequent domestic partnership is termi-*
25 *nated),*”; and

1 (iii) in subparagraph (A), by striking
2 “remarriage;” and inserting “subsequent
3 marriage (or domestic partnership);”; and
4 (D) in paragraph (3)—

5 (i) by striking “remarriage” and in-
6 serting “subsequent entry into a marriage
7 (or domestic partnership);” and

8 (ii) by inserting “(or in a domestic
9 partnership for at least 30 years with)”
10 after “married for at least 30 years to”;

11 (6) in subsection (e)—

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

14 (B) by inserting “(or in a domestic partner-
15 ship with)” after “been married to”; and

16 (C) by amending paragraph (2) to read as
17 follows:

18 “(2) the surviving spouse of such individual had
19 been previously married to such individual and subse-
20 quently divorced (or the surviving partner of such in-
21 dividual had been previously in a domestic partner-
22 ship with such individual which domestic partnership
23 was subsequently terminated), and the aggregate time
24 married (or in a domestic partnership) is at least 9
25 months.”;

1 (7) *in subsection (g), by striking “widow or wid-*
 2 *ower” and inserting “widow or widower (or surviving*
 3 *partner)” each place it appears; and*

4 (8) *in subsection (h)—*

5 (A) *by striking “widow or widower” each*
 6 *place it appears and inserting “widow or wid-*
 7 *ower (or surviving partner)”;* and

8 (B) *by inserting “(or former domestic part-*
 9 *ner)” after “former spouse” each place it ap-*
 10 *pears.*

11 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 12 *table of sections for chapter 84 is amended by striking the*
 13 *item relating to section 8442 and inserting the following:*
 “8442. Rights of a widow or widower (or surviving partner).”.

14 **SEC. 333. RIGHTS OF A CHILD.**

15 Section 8443(b) *is amended by striking subparagraph*
 16 *(E) and the matter following that subparagraph and insert-*
 17 *ing the following:*

18 “(E) *dies or marries (or enters into a do-*
 19 *mestic partnership);*

20 *whichever occurs first. On the death of the surviving*
 21 *wife or husband (or surviving domestic partner), or*
 22 *former wife or husband (or former domestic partner),*
 23 *or termination of the annuity of a child, the annuity*
 24 *of any other child or children shall be recomputed and*
 25 *paid as though the wife or husband (or domestic part-*

1 *ner), former wife or husband (or former domestic*
 2 *partner), or child had not survived the annuitant,*
 3 *employee, or Member. If the annuity of a child under*
 4 *this subchapter terminates under subparagraph (E)*
 5 *because of marriage (or domestic partnership), then,*
 6 *if such marriage (or domestic partnership) ends, such*
 7 *annuity shall resume on the first day of the month*
 8 *in which it ends, but only if any lump sum paid is*
 9 *returned to the Fund, and that individual is not oth-*
 10 *erwise ineligible for such annuity.”.*

11 **SEC. 334. RIGHTS OF A FORMER SPOUSE OR FORMER DO-**
 12 **MESTIC PARTNER.**

13 *(a) IN GENERAL.—Section 8445 is amended—*

14 *(1) in the section heading, by inserting “(or*
 15 ***former domestic partner)*” after “***former*****
 16 ***spouse*”;**

17 *(2) in subsection (a), by inserting “(or former*
 18 *domestic partner)” after “former spouse”;*

19 *(3) in subsection (b)—*

20 *(A) by inserting “(or former domestic part-*
 21 *ner)” after “former spouse” each place it ap-*
 22 *pears; and*

23 *(B) by inserting “(or surviving partner)”*
 24 *after “widow or widower”;*

1 (4) *in subsection (c)(2), by inserting “(or enters*
2 *into a domestic partnership) (or the former domestic*
3 *partner enters into a subsequent domestic partnership*
4 *or marries)” after “remarries”;*

5 (5) *in subsection (e), by inserting “(or former*
6 *domestic partner)” after “former spouse” each place*
7 *it appears; and*

8 (6) *by amending subsection (h) to read as fol-*
9 *lows:*

10 “(h)(1) *Subsection (c)(2), to the extent that it provides*
11 *for termination of a survivor annuity because of a subse-*
12 *quent entry into a marriage (or domestic partnership) be-*
13 *fore age 55, shall not apply if the former spouse (or former*
14 *domestic partner) was married to (or in a domestic part-*
15 *nership with) the individual on whose service the survivor*
16 *annuity is based for at least 30 years.*

17 “(2) *A subsequent entry into a marriage (or domestic*
18 *partnership) described in paragraph (1) shall not be taken*
19 *into account for purposes of section 8419(b)(1)(B) or any*
20 *other provision of this chapter which the Director may by*
21 *regulation identify in order to carry out the purposes of*
22 *this subsection.”.*

23 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
24 *table of sections for chapter 84 is amended by striking the*
25 *item relating to section 8445 and inserting the following:*

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

1 ***Subtitle E—General Administrative***
2 ***Provisions***

3 ***SEC. 341. AUTHORITY OF THE OFFICE OF PERSONNEL MAN-***
4 ***AGEMENT.***

5 *Section 8461(j)(1)(D) is amended by striking “such*
6 *employees, their spouses, their former spouses, and their*
7 *survivors” and inserting “such employees and their spouses*
8 *(and domestic partners), former spouses (and former domes-*
9 *tic partners), and survivors”.*

10 ***SEC. 342. COST-OF-LIVING ADJUSTMENTS.***

11 *Section 8462(c) is amended—*

12 *(1) in paragraph (2), by striking “survivor*
13 *(other than a widow or widower whose annuity is*
14 *computed under section 8442(g) or a child under sec-*
15 *tion 8443)” and inserting the following: “survivor,*
16 *other than a widow or widower (or surviving part-*
17 *ner) whose annuity is computed under section*
18 *8442(g) or a child under section 8443,”;*

19 *(2) in paragraph (4) (in the matter before sub-*
20 *paragraph (A)), by inserting “(or surviving partner)”*
21 *after “widow or widower”; and*

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

1 **Subtitle F—Federal Retirement**
 2 **Thrift Investment Management**
 3 **System**

4 **SEC. 351. FIDUCIARY RESPONSIBILITIES; LIABILITY AND**
 5 **PENALTIES.**

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

7 *“(F) a spouse (or domestic partner), sibling,*
 8 *ancestor, lineal descendant, or spouse (or domes-*
 9 *tic partner) of a lineal descendant of a person*
 10 *described in subparagraph (A), (B), or (D);”.*

11 **TITLE IV—INSURANCE BENEFITS**

12 **SEC. 401. LIFE INSURANCE.**

13 *(a) IN GENERAL.—Chapter 87 is amended—*

14 *(1) in section 8701(d)—*

15 *(A) in paragraph (1)—*

16 *(i) in subparagraph (A), by inserting*
 17 *“(or domestic partner)” after “spouse”; and*

18 *(ii) in subparagraph (B), by striking*
 19 *“stepchild or foster child (but only if the*
 20 *stepchild” and inserting “stepchild (or child*
 21 *of the domestic partner of the individual*
 22 *not adopted by or otherwise the child of the*
 23 *individual) or foster child (but only if the*
 24 *stepchild (or the child of the domestic part-*
 25 *ner)”;* and

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

2 “(3) For the purpose of this subsection, ‘domestic
3 partner’ has the meaning given under section 2501.”;

4 (2) in section 8705(a), by inserting “(or sur-
5 viving domestic partner)” after “widow or widower”;
6 and

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

10 (b) *EFFECTIVE DATE.*—The amendments made by this
11 section shall apply with respect to calendar years beginning
12 after the end of the 6-month period beginning on the date
13 of the enactment of this Act.

