

Calendar No. 704111TH CONGRESS
2^D SESSION**S. 1102****[Report No. 111-376]**

To provide benefits to domestic partners of Federal employees.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

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

DECEMBER 17, 2010

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.**

2 This Act may be cited as the “Domestic Partnership
3 Benefits and Obligations Act of 2009”.

4 **SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL**
5 **EMPLOYEES.**

6 (a) **IN GENERAL.**—An employee who has a domestic
7 partner and the domestic partner of the employee shall
8 be entitled to benefits available to, and shall be subject
9 to obligations imposed upon, a married employee and the
10 spouse of the employee.

11 (b) **CERTIFICATION OF ELIGIBILITY.**—In order to ob-
12 tain benefits and assume obligations under this Act, an
13 employee shall file an affidavit of eligibility for benefits
14 and obligations with the Office of Personnel Management
15 identifying the domestic partner of the employee and certi-
16 fying that the employee and the domestic partner of the
17 employee—

18 (1) are each other’s sole domestic partner and
19 intend to remain so indefinitely;

20 (2) have a common residence, and intend to
21 continue the arrangement;

22 (3) are at least 18 years of age and mentally
23 competent to consent to contract;

24 (4) share responsibility for a significant meas-
25 ure of each other’s common welfare and financial ob-
26 ligations;

1 (5) are not married to or domestic partners
2 with anyone else;

3 (6) are same sex domestic partners, and not re-
4 lated in a way that, if the 2 were of opposite sex,
5 would prohibit legal marriage in the State in which
6 they reside; and

7 (7) understand that willful falsification of infor-
8 mation within the affidavit may lead to disciplinary
9 action and the recovery of the cost of benefits re-
10 ceived related to such falsification and may con-
11 stitute a criminal violation.

12 (c) DISSOLUTION OF PARTNERSHIP.—

13 (1) IN GENERAL.—An employee or domestic
14 partner of an employee who obtains benefits under
15 this Act shall file a statement of dissolution of the
16 domestic partnership with the Office of Personnel
17 Management not later than 30 days after the death
18 of the employee or the domestic partner or the date
19 of dissolution of the domestic partnership.

20 (2) DEATH OF EMPLOYEE.—In a case in which
21 an employee dies, the domestic partner of the em-
22 ployee at the time of death shall receive under this
23 Act such benefits as would be received by the widow
24 or widower of an employee.

25 (3) OTHER DISSOLUTION OF PARTNERSHIP.—

1 (A) ~~IN GENERAL.~~—In a case in which a
 2 domestic partnership dissolves by a method
 3 other than death of the employee or domestic
 4 partner of the employee, any benefits received
 5 by the domestic partner as a result of this Act
 6 shall terminate.

7 (B) ~~EXCEPTION.~~—In a case in which a do-
 8 mestic partnership dissolves by a method other
 9 than death of the employee or domestic partner
 10 of the employee, the former domestic partner of
 11 the employee shall be entitled to benefits avail-
 12 able to, and shall be subject to obligations im-
 13 posed upon, a former spouse.

14 (d) ~~STEPCHILDREN.~~—For purposes of affording ben-
 15 efits under this Act, any natural or adopted child of a do-
 16 mestic partner of an employee shall be deemed a stepchild
 17 of the employee.

18 (e) ~~CONFIDENTIALITY.~~—Any information submitted
 19 to the Office of Personnel Management under subsection
 20 (b) shall be used solely for the purpose of certifying an
 21 individual's eligibility for benefits under subsection (a).

22 (f) ~~REGULATIONS AND ORDERS.~~—

23 (1) ~~OFFICE OF PERSONNEL MANAGEMENT.~~—
 24 Not later than 6 months after the date of enactment
 25 of this Act, the Office of Personnel Management

1 shall promulgate regulations to implement section 2
2 (b) and (c).