14 **SEC. 402. HEALTH INSURANCE.**

15 (a) *DEFINITIONS.*—Section 8901 is amended—

16 (1) in paragraph (5)—

17 (A) in the matter before subparagraph

18 (A)—

19 (i) by inserting “(or domestic part-
20 ner)” after “spouse”; and

21 (ii) by striking “an unmarried depend-
22 ent child” and inserting “a dependent child
23 who is unmarried (and not in a domestic
24 partnership) and is”;

1 (B) in subparagraph (B), by inserting “(or
2 a child of the domestic partner not adopted by
3 or otherwise the child of the employee or annu-
4 itant)” after “stepchild”; and

5 (C) in the matter following subparagraph
6 (B), by striking “an unmarried dependent child
7 regardless of age” and inserting “a dependent
8 child regardless of age who is unmarried (and
9 not in a domestic partnership)”;

10 (2) in paragraph (8)(B), by striking “or former
11 spouses,” and inserting “former spouses (or former
12 domestic partners),”;

13 (3) in paragraph (10)—

14 (A) in subparagraph (A), by inserting “(or
15 entered into a domestic partnership)” after “re-
16 married”; and

17 (B) by striking “and” at the end;

18 (4) by redesignating paragraph (11) as para-
19 graph (12), and by inserting after paragraph (10) the
20 following:

21 “(11) ‘former domestic partner’ means a former
22 domestic partner of an employee, former employee, or
23 annuitant—

24 “(A) who has not entered into another do-
25 mestic partnership (or married) before age 55

1 *after the domestic partnership to the employee,*
2 *former employee, or annuitant was terminated;*

3 “(B) *who was enrolled in an approved*
4 *health benefits plan under this chapter as a fam-*
5 *ily member at any time during the 18-month pe-*
6 *riod before the date of the termination of the do-*
7 *mestic partnership to the employee, former em-*
8 *ployee, or annuitant; and*

9 “(C)(i) *who is receiving any portion of a*
10 *survivor annuity under section 8341(h) or 8445*
11 *(or benefits similar to either of the aforemen-*
12 *tioned annuity benefits under a retirement sys-*
13 *tem for Government employees other than the*
14 *Civil Service Retirement System or the Federal*
15 *Employees’ Retirement System);*

16 “(ii) *for whom an election has been made*
17 *under section 8339(j)(3) or 8417(b) (or similar*
18 *provision of law); or*

19 “(iii) *who is otherwise entitled to an annu-*
20 *ity or any portion of an annuity as a former do-*
21 *mestic partner under a retirement system for*
22 *Government employees,*
23 *except that such term shall not include any such*
24 *former domestic partner of a former employee*
25 *whose domestic partnership was terminated after*

1 *the former employee's separation from the service*
2 *(other than by retirement).";*

3 *(5) by striking the period at the end of para-*
4 *graph (12) (as redesignated) and inserting "; and";*
5 *and*

6 *(6) by adding at the end the following:*

7 *"(13) 'domestic partner' and 'domestic partner-*
8 *ship' have the meanings given under section 2501."*

9 **(b) CONTRACTING AUTHORITY.**—*Section 8902 is*
10 *amended in subsections (g), (j), and (k)(1), by striking*
11 *"former spouse," each place it appears and inserting*
12 *"former spouse (or former domestic partner),".*

13 **(c) DEBARMENT AND OTHER SANCTIONS.**—*Section*
14 *8902a(a)(1)(B) is amended by inserting "(or former domes-*
15 *tic partner)" after "or former spouse".*

16 **(d) HEALTH BENEFITS PLANS.**—*Section 8903(1) is*
17 *amended—*

18 *(1) by striking "former spouses," and inserting*
19 *"former spouses (or former domestic partners),"; and*

20 *(2) by striking "former spouse," and inserting*
21 *"former spouse (or former domestic partner),".*

22 **(e) ELECTION OF COVERAGE.**—*Section 8905 is amend-*
23 *ed—*

24 *(1) in subsection (c), by adding at the end the*
25 *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 been*
7 *dissolved and the children of a domestic partnership*
8 *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 insert-*
13 *ing “either spouse (or either domestic partner, as*
14 *the case may be),”; and*

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

18 (f) *CONTINUED COVERAGE.—Section 8905a is amend-*
19 *ed 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 by striking “remarriage and is later restored” and
7 inserting “having entered into a subsequent marriage (or
8 domestic partnership) and is later restored (or a surviving
9 domestic partner whose survivor annuity under this title
10 was terminated because of having entered into a subsequent
11 domestic partnership or a marriage and is later restored)”.

12 (h) *EMPLOYEES HEALTH BENEFITS FUND.*—Section
13 8909(d) is amended by striking “former spouse,” each place
14 it appears and inserting “former spouse (or former domestic
15 partner),”.

16 (i) *REGULATIONS.*—Section 8913(c) is amended—

17 (1) by inserting “(and former domestic part-
18 ners)” after “and former spouses”; and

19 (2) by inserting “(or former domestic partner)”
20 after “or former spouse”.

21 (j) *CONTRACT REQUIREMENTS; FEDERAL COURT JU-*
22 *RISDICTION.*—

23 (1) *CONTRACTS FOR HEALTH BENEFITS*
24 *PLANS.*—Section 8902 is amended—

1 (A) in subsection (j), as amended by sub-
2 section (b) of this section—

3 (i) by inserting “(1)” after “(j)”; and

4 (ii) by adding at the end the following:

5 “(2) Each contract under this chapter may re-
6 quire the carrier to obtain recovery of funds through
7 reimbursement or subrogation with respect to benefits
8 provided to or for an individual covered under this
9 chapter.”; and

10 (B) in subsection (m)(1), by striking the
11 sentence after “(1)” and inserting “The provi-
12 sions of this chapter and, by operation of this
13 chapter, the terms of any contract established
14 under this chapter shall supersede and preempt
15 any State or local law, or any regulation issued
16 thereunder, insofar as those provisions or terms
17 relate to health insurance or any plan. This
18 paragraph does not apply with respect to State
19 tax or statutory reserves.”.

20 (2) *JURISDICTION OF COURTS.*—Chapter 89 is
21 amended by striking section 8912 and inserting the
22 following:

23 **“§ 8912. Jurisdiction of courts**

24 “The district courts of the United States shall have ex-
25 clusive jurisdiction of any civil action or claim founded on

1 *this chapter, except for a civil action or claim against the*
 2 *United States within the exclusive jurisdiction of the United*
 3 *States Court of Federal Claims under section 1491 of title*
 4 *28 or chapter 71 of title 41.”.*

5 *(k) EFFECTIVE DATE.—*

6 *(1) IN GENERAL.—Except as provided in para-*
 7 *graph (2), the amendments made by this section shall*
 8 *apply with respect to contract years beginning after*
 9 *the end of the 6-month period beginning on the date*
 10 *of enactment of this Act.*

11 *(2) FEDERAL COURT JURISDICTION OVER THE*
 12 *FEDERAL EMPLOYEES HEALTH BENEFITS PRO-*
 13 *GRAM.—The amendments made by subsection (j)*
 14 *shall—*

15 *(A) take effect on the date of enactment of*
 16 *this Act; and*

17 *(B) apply with respect to any civil action*
 18 *or claim pending or filed on or after the date of*
 19 *enactment of this Act that relates to any injury*
 20 *or illness occurring before, on, or after the date*
 21 *of 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” after
2 “a spouse”; and

3 (B) by striking “either spouse,” and insert-
4 ing “either spouse (or either domestic partner, as
5 the case may be),”; and

6 (2) in section 8957, by striking “surviving
7 spouse,” and inserting “surviving spouse (or sur-
8 viving domestic partner),”.

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

13 **SEC. 404. ENHANCED VISION BENEFITS.**

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

15 (1) in section 8986(a)—

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

18 (B) by striking “either spouse,” and insert-
19 ing “either spouse (or either domestic partner, as
20 the case may be),”; and

21 (2) in section 8987, by striking “surviving
22 spouse,” and inserting “surviving spouse (or sur-
23 viving domestic partner),”.

24 (b) *EFFECTIVE DATE.*—The amendments made by this
25 section shall apply with respect to contract years beginning

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

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

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

5 *(1) in section 9001(5), by redesignating subpara-*
 6 *graph (D) as subparagraph (E) and by inserting*
 7 *after subparagraph (C) the following:*

8 *“(D)(i) a domestic partner (as that term is*
 9 *defined in section 2501) of an individual de-*
 10 *scribed in paragraph (1), (2), (3), or (4);*

11 *“(ii) a child of a domestic partner referred*
 12 *to in clause (i), if such child is at least 18 years*
 13 *of age; and*

14 *“(iii) a parent of a domestic partner of an*
 15 *individual referred to in paragraph (1) or (3).”;*
 16 *and*

17 *(2) in section 9002(e)(2)—*

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

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

23 *(b) EFFECTIVE DATE.—The amendments made by this*
 24 *section shall apply with respect to calendar years beginning*

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

3 **TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE**
 4

5 **SEC. 501. REIMBURSEMENT FOR TAXES INCURRED ON**
 6 **MONEY RECEIVED FOR TRAVEL EXPENSES.**

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

8 *(1) in subsection (a), by striking “(if filing jointly),”*
 9 *and inserting “(if filing jointly) (or by an em-*
 10 *ployee and such employee’s domestic partner (as that*
 11 *term is defined under section 2501), if joint filing is*
 12 *allowed and they file jointly),”;* and

13 *(2) in subsection (b), by striking “employee and*
 14 *spouse, as the case may be,” and inserting “employee*
 15 *and spouse (or domestic partner), as the case may*
 16 *be”.*

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

21 **SEC. 502. DEFINITION.**

22 *Section 5721 is amended—*

23 *(1) in paragraph (6), by striking “and” at the*
 24 *end;*

1 (2) *in paragraph (7), by striking the period and*
 2 *inserting “; and”; and*

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

4 “(8) ‘domestic partner’ has the meaning given
 5 *under section 2501.”.*

6 **SEC. 503. RELOCATION EXPENSES OF EMPLOYEES TRANS-**
 7 **FERRED OR REEMPLOYED.**

8 (a) *IN GENERAL.*—Section 5724a(b)(1)(A) is amended
 9 *by striking “employee’s spouse” and inserting “employee’s*
 10 *spouse (or domestic partner)”.*

11 (b) *EFFECTIVE DATE.*—The amendment made by this
 12 *section shall apply with respect to expenses incurred after*
 13 *the end of the 6-month period beginning on the date of the*
 14 *enactment of this Act.*

15 **SEC. 504. TAXES ON REIMBURSEMENTS FOR TRAVEL,**
 16 **TRANSPORTATION, AND RELOCATION EX-**
 17 **PENSES OF EMPLOYEES TRANSFERRED.**

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

19 (1) *by striking “(if filing jointly),” and inserting*
 20 *“(if filing jointly) (or by an employee and the em-*
 21 *ployee’s domestic partner, if joint filing by them is al-*
 22 *lowed and if they file jointly),”;* and

23 (2) *by striking “employee and spouse, as the case*
 24 *may be,” and inserting “employee and spouse (or do-*
 25 *mestic partner), as the case may be”.*

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall apply with respect to taxable years beginning*
 3 *after the end of the 6-month period beginning on the date*
 4 *of the enactment of this Act.*

5 **SEC. 505. RELOCATION EXPENSES OF AN EMPLOYEE WHO IS**
 6 **PERFORMING AN EXTENDED ASSIGNMENT.**

7 (a) *IN GENERAL.*—*Section 5737(a)(4) is amended by*
 8 *inserting “(or domestic partner)” after “employee and*
 9 *spouse”.*

10 (b) *EFFECTIVE DATE.*—*The amendment made by this*
 11 *section shall apply with respect to expenses incurred after*
 12 *the end of the 6-month period beginning on the date of the*
 13 *enactment of this Act.*

14 **SEC. 506. TRANSPORTATION OF FAMILY MEMBERS INCI-**
 15 **DENT TO REPATRIATION OF EMPLOYEES**
 16 **HELD CAPTIVE.**

17 *Section 5760(c) is amended by striking the period at*
 18 *the end and inserting “, and includes the domestic partner*
 19 *(as defined under section 2501) of an employee described*
 20 *in subsection (b).”.*

21 **SEC. 507. REGULATIONS TO INCLUDE DOMESTIC PART-**
 22 **NERS.**

23 (a) *IN GENERAL.*—*Chapter 57 is amended by adding*
 24 *after section 5761 the following:*

1 **“§ 5762. Regulations to include domestic partners**

2 *“Regulations prescribed under, or to administer provi-*
 3 *sions of, this chapter shall include a domestic partner (as*
 4 *defined under section 2501) within the meaning of the terms*
 5 *‘immediate family’ and ‘dependent’.”.*

6 **(b) TECHNICAL AND CONFORMING AMENDMENT.**—*The*
 7 *table of sections for chapter 57 is amended by adding after*
 8 *the item relating to section 5761 the following:*

“5762. Regulations to include domestic partners.”.

9 **TITLE VI—COMPENSATION FOR**
 10 **WORK INJURIES**

11 **SEC. 601. DEFINITIONS.**

12 *Section 8101 is amended—*

13 (1) *in paragraph (8), by striking “married*
 14 *brothers or married sisters;” and inserting “any*
 15 *brother or sister who is married (or is in a domestic*
 16 *partnership);”;*

17 (2) *in paragraph (9)—*

18 (A) *by inserting “(or children of the em-*
 19 *ployee’s domestic partner not adopted by or oth-*
 20 *erwise the children of the employee)” after “step-*
 21 *children”; and*

22 (B) *by striking “married children” and in-*
 23 *serting “any child who is married (or in a do-*
 24 *mestic partnership);”;*

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

3 (4) in paragraph (19), by striking “and” at the
4 end;

5 (5) in paragraph (20), by striking the period
6 and inserting a semicolon; and

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

8 “(21) ‘domestic partner’ means an individual
9 who is in a domestic partnership with another indi-
10 vidual, as determined by the Secretary of Labor for
11 purposes of this subchapter under regulations issued
12 by the Secretary, in consultation with the Director of
13 the Office of Personnel Management—

14 “(A) who are of the same sex;

15 “(B) at least 1 of whom is an employee or
16 an individual otherwise eligible for coverage
17 under this subchapter (or any application or ex-
18 tension thereof) based on such individual’s em-
19 ployment or other service;

20 “(C)(i) who are in a committed domestic-
21 partnership relationship with each other satis-
22 fying the conditions in clauses (ii), (iii), and
23 (iv) and intend to remain so indefinitely;