3 ~~(2) OTHER EXECUTIVE BRANCH REGULA-~~
4 ~~TIONS.—Not later than 6 months after the date of~~
5 ~~enactment of this Act, the President or designees of~~
6 ~~the President shall promulgate regulations to imple-~~
7 ~~ment this Act with respect to benefits and obliga-~~
8 ~~tions administered by agencies or other entities of~~
9 ~~the executive branch.~~

10 ~~(3) OTHER REGULATIONS AND ORDERS.—Not~~
11 ~~later than 6 months after the date of enactment of~~
12 ~~this Act, each agency or other entity or official not~~
13 ~~within the executive branch that administers a pro-~~
14 ~~gram providing benefits or imposing obligations shall~~
15 ~~promulgate regulations or orders to implement this~~
16 ~~Act with respect to the program.~~

17 ~~(4) PROCEDURE.—Regulations and orders re-~~
18 ~~quired under this subsection shall be promulgated~~
19 ~~after notice to interested persons and an opportunity~~
20 ~~for comment.~~

21 ~~(g) DEFINITIONS.—In this Act:~~

22 ~~(1) BENEFITS.—The term “benefits” means—~~
23 ~~(A) health insurance and enhanced dental~~
24 ~~and vision benefits, as provided under chapters~~

1 89, 89A, and 89B of title 5, United States
2 Code;

3 (B) retirement and disability benefits and
4 plans, as provided under—

5 (i) chapters 83 and 84 of title 5,
6 United States Code;

7 (ii) chapter 8 of the Foreign Service
8 Act of 1980 (22 U.S.C. 4041 et seq.); and

9 (iii) the Central Intelligence Agency
10 Retirement Act of 1964 for Certain Em-
11 ployees (50 U.S.C. chapter 38);

12 (C) family, medical, and emergency leave,
13 as provided under—

14 (i) subchapters III, IV, and V of
15 chapter 63 of title 5, United States Code;

16 (ii) the Family and Medical Leave Act
17 of 1993 (29 U.S.C. 2601 et seq.), insofar
18 as that Act applies to the Government Ac-
19 countability Office and the Library of Con-
20 gress;

21 (iii) section 202 of the Congressional
22 Accountability Act of 1995 (2 U.S.C.
23 1312); and

24 (iv) section 412 of title 3, United
25 States Code;

1 (D) Federal group life insurance, as pro-
2 vided under chapter 87 of title 5, United States
3 Code;

4 (E) long-term care insurance, as provided
5 under chapter 90 of title 5, United States Code;

6 (F) compensation for work injuries, as pro-
7 vided under chapter 81 of title 5, United States
8 Code;

9 (G) benefits for disability, death, or cap-
10 tivity, as provided under—

11 (i) sections 5569 and 5570 of title 5,
12 United States Code;

13 (ii) section 413 of the Foreign Service
14 Act of 1980 (22 U.S.C. 3973); and

15 (iii) part L of title I of the Omnibus
16 Crime Control and Safe Streets Act of
17 1968 (42 U.S.C. 3796 et seq.), insofar as
18 that part applies to any employee;

19 (H) travel, transportation, and related pay-
20 ments and benefits, as provided under—

21 (i) chapter 57 of title 5, United States
22 Code;

23 (ii) chapter 9 of the Foreign Service
24 Act of 1980 (22 U.S.C. 4081 et seq.); and

1 (iii) section 1599b of title 10, United
2 States Code; and

3 ~~(I) any other benefit similar to a benefit~~
4 ~~described under subparagraphs (A) through (H)~~
5 ~~provided by or on behalf of the United States~~
6 ~~to any employee.~~

7 ~~(2) DOMESTIC PARTNER.—The term “domestic~~
8 ~~partner” means an adult unmarried person living~~
9 ~~with another adult unmarried person of the same~~
10 ~~sex in a committed, intimate relationship.~~

11 ~~(3) EMPLOYEE.—The term “employee”—~~

12 ~~(A) means an officer or employee of the~~
13 ~~United States or of any department, agency, or~~
14 ~~other entity of the United States, including the~~
15 ~~President of the United States, the Vice Presi-~~
16 ~~dent of the United States, a Member of Con-~~
17 ~~gress, or a Federal judge; and~~

18 ~~(B) shall not include a member of the uni-~~
19 ~~formed services.~~

20 ~~(4) OBLIGATIONS.—The term “obligations”~~
21 ~~means any duties or responsibilities with respect to~~
22 ~~Federal employment that would be incurred by a~~
23 ~~married employee or by the spouse of an employee.~~