24 “(ii) who have a common residence and in-
25 tend to continue to do so (or would have a com-

1 *mon residence, but are prevented from doing so*
2 *because of such reasons as an assignment abroad*
3 *or other employment-related factors, financial*
4 *considerations, family responsibilities or other*
5 *such reasons);*

6 *“(iii) who share responsibility for a signifi-*
7 *cant measure of each other’s welfare and finan-*
8 *cial obligations; and*

9 *“(iv) neither of whom is married to or in*
10 *a domestic partnership with anyone except each*
11 *other;*

12 *“(D) who are at least 18 years of age and*
13 *mentally competent to consent to a contract; and*

14 *“(E) who are not related to each other by*
15 *blood in a way that would prohibit legal mar-*
16 *riage between individuals otherwise eligible to*
17 *marry in the jurisdiction (or, if applicable, in*
18 *any jurisdiction) in which the individuals have*
19 *a common residence; and*

20 *“(22) ‘surviving partner’ means the domestic*
21 *partner in a domestic partnership with the decedent*
22 *at the time of his or her death.”.*

1 **SEC. 602. DEATH GRATUITY FOR INJURIES INCURRED IN**
2 **CONNECTION WITH EMPLOYEE'S SERVICE**
3 **WITH AN ARMED FORCE.**

4 *Section 8102a(d) is amended—*

5 *(1) in paragraph (1)(A), by striking “surviving*
6 *spouse.” and inserting “surviving spouse (or sur-*
7 *viving partner).”;*

8 *(2) in paragraph (2)(C), by inserting “(or chil-*
9 *dren of the employee’s domestic partner not adopted*
10 *by or otherwise the children of the employee)” after*
11 *“stepchildren”; and*

12 *(3) by striking paragraph (6) and inserting the*
13 *following:*

14 *“(6) If a person covered by this section has a*
15 *spouse (or a domestic partner), but designates a per-*
16 *son other than the spouse (or domestic partner) to re-*
17 *ceive all or a portion of the amount payable under*
18 *this section, the head of the agency, or other entity,*
19 *in which that person is employed shall provide notice*
20 *of the designation to the spouse (or the domestic part-*
21 *ner).”.*

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

24 *Section 8109(a)(3)(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
10 widower,” and inserting “no widow or widower (and
11 no surviving partner).”.

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

13 Section 8110(a) is amended—

14 (1) in paragraph (3)—

15 (A) by striking “an unmarried child” and
16 inserting “a child who is unmarried (and not in
17 a domestic partnership)”; and

18 (B) by striking “and” at the end;

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

21 (3) by inserting after paragraph (4) the fol-
22 lowing:

23 “(5) a domestic partner, if—

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

1 “(B) he or she is receiving regular contribu-
2 tions from the employee for his or her support;
3 or

4 “(C) the employee has been ordered by a
5 court to contribute to his or her support.”; and
6 (4) in the last sentence, by striking “he marries.”
7 and inserting “he marries (or enters into a domestic
8 partnership).”.

9 **SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSA-**
10 **TION.**

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

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

14 Section 8133 is amended—

15 (1) in subsection (a)—

16 (A) in paragraphs (1) and (2), by striking
17 “the widow or widower,” and inserting “the
18 widow or widower (or the surviving partner).”;
19 and

20 (B) in paragraph (2), by inserting “(or the
21 surviving partner)” after “for the widow or wid-
22 ower”;

23 (C) in paragraph (3), by striking “no
24 widow or widower,” and inserting “no widow or
25 widower (and no surviving partner).”; and

1 (D) in paragraphs (4) and (5), by striking
2 “widower,” and inserting “widower (or sur-
3 viving partner),” each place it appears; and
4 (2) in subsection (b)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) a widow or widower dies or remarries (or
8 enters into a domestic partnership) (or a surviving
9 partner dies or enters into a subsequent domestic
10 partnership or marries) before reaching age 55;” and

11 (B) in paragraphs (2) and (3), by striking
12 “marries,” each place that term appears and in-
13 serting “marries (or enters into a domestic part-
14 nership),”; and

15 (C) in the matter following paragraph
16 (3)—

17 (i) in the first sentence, by striking
18 “marries.” and inserting “marries (or en-
19 ters into a domestic partnership).”; and

20 (ii) in the second sentence, by inserting
21 “(or domestic partner) (or a surviving part-
22 ner who has entitlements to benefits under
23 this title derived from more than 1 domestic
24 partner or spouse)” after “husband or
25 wife”.

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

2 *Section 8135 is amended—*

3 *(1) in subsection (a), by inserting “(or surviving*
4 *partner)” after “widow or widower”; and*

5 *(2) by striking subsection (b) and inserting the*
6 *following:*

7 *“(b) A widow or widower on remarriage (or on entry*
8 *into a domestic partnership) before reaching age 55 (or a*
9 *surviving partner on entry into a subsequent domestic part-*
10 *nership or on marriage before age 55) who is entitled to*
11 *compensation under section 8133 of this title, shall be paid*
12 *a lump sum equal to 24 times the monthly compensation*
13 *payment (excluding compensation on account of another in-*
14 *dividual) to which that individual was entitled imme-*
15 *diately before the remarriage (or entry into a domestic part-*
16 *nership) (or, in the case of a surviving partner, imme-*
17 *diately before entry into the subsequent domestic partner-*
18 *ship or the marriage).”.*

19 **SEC. 608. EMPLOYEES OF NONAPPROPRIATED FUND IN-**
20 **STRUMENTALITIES.**

21 *(a) IN GENERAL.—Section 8171 is amended by adding*
22 *at the end the following:*

23 *“(e)(1) For the purpose of this section—*

24 *“(A) the term ‘domestic partner’ means an indi-*
25 *vidual who is in a domestic partnership with another*
26 *individual, as determined by the Secretary of Labor*

1 *for purposes of this subchapter under regulations*
2 *issued by the Secretary, in consultation with the Di-*
3 *rector of the Office of Personnel Management—*

4 *“(i) who are of the same sex;*

5 *“(ii) at least 1 of whom is an employee or*
6 *an individual otherwise eligible for coverage*
7 *under this subchapter (or any application or ex-*
8 *tension thereof) based on such individual’s em-*
9 *ployment or other service;*

10 *“(iii)(I) who are in a committed domestic-*
11 *partnership relationship with each other satis-*
12 *fying the conditions in subclauses (II), (III), and*
13 *(IV) and intend to remain so indefinitely;*

14 *“(II) who have a common residence and in-*
15 *tend to continue to do so (or would have a com-*
16 *mon residence, but are prevented from doing so*
17 *because of such reasons as an assignment abroad*
18 *or other employment-related factors, financial*
19 *considerations, family responsibilities or other*
20 *such reasons);*

21 *“(III) who share responsibility for a signifi-*
22 *cant measure of each other’s welfare and finan-*
23 *cial obligations; and*

1 “(IV) neither of whom is married to or in
2 a domestic partnership with anyone except each
3 other;

4 “(iv) who are at least 18 years of age and
5 mentally competent to consent to a contract; and

6 “(v) who are not related to each other by
7 blood in a way that would prohibit legal mar-
8 riage between individuals otherwise eligible to
9 marry in the jurisdiction (or, if applicable, in
10 any jurisdiction) in which the individuals have
11 a common residence; and

12 “(B) the term ‘surviving partner’ means the de-
13 cedent’s domestic partner at the time of his or her
14 death.

15 “(2) In the application of the Longshore and Harbor
16 Workers’ Compensation Act under this subchapter—

17 “(A) section 2(14) of that Act shall apply as
18 though—

19 “(i) ‘(or child of the domestic partner of an
20 employee or volunteer referred to in section
21 8171(a) of title 5, United States Code)’ were in-
22 serted after ‘stepchild’; and

23 “(ii) ‘(or children in domestic partner-
24 ships)’ were inserted after ‘married children’ and

1 ‘(or brothers or sisters in domestic partnerships)’
2 were inserted after ‘married sisters’;

3 “(B) in section 8(d)(1) of that Act—

4 “(i) subparagraphs (A), (C), and (D) shall
5 apply as though ‘(or surviving partner)’ were in-
6 serted after ‘widow or widower’ each place it ap-
7 pears; and

8 “(ii) subparagraph (D) shall apply as
9 though ‘wife, husband,’ were struck and ‘wife or
10 husband (or domestic partner)’ were inserted;
11 and

12 “(C) in section 9 of that Act—

13 “(i) subsection (b) shall apply as though the
14 portion of the first sentence up to and including
15 the sixth comma reads as follows: ‘If there be a
16 widow or widower (or surviving partner) and no
17 child of the deceased, to such widow or widower
18 (or surviving partner) 50 per centum of the av-
19 erage wages of the deceased, during widowhood,
20 or dependent widowerhood (or during the life of
21 the surviving partner, as the case may be), with
22 2 years’ compensation in 1 sum upon remar-
23 riage (or entry into a domestic partnership) of
24 such widow or widower (or entry into another
25 domestic partnership or marriage of such sur-

1 *viving partner); and if there be a surviving child*
2 *or children of the deceased, the additional*
3 *amount of $16\frac{2}{3}$ per centum of such wages for*
4 *each such child; in case of the death or remar-*
5 *riage (or entry into a domestic partnership) of*
6 *such widow or widower (or entry into another*
7 *domestic partnership or a marriage of such sur-*
8 *viving partner);*

9 *“(i) subsection (c) shall apply as though*
10 *the portion of the subsection up to and including*
11 *the fourth comma reads as follows: ‘If there be 1*
12 *surviving child of the deceased, but no widow or*
13 *widower (or surviving partner), then for the sup-*
14 *port of such child 50 per centum of the wages of*
15 *the deceased; and if there be more than 1 sur-*
16 *viving child of the deceased, but no widow or de-*
17 *pendent husband (or surviving partner),’;*

18 *“(iii) subsection (d) shall apply as*
19 *though—*

20 *“(I) the portion of the first sentence up*
21 *through the word ‘children’ reads as follows:*
22 *‘If there be no surviving wife or husband (or*
23 *surviving domestic partner) or child, or if*
24 *the amount payable to a surviving wife or*

1 *husband (or surviving domestic partner)*
2 *and to children’; and*

3 “(II) *the second sentence reads as fol-*
4 *lows: ‘But in no case shall the aggregate*
5 *amount payable under this subsection ex-*
6 *ceed the difference between 66²/₃ per centum*
7 *of such wages and the amount payable as*
8 *hereinbefore provided to widow or widower*
9 *(or surviving partner) and for the support*
10 *of surviving child or children.’;*

11 “(iv) *subsection (g) shall apply as though*
12 *the term ‘(or surviving domestic partner)’ were*
13 *inserted after ‘surviving wife’ each place it ap-*
14 *pears; and*

15 “(v) *section 31(b)(2)(C) shall apply as*
16 *though the term ‘(or domestic partner)’ were in-*
17 *serted after ‘spouse’.*”.

18 (b) *EXCLUSIVE LIABILITY.*—*Section 8173 is amended*
19 *by striking “spouse,” and inserting “spouse (or domestic*
20 *partner),”.*

21 **SEC. 609. EFFECTIVE DATE.**

22 (a) *IN GENERAL.*—*Subject to succeeding provisions of*
23 *this section, this title and the amendments made by this*
24 *title—*

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

3 (2) shall apply with respect to any injury or
4 death occurring before, on, or after such date of enact-
5 ment.

6 (b) *TIMELY CLAIM REQUIRED; LIMITATION ON PAY-*
7 *MENTS.*—No compensation shall be payable, by virtue of the
8 enactment of this title—

9 (1) unless timely claim therefor is filed in ac-
10 cordance with the provisions of section 8122 or 8193
11 of title 5, United States Code (as applicable), and
12 subsection (c); or

13 (2) with respect to any period commencing before
14 the date of enactment of this Act.

15 (c) *ALLOWABILITY OF CLAIMS.*—In the case of an
16 original claim for compensation for a disability or death
17 that occurred before the date of enactment of this Act (and
18 which would not otherwise be payable, but for the enactment
19 of the amendments made by this title)—

20 (1) such claim shall not be allowed if, as of such
21 date of enactment, a claim based on such disability
22 or death would no longer be timely (determined in ac-
23 cordance with such section 8122 or 8193 (as applica-
24 ble), before the application of paragraph (2)); and

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

3 (A) *by applying the provisions of such sec-*
 4 *tion 8122 or 8193 (as applicable); and*

5 (B) *as if the time limitations of such section*
 6 *8122 or 8193 (as applicable) did not begin to*
 7 *run until the date on which the provisions of sec-*
 8 *tion 2502(a) of title 5, United States Code (as*
 9 *added by section 101 of this Act) become effec-*
 10 *tive.*

11 (d) *PAYMENTS FOR PRIOR PERIODS NOT AF-*
 12 *FECTED.—No recovery shall be made of compensation paid*
 13 *to any individual whose entitlement to compensation is ter-*
 14 *minated or reduced as a result of the enactment of this title.*

15 **TITLE VII—EMPLOYEE LEAVE;**
 16 **DEATH OR CAPTIVITY COM-**
 17 **PENSATION; OTHER EM-**
 18 **PLOYEE BENEFITS**

19 **SEC. 701. VOLUNTARY TRANSFERS OF LEAVE; VOLUNTARY**
 20 **LEAVE BANK PROGRAM.**

21 (a) *VOLUNTARY TRANSFERS OF LEAVE.—Section 6333*
 22 *is amended by adding at the end the following:*

23 “(d) *Regulations to carry out this section shall include*
 24 *provisions to ensure that, in the administration of this sec-*

1 *tion, a domestic partner (as that term is defined in section*
 2 *2501) shall be afforded the same status as a spouse.”.*

3 *(b) VOLUNTARY LEAVE BANK PROGRAM.—Section*
 4 *6362 is amended—*

5 *(1) by inserting “(a)” before “Notwithstanding”;*
 6 *and*

7 *(2) by adding at the end the following:*

8 *“(b) The established program under this section shall*
 9 *include provisions to ensure that, in the administration of*
 10 *this section, a domestic partner (as that term is defined*
 11 *in section 2501) shall be afforded the same status as a*
 12 *spouse.”.*

13 **SEC. 702. FAMILY AND MEDICAL LEAVE.**

14 *(a) IN GENERAL.—*

15 *(1) DEFINITION.—Section 6381 is amended—*

16 *(A) in paragraph (6), in the matter before*
 17 *subparagraph (A), by striking “parentis,” and*
 18 *inserting “parentis (or a biological, adopted, or*
 19 *foster child of the domestic partner of the em-*
 20 *ployee),”;*

21 *(B) in paragraph (11), by striking “and”*
 22 *at the end;*

23 *(C) in paragraph (12), by striking the pe-*
 24 *riod at the end and inserting “; and”; and*

1 (D) by adding after paragraph (12) the fol-
2 lowing:

3 “(13) the term ‘domestic partner’ has the mean-
4 ing given under section 2501.”.