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

- Sec. 101. Federal employees in domestic partnerships.*
Sec. 102. Guidance documentation.
*Sec. 103. Review of programs under which employment benefits and obligations
are established.*
Sec. 104. Study on recruitment and retention.
Sec. 105. 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.**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. Benefits for captives.**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.*

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.*

8 **TITLE I—ESTABLISHMENT AND**
 9 **TERMINATION OF DOMESTIC**
 10 **PARTNERSHIPS; OTHER GEN-**
 11 **ERAL PROVISIONS**

12 **SEC. 101. FEDERAL EMPLOYEES IN DOMESTIC PARTNER-**
 13 **SHIPS.**

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

16 **“CHAPTER 25—FEDERAL EMPLOYEES IN**
 17 **DOMESTIC PARTNERSHIPS**

“Sec.

“2501. Definitions.

“2502. Establishment and termination of domestic partnerships.

18 **“§ 2501. Definitions**

19 *“In this chapter—*

20 *“(1) the term ‘annuitant’ means—*

21 *“(A) an annuitant as defined under section*
 22 *8331 or 8401; and*

23 *“(B) as determined under regulations pre-*
 24 *scribed by the President or a designee thereof,*

1 *any other individual who is entitled to benefits*
2 *(based on the service of such individual) under*
3 *a retirement system for employees of the Govern-*
4 *ment;*

5 “(2) *the term ‘Director’ means the Director of the*
6 *Office of Personnel Management;*

7 “(3) *the term ‘domestic partner’ means either of*
8 *the individuals in a domestic partnership;*

9 “(4) *the term ‘domestic partnership’ means a re-*
10 *lationship between 2 individuals of the same sex, at*
11 *least 1 of whom is an employee, former employee, or*
12 *annuitant, that has been established under section*
13 *2502(a) and not dissolved under section 2502(b); and*

14 “(5) *the term ‘employee’ means—*

15 “(A) *an employee as defined under section*
16 *2105, including an employee referred to in sub-*
17 *section (c) or (e) of that section;*

18 “(B) *a Member of Congress;*

19 “(C) *the President; or*

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

1 **“§2502. Establishment and termination of domestic**
2 **partnerships**

3 “(a) *ESTABLISHMENT OF DOMESTIC PARTNERSHIP.—*

4 “(1) *An employee, former employee, or annu-*
5 *itant and another individual (who may also be an*
6 *employee, former employee, or annuitant) may estab-*
7 *lish a domestic partnership as provided in this sec-*
8 *tion for the purposes of the provisions of law to which*
9 *this chapter applies.*

10 “(2) *To establish a domestic partnership, the 2*
11 *individuals referred to in paragraph (1) shall jointly*
12 *execute, and the employee, former employee, or annu-*
13 *itant shall file, an application accompanied by an af-*
14 *fidavit, the application and affidavit being in such*
15 *form and filed in such manner as the Director shall*
16 *by regulation prescribe.*

17 “(3) *By the affidavit referred to in paragraph*
18 *(2), each of the individuals shall attest to the fol-*
19 *lowing:*

20 “(A)(i) *The individuals are of the same sex;*
21 *and*

22 “(ii) *the individual who files the applica-*
23 *tion and affidavit is an employee, former em-*
24 *ployee, or annuitant.*

25 “(B)(i) *The individuals are in a committed*
26 *domestic-partnership relationship with each*

1 *other satisfying the conditions in clauses (ii),*
2 *(iii), and (iv) and intend to remain so indefi-*
3 *nitely.*

4 “(ii) *The individuals have a common resi-*
5 *dence and intend to continue to do so (or would*
6 *have a common residence, but are prevented from*
7 *doing so because of an assignment abroad or*
8 *other employment-related, financial, or other*
9 *reasons identified in the affidavit).*

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

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

16 “(C) *Each individual is at least 18 years of*
17 *age and mentally competent to consent to a con-*
18 *tract.*

19 “(D) *The individuals are not related to each*
20 *other by blood in a way that would prohibit*
21 *legal marriage between individuals otherwise eli-*
22 *gible to marry in the jurisdiction (or, if applica-*
23 *ble, in any jurisdiction) in which the individuals*
24 *have a common residence.*

1 “(E) Each of the individuals understands
2 that—

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

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

20 “(iii) willful falsification of informa-
21 tion in the affidavit, or willful failure to
22 file notification as required under sub-
23 section (b)(2) or (3), may lead to recovery
24 of amounts obtained as a result of such fal-
25 sification or failure, disciplinary action