5 (2) *LEAVE REQUIREMENT.*—Section 6382 is
6 amended by striking “spouse,” each place that term
7 appears and inserting “spouse (or domestic part-
8 ner),”.

9 (3) *CERTIFICATION.*—Section 6383 is amended
10 in subsections (a) and (b)(4)(A) by striking “spouse,”
11 each place it appears and inserting “spouse (or do-
12 mestic partner),”.

13 (b) *CONGRESSIONAL ACCOUNTABILITY.*—Section 202
14 of the Congressional Accountability Act of 1995 (2 U.S.C.
15 1312) is amended by adding at the end the following:

16 “(f) *COVERAGE OF EMPLOYEES WITH DOMESTIC*
17 *PARTNERS.*—

18 “(1) *DEFINITION OF DOMESTIC PARTNER.*—In
19 this subsection, the term ‘domestic partner’ has the
20 meaning given under section 2501 of title 5, United
21 States Code.

22 “(2) *APPLICATION TO COVERED EMPLOYEES.*—In
23 the application of the Family and Medical Leave Act
24 of 1993 (29 U.S.C. 2601 et seq.) under subsection

1 (a)(1) as to a covered employee who has a domestic
2 partner—

3 “(A) sections 102 through 105 of that Act
4 shall apply as though ‘domestic partner’ were in-
5 serted after ‘spouse’ each place it appears in
6 those sections;

7 “(B) section 101(12) of that Act shall apply
8 as though a child of the domestic partner of a
9 covered employee, which child meets the condi-
10 tions of subparagraphs (A) and (B) of that sec-
11 tion, were included in the term ‘son or daughter’
12 as defined in that section; and

13 “(C) if the covered employee and the domes-
14 tic partner of the covered employee are employed
15 by the same employing office, the limit on the
16 aggregate number of workweeks of leave to which
17 both may be entitled, as stated in section 102(f)
18 of that Act, shall apply.

19 “(3) APPLICATION TO EMPLOYEES OF THE GOV-
20 ERNMENT ACCOUNTABILITY OFFICE.—In the applica-
21 tion of the Family and Medical Leave Act of 1993 (29
22 U.S.C. 2601 et seq.) as to an employee of the Govern-
23 ment Accountability Office who has a domestic part-
24 ner—

1 “(A) sections 102 through 105 of that Act
2 shall apply as though ‘domestic partner’ were in-
3 serted after ‘spouse’ each place it appears in
4 those sections;

5 “(B) section 101(12) of that Act shall apply
6 as though a child of the domestic partner of the
7 employee, which child meets the conditions of
8 subparagraphs (A) and (B) of that section, were
9 included in the term ‘son or daughter’ as defined
10 in that section; and

11 “(C) in any case in which the employee and
12 the domestic partner of the employee are both
13 employed by the Government Accountability Of-
14 fice, the limit on the aggregate number of work-
15 weeks of leave to which both may be entitled, as
16 stated in section 102(f) of that Act, shall apply.”.

17 (c) *PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNT-*
18 *ABILITY.*—Section 412 of title 3, United States Code, is
19 amended by adding at the end the following:

20 “(e) *COVERAGE OF EMPLOYEES WITH DOMESTIC*
21 *PARTNERS.*—

22 “(1) *DEFINITION OF DOMESTIC PARTNER.*—In
23 this subsection, the term ‘domestic partner’ has the
24 meaning given under section 2501 of title 5.

1 “(2) *APPLICATION TO COVERED EMPLOYEES.*—*In*
2 *the application of the Family and Medical Leave Act*
3 *of 1993 (29 U.S.C. 2601 et seq.) under subsection*
4 *(a)(1) as to a covered employee who has a domestic*
5 *partner—*

6 “(A) *sections 102 through 105 of that Act*
7 *shall apply as though ‘domestic partner’ were in-*
8 *serted after ‘spouse’ each place it appears in*
9 *those sections;*

10 “(B) *section 101(12) of that Act shall apply*
11 *as though a child of the domestic partner of a*
12 *covered employee, which child meets the condi-*
13 *tions of subparagraphs (A) and (B) of that sec-*
14 *tion, were included in the term ‘son or daughter’*
15 *as defined in that section; and*

16 “(C) *if the covered employee and the domes-*
17 *tic partner of the covered employee are employed*
18 *by the same employing office, the limit on the*
19 *aggregate number of workweeks of leave to which*
20 *both may be entitled, as stated in section 102(f)*
21 *of that Act, shall apply.”.*

22 **SEC. 703. SETTLEMENT OF ACCOUNTS.**

23 *Section 5582(b) is amended by inserting “(or sur-*
24 *ving domestic partner (as defined under section 2501))”*
25 *after “widow or widower”.*

1 **SEC. 704. PAYMENTS TO MISSING EMPLOYEES.**

2 (a) *DEFINITIONS.*—Section 5561 is amended—

3 (1) in paragraph (3)—

4 (A) in subparagraph (A), by striking “wife”
5 and inserting “spouse (or domestic partner)”;
6 and

7 (B) by striking subparagraph (B) and in-
8 serring—

9 “(B) a child, including a dependent adopted
10 child (or a dependent child of a domestic partner
11 not adopted by or otherwise the child of the em-
12 ployee), who is—

13 “(i) unmarried (and not in a domestic
14 partnership); and

15 “(ii) under 21 years of age;”;

16 (2) in paragraph (5)(E), by striking “and” at
17 the end;

18 (3) in paragraph (6)(F), by striking the period
19 at the end and inserting “; and”; and

20 (4) by adding at the end the following:

21 “(7) ‘domestic partner’ and ‘domestic partner-
22 ship’ have the meanings given under section 2501.”.

23 (b) *BENEFITS FOR CAPTIVES.*—Section 5569 is
24 amended by inserting “(or domestic partner)” after
25 “spouse” each place it appears.

1 **SEC. 705. ANNUITY OF THE COMPTROLLER GENERAL.**

2 (a) *DEFINITIONS.*—Section 771 of title 31, United
3 States Code, is amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “subchapter—” and inserting “subchapter:”;

6 (2) in paragraph (1)—

7 (A) by inserting “The term” after “(1)”;

8 and

9 (B) by inserting “(or the child of a report-
10 ing Comptroller General’s domestic partner not
11 adopted by or otherwise the child of the Comp-
12 troller General)” after “including a stepchild”;

13 and

14 (3) by striking paragraphs (2) and (3) and in-
15 serting the following:

16 “(2) The terms ‘domestic partner’ and ‘domestic
17 partnership’ have the meanings given under section
18 2501 of title 5.

19 “(3) The term ‘surviving spouse’ means a sur-
20 viving spouse of an individual who was a Comp-
21 troller General or retired Comptroller General and the
22 spouse—

23 “(A) was married to the individual for at
24 least 1 year immediately before the individual
25 died; or

1 “(B) has not remarried (or entered into a
2 domestic partnership) before age 55 and is the
3 parent of issue by the marriage.