1 *against an employee, and criminal or other*
2 *penalties.*

3 “(b) *TERMINATION OF DOMESTIC PARTNERSHIP.—*

4 “(1) *A domestic partnership is terminated*
5 *upon—*

6 “(A) *the death of either domestic partner;*

7 “(B) *the filing of a notification under para-*
8 *graph (2) by either or both domestic partners; or*

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

12 “(2)(A) *If any condition referred to under clause*
13 *(ii), (iii), or (iv) of subsection (a)(3)(B) ceases to be*
14 *satisfied, either or both of the domestic partners shall,*
15 *within 30 days after the condition ceases to be satis-*
16 *fied, execute and file a notification, in such form and*
17 *in such manner as prescribed by the Director in regu-*
18 *lation, stating that the condition is no longer satisfied*
19 *and that the domestic partnership 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 files*
24 *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 “(c) *EFFECTIVENESS OF APPLICATION.—*

11 “(1) *An application shall not be effective for*
12 *purposes of this section unless the filing individual is*
13 *an employee, former employee, or annuitant as of the*
14 *time of the filing.*

15 “(2) *No individual shall, for purposes of the pro-*
16 *visions of law to which this chapter applies, be treat-*
17 *ed as being in a domestic partnership unless there is*
18 *in effect, in accordance with regulations prescribed by*
19 *the Director, an application filed in accordance with*
20 *this section.*

21 “(3) *An application so filed shall remain in ef-*
22 *fect until the earlier of—*

23 “(A) *the death of either individual; or*

1 “(B) *the date as of which the domestic part-*
2 *nership is otherwise terminated, as determined*
3 *under such regulations.*

4 “(d) *ADDITIONAL NOTIFICATIONS TO EMPLOYING*
5 *AGENCIES.—A domestic partner employed by an entity of*
6 *the United States shall provide such notifications to the em-*
7 *ploying entity of the formation, existence, or termination*
8 *of the domestic partnership, in addition to the filings re-*
9 *quired under subsections (a) and (b), as may be required,*
10 *and in such form and in such manner as prescribed, by*
11 *the Director in regulation.*

12 “(e) *MEMBERS OF THE ARMED FORCES NOT ELIGI-*
13 *BLE.—Notwithstanding any provision of the Uniformed*
14 *Services Employment and Reemployment Rights Act of*
15 *1994 (38 U.S.C. 4301 et seq.), a member of the Armed*
16 *Forces or of the Reserve Officers’ Training Corps may not*
17 *be either of the individuals who establish a domestic part-*
18 *nership under this section.*

19 “(f) *APPLICABILITY.—This section applies for pur-*
20 *poses of the provisions of this title (excluding chapter 81).*

21 “(g) *REGULATIONS.—The Director shall issue regula-*
22 *tions to carry out this section.”.*

23 “(b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
24 *table of chapters for part III of title 5, United States Code,*

1 *is amended by inserting after the item relating to chapter*
 2 *23 the following:*

“25. *Federal Employees in Domestic Partnerships* 2501”.

3 **SEC. 102. GUIDANCE DOCUMENTATION.**

4 (a) *IN GENERAL.*—*The officers and agencies that have*
 5 *authority to issue guidance documentation with respect to*
 6 *benefits and obligations established under the amendments*
 7 *made by this Act and the measures taken under section*
 8 *103(b)(1)(B) and (2) shall develop and issue such guidance*
 9 *documentation under the coordination of the Director of the*
 10 *Office of Personnel Management.*

11 (b) *OFFICE OF PERSONNEL MANAGEMENT.*—*The Di-*
 12 *rector of the Office of Personnel Management shall, to the*
 13 *greatest extent practicable—*

14 (1) *compile the guidance documentation referred*
 15 *to under subsection (a);*

16 (2) *prepare and issue guidance documentation*
 17 *with respect to benefits and obligations available to*
 18 *domestic partners of certain Secret Service and Park*
 19 *Police Officers who are covered under the DC Police*
 20 *Officers’ and Firefighters’ Retirement Plan, and in-*
 21 *clude that guidance documentation in the compilation*
 22 *under paragraph (1); and*

23 (3) *ensure that such documentation is readily*
 24 *available to employees and their domestic partners,*
 25 *both in print form and by publicly accessible website.*

1 (c) *TIMELINESS.*—*To the maximum extent practicable,*
2 *the guidance documentation shall be—*

3 (1) *prepared and made readily available not*
4 *later than 30 days before the effective date of this Act;*
5 *and*

6 (2) *updated as necessary.*

7 (d) *EFFECTIVE DATE.*—*This section shall take effect*
8 *on the date of enactment of this Act.*

9 **SEC. 103. REVIEW OF PROGRAMS UNDER WHICH EMPLOY-**
10 **MENT BENEFITS AND OBLIGATIONS ARE ES-**
11 **TABLISHED.**

12 (a) *DEFINITIONS.*—*In this section—*

13 (1) *the term “benefit” includes any right, power,*
14 *privilege, immunity, or protection, whether sub-*
15 *stantive, procedural, remedial, or otherwise;*

16 (2) *the term “domestic partner” means either of*
17 *the individuals in a domestic partnership;*

18 (3) *the term “domestic partnership” means a re-*
19 *lationship between 2 individuals of the same sex, at*
20 *least 1 of whom is an employee, that satisfies the con-*
21 *ditions in subparagraphs (A) through (D) of section*
22 *2502(a)(3) of title 5, United States Code;*

23 (4) *the term “employee” means—*

1 (A) an employee as defined under section
2 2501 of title 5, United States Code, as added by
3 section 101 of this Act;

4 (B) a member of the commissioned corps of
5 the Public Health Service or of the commissioned
6 corps of the National Oceanic and Atmospheric
7 Administration; or

8 (C) any other individual performing per-
9 sonal service to the United States (including an
10 instrumentality wholly owned by the United
11 States), whether for pay, for nominal pay, or as
12 a volunteer, who is not performing such service
13 as an employee of any employer other than the
14 Government of the United States or as a member
15 of the Armed Forces or of the Reserve Officers'
16 Training Corps; and

17 (5) the term "obligation" includes any duty, dis-
18 ability, or liability, whether substantive, procedural,
19 remedial, or otherwise.

20 (b) *REVIEWS, ADDITIONAL MEASURES, RECOMMENDA-*
21 *TIONS, AND REPORTS TO CONGRESS.*—Not later than 180
22 days after the date of enactment of this Act, and not less
23 frequently than once every 2 years thereafter, the President
24 and designees of the President shall—

1 (1) *conduct a review of the employment benefits*
2 *and of the employment obligations applied to married*
3 *employees and their spouses to determine what au-*
4 *thority exists to apply such benefits and obligations*
5 *to employees at executive branch agencies who have*
6 *domestic partners and the domestic partners of those*
7 *employees;*

8 (2) *include within the review under paragraph*
9 (1) *all employment benefits and obligations under*
10 *regulations prescribed by the President or a designee*
11 *of the President, or promulgated by the head of any*
12 *agency or department of the executive branch under*
13 *its authority;*

14 (3) *take any additional measures that can be*
15 *taken, to the greatest extent practicable and consistent*
16 *with law, to grant employment benefits to and impose*
17 *employment obligations upon employees at executive*
18 *branch agencies with domestic partners and the do-*
19 *mestic partners of those employees;*

20 (4) *develop recommendations for any legislation*
21 *to further grant employment benefits to and impose*
22 *employment obligations upon Federal employees with*
23 *domestic partners and to and upon the domestic part-*
24 *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. STUDY ON RECRUITMENT AND RETENTION.**

7 *The Comptroller General of the United States shall*
8 *submit to the Committee on Homeland Security and Gov-*
9 *ernmental Affairs and the Committee on Oversight and*
10 *Government Reform of the House of Representatives a re-*
11 *port regarding the effect that providing benefits for domestic*
12 *partners under this Act has on the recruitment and reten-*
13 *tion efforts of the Federal Government.*

14 **SEC. 105. EFFECTIVE DATE.**

15 (a) *IN GENERAL.*—*Except as otherwise specifically*
16 *provided, this Act and amendments made by this Act shall*
17 *take effect 180 days after the date of enactment of this Act.*