4 “(4) The term ‘surviving partner’ means a sur-
5 viving domestic partner of an individual who was a
6 Comptroller General or retired Comptroller General
7 and the domestic partner—

8 “(A) was in a domestic partnership for at
9 least 1 year immediately before the individual
10 died; or

11 “(B)(i) has not entered into a subsequent
12 domestic partnership or married before age 55;
13 and

14 “(i) satisfies other requirements, related to
15 parenthood and the domestic partnership, pre-
16 scribed by the Director of the Office of Personnel
17 Management by regulation under sections
18 8341(3)(b) and 8441(3)(B) of title 5, as deter-
19 mined and applied by the General Counsel of the
20 Government Accountability Office on the basis of
21 those regulations.

22 “(5) Service as a Comptroller General equals the
23 number of years and complete months an individual
24 is Comptroller General.”.

1 (b) *ELECTION OF SURVIVOR BENEFITS.*—Section 773
2 of title 31, United States Code, is amended—

3 (1) in subsection (b)(2)(B), by inserting “(or do-
4 mestic partner’s)” after “surviving spouse’s”;

5 (2) in subsection (c), by inserting “(or surviving
6 domestic partner)” after “surviving spouse”; and

7 (3) in subsection (d), by inserting “(or domestic
8 partner)” before the period.

9 (c) *SURVIVOR ANNUITIES.*—Section 774 of title 31,
10 United States Code, is amended—

11 (1) in subsection (c)—

12 (A) by striking paragraph (1) and inserting
13 the following:

14 “(1) only by a spouse (or domestic partner), the
15 surviving spouse (or surviving domestic partner) shall
16 receive an annuity computed under subsection (d) of
17 this section beginning on the death of the Comptroller
18 General or retired Comptroller General or when the
19 spouse (or domestic partner) is 50 years of age,
20 whichever is later;”;

21 (B) in paragraph (2), by striking “by a
22 spouse and a dependent child, the surviving
23 spouse” and inserting “by a spouse (or domestic
24 partner) and a dependent child, the surviving
25 spouse (or surviving domestic partner)”; and

1 (C) in paragraph (3)(A), by inserting “(or
2 surviving domestic partner)” after “surviving
3 spouse”;

4 (2) in subsection (d), by inserting “(or surviving
5 domestic partner)” after “surviving spouse”;

6 (3) in subsection (e)—

7 (A) by inserting “(or surviving domestic
8 partner’s)” after “A surviving spouse’s”;

9 (B) by inserting “(or surviving domestic
10 partner’s)” after “a surviving spouse’s”; and

11 (C) by inserting “(or domestic partner)”
12 after “unless the spouse”.

13 (d) *REFUNDS.*—Section 775 of title 31, United States
14 Code, is amended—

15 (1) in subsection (d)(2), by inserting “(or sur-
16 viving domestic partner)” after “surviving spouse”;
17 and

18 (2) in subsection (e), by inserting “(or surviving
19 domestic partner)” after “surviving spouse”.

20 (e) *PAYMENT OF SURVIVOR BENEFITS.*—Section
21 776(b) of title 31, United States Code, is amended—

22 (1) in paragraph (1), by striking “A surviving
23 spouse’s annuity ends when the spouse remarries”
24 and inserting “A surviving spouse’s (or surviving do-
25 mestic partner’s) annuity ends when the spouse re-

1 *marries (or enters into a domestic partnership) (or*
2 *when the surviving domestic partner enters into an-*
3 *other domestic partnership or marries)”;*

4 *(2) in paragraph (2), by striking “marries, or*
5 *dies, whichever is earliest. However, if a child is not*
6 *self-supporting because of a physical or mental dis-*
7 *ability, an annuity ends when the child recovers,*
8 *marries” and inserting “marries (or enters into a do-*
9 *mestic partnership), or dies, whichever is earliest.*
10 *However, if a child is not self-supporting because of*
11 *a physical or mental disability, an annuity ends*
12 *when the child recovers, marries (or enters into a do-*
13 *mestic partnership)”; and*

14 *(3) in paragraph (3), by inserting “(or surviving*
15 *domestic partner)” after “a surviving spouse”.*

16 *(f) ANNUITY INCREASES.—Section 777(b) of title 31,*
17 *United States Code, is amended by inserting “(or surviving*
18 *domestic partner’s)” after “A surviving spouse’s”.*

1 **TITLE VIII—ETHICS IN GOVERN-**
 2 **MENT, CONFLICTS OF INTER-**
 3 **EST, EMPLOYMENT OF REL-**
 4 **ATIVES, GIFTS, AND EM-**
 5 **PLOYEE CONDUCT**

6 **SEC. 801. ETHICS IN GOVERNMENT ACT OF 1978.**

7 (a) *CONTENTS OF REPORTS.*—Section 102 of the Eth-
 8 *ics in Government Act of 1978 (5 U.S.C. App.) is amend-*
 9 *ed—*

10 (1) *in subsection (a)—*

11 (A) *in paragraph (2)(A), by inserting “(or*
 12 *the domestic partner or a parent, child, or sib-*
 13 *ling of the domestic partner)” after “relative”;*

14 (B) *in paragraph (3), by striking “spouse,*
 15 *or by a parent, brother, sister, or child of the re-*
 16 *porting individual or of the reporting individ-*
 17 *ual’s spouse,” and inserting “spouse (or domestic*
 18 *partner), or by a parent, brother, sister, or child*
 19 *of the reporting individual or of the reporting*
 20 *individual’s spouse (or of the reporting individ-*
 21 *ual’s domestic partner),”;*

22 (C) *in paragraph (4)—*

23 (i) *in the matter preceding subpara-*
 24 *graph (A), by striking “spouse, or a parent,*
 25 *brother, sister, or child of the reporting in-*

1 *dividual or of the reporting individual's*
2 *spouse" and inserting "spouse (or domestic*
3 *partner), or a parent, brother, sister, or*
4 *child of the reporting individual or of the*
5 *reporting individual's spouse (or of the re-*
6 *porting individual's domestic partner),";*
7 *and*

8 *(ii) in subparagraph (A), by inserting*
9 *"(or domestic partner)" after "spouse"; and*
10 *(D) in paragraph (5), by inserting "(or do-*
11 *mestic partner)" after "spouse" each place that*
12 *term appears;*

13 *(2) in subsection (e)—*

14 *(A) in paragraph (1)—*

15 *(i) in the matter preceding subpara-*
16 *graph (A) and subparagraphs (A), (B), (C),*
17 *and (D) by inserting "(or domestic part-*
18 *ner)" after "spouse" each place that term*
19 *appears;*

20 *(ii) in subparagraph (E), by inserting*
21 *"(or domestic partner's)" after "spouse's";*

22 *(iii) in subparagraph (F)—*

23 *(I) by inserting "(and domestic*
24 *partners)" after "spouses"; and*

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

3 (iv) in the matter following subpara-
4 graph (F), by inserting “(or domestic part-
5 ner)” after “spouse”; and

6 (B) in paragraph (2), by inserting “(or the
7 termination of the reporting individual’s domes-
8 tic partnership)” after “his spouse”; and

9 (3) in subsection (f), by inserting “(or domestic
10 partner)” after “spouse” each place that term ap-
11 pears.