18 (b) *APPLICATION TO CURRENT AND FUTURE EMPLOY-*
19 *EES.*—*An employee, former employee, or annuitant shall*
20 *be eligible to establish a domestic partnership under section*
21 *2502(a)(2) of title 5, United States Code, as added by sec-*
22 *tion 101 of this Act, only if the employee, former employee,*
23 *or annuitant is or has been employed as an employee on*
24 *or after the effective date of this Act.*

1 **TITLE II—CIVIL SERVICE**
2 **RETIREMENT SYSTEM**

3 **SEC. 201. DEFINITIONS.**

4 *Section 8331 is amended—*

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

7 (2) *in paragraph (31), by striking the period*
8 *and inserting a semicolon; and*

9 (3) *by adding at the end the following:*

10 “(32) ‘domestic partner’ and ‘domestic partner-
11 ship’ have the meanings given under section 2501;

12 “(33) ‘Federal employee’ means an elected offi-
13 cial of the United States or an employee of any entity
14 of the United States; and

15 “(34) ‘former domestic partner’ means a former
16 domestic partner of an individual—

17 “(A) *if such individual performed at least*
18 *18 months of civilian service as a Federal em-*
19 *ployee; and*

20 “(B) *if the former domestic partner was in*
21 *a domestic partnership with such individual for*
22 *at least 9 months.”.*

23 **SEC. 202. CREDITABLE SERVICE.**

24 *Section 8332 is amended—*

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

4 (2) in paragraphs (4) and (5) of subsection (o),
5 by striking “spouse” each place it appears and insert-
6 ing “spouse (or domestic partner),”.

7 **SEC. 203. COMPUTATION OF ANNUITY.**

8 Section 8339 is amended—

9 (1) in subsection (j)—

10 (A) in paragraph (1)—

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

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

16 (iii) by inserting “(or domestic part-
17 ner’s)” after “the spouse’s” each place it ap-
18 pears;

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

22 (C) in paragraph (3)—

23 (i) in the first sentence—

1 (I) by inserting “(or former do-
2 mestic partner)” after “former spouse”
3 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 mestic 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 a
15 current domestic partner), subject to the
16 provisions of this paragraph relating to
17 consent of a current spouse (or of a current
18 domestic partner), if the retired employee or
19 Member is then married (or in a domestic
20 partnership).”; and

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 Mem-*
2 *ber 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 Mem-*
8 *ber,*

9 *except that an appropriate reduction shall be made there-*
10 *after if the spouse (or domestic partner) is entitled, as a*
11 *former spouse (or former domestic partner), to a survivor*
12 *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) (or*
18 *the former domestic partner enters into a subsequent domes-*
19 *tic partnership or marries) before reaching age 55 or dies.*
20 *This reduction shall be replaced by an appropriate reduc-*
21 *tion or reductions under paragraph (4) if the retired em-*
22 *ployee or Member has (i) another former spouse (or another*
23 *former domestic partner) who is entitled to a survivor an-*
24 *nuity under section 8341(h), (ii) a current spouse to whom*
25 *the employee or Member was married (or a current domestic*

1 *partner with whom the employee or Member was in a do-*
 2 *mestic partnership) at the time of retirement and with re-*
 3 *spect to whom a survivor annuity was not jointly waived*
 4 *under paragraph (1), or (iii) a current spouse whom the*
 5 *employee or Member married (or a current domestic part-*
 6 *ner with whom the employee or Member entered into domes-*
 7 *tic partnership) after retirement and with respect to whom*
 8 *an election has been made under subparagraph (C) or sub-*
 9 *section (k)(2).*

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

19 “(I) *within 2 years after such entry into a subse-*
 20 *quent marriage (or domestic partnership), or*

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

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

1 *such employee or Member who was entitled to a*
2 *survivor annuity under section 8341(h), or*

3 “(bb) *if there was more than 1, the death of*
4 *or entry into a subsequent marriage (or domestic*
5 *partnership) by the last such surviving former*
6 *spouse (or surviving former domestic partner),*
7 *a reduction in the employee’s or Member’s annuity*
8 *under paragraph (4) for the purpose of providing an*
9 *annuity for such employee’s or Member’s spouse (or*
10 *domestic partner) in the event such spouse (or domes-*
11 *tic partner) survives the employee or Member.*