12 (b) *DEFINITIONS RELATING TO FINANCIAL DISCLO-*
13 *SURE.*—

14 (1) *IN GENERAL.*—Section 109 of the *Ethics in*
15 *Government Act of 1978 (5 U.S.C. App.)* is amend-
16 *ed*—

17 (A) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “(or who is a son
20 or daughter of the reporting individual’s do-
21 mestic partner)” after “stepdaughter”;

22 (ii) in subparagraph (A), by striking
23 “unmarried” and inserting “not married
24 (and not in a domestic partnership)”; and

1 (iii) in subparagraph (B), by inserting
 2 “(or, in the case of a son or daughter of the
 3 reporting individual’s domestic partner,
 4 would be a dependent within the meaning of
 5 such section if the requirements of sub-
 6 sections (c)(1)(A) and (d)(1)(A) of such sec-
 7 tion were disregarded)” before the semi-
 8 colon;

9 (B) by redesignating paragraphs (4)
 10 through (19) as paragraphs (5) through (20), re-
 11 spectively; and

12 (C) by inserting after paragraph (3) the fol-
 13 lowing:

14 “(4) ‘domestic partner’ and ‘domestic partner-
 15 ship’ have the meanings given under section 2501 of
 16 title 5, United States Code.”.

17 (2) *TECHNICAL AND CONFORMING AMEND-*
 18 *MENTS.—*

19 (A) *ETHICS IN GOVERNMENT ACT OF 1978.—*
 20 *The Ethics in Government Act of 1978 (5 U.S.C.*
 21 *App.) is amended—*

22 (i) in section 101(f)—

23 (I) in paragraph (9), by striking
 24 “section 109(12)” and inserting “sec-
 25 tion 109(13)”;

1 (II) in paragraph (10), by strik-
2 ing “section 109(13)” and inserting
3 “section 109(14)”;

4 (III) in paragraph (11), by strik-
5 ing “section 109(10)” and inserting
6 “section 109(11)”;

7 (IV) in paragraph (12), by strik-
8 ing “section 109(8)” and inserting
9 “section 109(9)”;

10 (ii) in section 105(b)(3)(A), by striking
11 “section 109(8) or 109(10)” and inserting
12 “section 109(9) or (11)”.

13 (B) OTHER PROVISIONS.—

14 (i) LOBBYING DISCLOSURE ACT OF
15 1995.—Section 3(4)(D) of the Lobbying Dis-
16 closure Act of 1995 (2 U.S.C. 1602(4)(D)) is
17 amended by striking “section 109(13)” and
18 inserting “section 109(14)”.

19 (ii) PUBLIC HEALTH SERVICE ACT.—
20 Section 499(j)(2) of the Public Health Serv-
21 ice Act (42 U.S.C. 290b(j)(2)) is amended
22 by striking “section 109(16)” and inserting
23 “section 109(17)”.

24 (c) OUTSIDE EARNED INCOME LIMITATION.—Section
25 501(c) of the Ethics in Government Act of 1978 (5 U.S.C.

1 *App.) is amended by striking “spouse, child, or dependent*
 2 *relative of such individual” and inserting “spouse (or do-*
 3 *mestic partner), child, or dependent relative of such indi-*
 4 *vidual (or child, sibling, or parent of such individual’s do-*
 5 *mestic partner, which child, sibling, or parent is a depend-*
 6 *ent of such individual)”.*

7 *(d) DEFINITIONS RELATING TO OUTSIDE EARNED IN-*
 8 *COME AND EMPLOYMENT.—Section 505 of the Ethics in*
 9 *Government Act of 1978 (5 U.S.C. App.) is amended—*

10 *(1) in paragraph (3), by inserting “(or the indi-*
 11 *vidual’s domestic partner, or a parent, child, or sib-*
 12 *ling of the individual’s domestic partner)” after “rel-*
 13 *ative”; and*

14 *(2) in paragraph (4), by inserting “(or the do-*
 15 *mestic partner, or a parent, child, or sibling of the*
 16 *domestic partner)” after “relative”.*

17 **SEC. 802. CONFLICTS OF INTEREST.**

18 *(a) COMPENSATION TO MEMBERS OF CONGRESS, OFFI-*
 19 *CERS, AND OTHERS IN MATTERS AFFECTING THE GOVERN-*
 20 *MENT.—Section 203(d) of title 18, United States Code, is*
 21 *amended in the matter preceding paragraph (1) by insert-*
 22 *ing “(or domestic partner, as that term is defined in section*
 23 *2501 of title 5)” after “spouse”.*

24 *(b) ACTIVITIES OF OFFICERS AND EMPLOYEES IN*
 25 *CLAIMS AGAINST AND OTHER MATTERS AFFECTING THE*

1 *GOVERNMENT.—Section 205(e) of title 18, United States*
 2 *Code, is amended in the matter preceding paragraph (1)*
 3 *by inserting “(or domestic partner, as that term is defined*
 4 *in section 2501 of title 5)” after “spouse”.*

5 *(c) ACTS AFFECTING A PERSONAL FINANCIAL INTER-*
 6 *EST.—Section 208(a) of title 18, United States Code, is*
 7 *amended by inserting “(or domestic partner, as that term*
 8 *is defined in section 2501 of title 5)” after “spouse”.*

9 **SEC. 803. EMPLOYMENT OF RELATIVES, RESTRICTIONS.**

10 *Section 3110 is amended—*

11 *(1) in subsection (a)—*

12 *(A) in paragraph (2), by striking “and” at*
 13 *the end;*

14 *(B) in paragraph (3), by striking the period*
 15 *and inserting “; and”; and*

16 *(C) by adding at the end the following:*

17 *“(4) ‘domestic partner’ has the meaning given*
 18 *under section 2501.”; and*

19 *(2) in subsection (b), by inserting “The restric-*
 20 *tions in this subsection shall apply also to a public*
 21 *official with respect to any individual, and to any in-*
 22 *dividual with respect to a public official, if the indi-*
 23 *vidual is the public official’s domestic partner; is a*
 24 *parent, child, or sibling of the public official’s domes-*

1 *tic partner; or is the domestic partner of a child, par-*
2 *ent, or sibling of the public official.” at the end.*

3 **SEC. 804. RECEIPT AND DISPOSITION OF FOREIGN GIFTS**
4 **AND DECORATIONS.**

5 *Section 7342(a)(1) is amended—*

6 (1) *in paragraph (1)(G), by inserting “(or do-*
7 *mestic partner)” after “spouse” each place it appears;*

8 (2) *in paragraph (5), by striking “and” at the*
9 *end;*

10 (3) *in paragraph (6), by striking the period at*
11 *the end and inserting “; and”; and*

12 (4) *by adding at the end the following:*

13 “(7) ‘domestic partner’ has the same meaning
14 *given under section 2501.”.*

15 **SEC. 805. REGULATION OF CONDUCT; GIFTS.**

16 (a) *IN GENERAL.—Regulations under section 7301 of*
17 *title 5, United States Code, shall be modified by the Presi-*
18 *dent, and regulations under sections 7351 and 7353 of that*
19 *title shall be modified by the Office of Government Ethics,*
20 *so as to provide that any benefits and obligations applicable*
21 *to married employees and their spouses shall also apply to*
22 *employees in domestic partnerships and their domestic*
23 *partners.*

1 **(b) DEFINITION.**—*In this section, the term “domestic*
2 *partner” has the meaning given under section 2501 of title*
3 *5, United States Code.*

4 **SEC. 806. ACCEPTANCE OF TRAVEL ASSISTANCE FROM NON-**
5 **FEDERAL SOURCES.**

6 *Section 1353(a) of title 31, United States Code, is*
7 *amended by inserting “(or domestic partner (as defined*
8 *under section 2501 of title 5))” after “spouse”.*

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112TH CONGRESS
2D Session

S. 1910

[Report No. 112-257]

A BILL

To provide benefits to domestic partners of Federal employees.

DECEMBER 19, 2012

Reported with an amendment