12 “(ii) *Such election and reduction shall be effective the*
13 *first day of the second month after the election is received*
14 *by the Office, but not less than 9 months after the date of*
15 *the subsequent marriage (or entry into the subsequent do-*
16 *mestic partnership), and the retired employee or Member*
17 *shall deposit in the Fund an amount determined by the Of-*
18 *fice of Personnel Management, as nearly as may be admin-*
19 *istratively feasible, to reflect the amount by which the annu-*
20 *ity of such retired employee or Member would have been*
21 *reduced if the election had been in effect since the date of*
22 *retirement or, if later, the date the previous reduction in*
23 *such retired employee’s or Member’s annuity was termi-*
24 *nated under subparagraph (A) or (B), plus interest. For*
25 *the purposes of the preceding sentence, the annual rate of*

1 *interest for each year during which an annuity would have*
2 *been reduced if the election had been in effect on and after*
3 *the applicable date referred to in such sentence shall be 6*
4 *percent.*

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

22 “(iv) *Notwithstanding any other provision of this sub-*
23 *paragraph, an election under this subparagraph may not*
24 *be made for the purpose of providing an annuity in the*
25 *case of a spouse by remarriage (or a domestic partner by*

1 *a subsequent domestic partnership) if such spouse was mar-*
2 *ried to (or if such domestic partner was in a domestic part-*
3 *nership with) the employee or Member at the time of such*
4 *employee's or Member's retirement, and all rights to sur-*
5 *vivor benefits for such spouse (or domestic partner) under*
6 *this subchapter based on marriage (or domestic partner-*
7 *ship) to such employee or Member were then waived under*
8 *paragraph (1) or a similar prior provision of law.*

9 “(v) *An election to provide a survivor annuity to a*
10 *person under this subparagraph—*

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

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

20 “(vi) *The deposit provisions of clauses (ii) and (iii)*
21 *shall not apply if—*

22 “(I) *the employee or Member makes an election*
23 *under this subparagraph after having made an elec-*
24 *tion under subsection (k)(1); and*

1 “(II) the election under subsection (k)(1) becomes
2 void under clause (v).”;

3 (2) in subsection (k)—

4 (A) in paragraph (1)—

5 (i) by striking “a married employee or
6 Member” and inserting “an employee or
7 Member who is married (or in a domestic
8 partnership)”; and

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

11 (B) in paragraph (2)—

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

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

22 “(i) within 2 years after such employee or Mem-
23 ber marries (or enters into a domestic partnership),
24 or

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

1 “(I) the death of or entry into a subsequent
2 marriage (or domestic partnership) by any
3 former spouse (or former domestic partner) of
4 such employee or Member who was entitled to a
5 survivor annuity under section 8341(h), or

6 “(II) if there was more than 1, the death of
7 or entry into a subsequent marriage (or domestic
8 partnership) by the last such surviving former
9 spouse (or surviving former domestic partner),
10 a reduction in the retired employee or Member’s current an-
11 nuity as provided in subsection (j).”;

12 (ii) in subparagraph (B)(i) (in the
13 matter before subclause (I)), by striking
14 “marriage.” and inserting “marriage (or
15 entry into a domestic partnership).”;

16 (iii) in subparagraph (B)(ii), by in-
17 serting “(or in a domestic partnership)”
18 after “married”; and

19 (iv) in subparagraph (C), by striking
20 “marriage.” and inserting “marriage (or
21 domestic partnership).”; and

22 (3) in subsection (o)(1)—

23 (A) in subparagraphs (A)(i) and (B)(i), by
24 striking “is married,” and inserting “is married
25 (or is in a domestic partnership).”; and

1 (B) in subparagraph (A) (in the matter fol-
 2 lowing clause (ii)), by inserting “(or domestic
 3 partner)” after “spouse”.

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

5 Section 8340 is amended—

6 (1) in subsection (a)—

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

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

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

12 “(3) the terms ‘widow’, ‘widower’, and ‘surviving
 13 partner’ have the respective meanings given them
 14 under section 8341.”; and

15 (2) in subsection (c)(1)—

16 (A) in the matter before subparagraph (A),
 17 by striking all after “who retires,” and before “of
 18 a deceased annuitant” and inserting “to the
 19 widow, widower, or former spouse (or the sur-
 20 viving partner or former domestic partner) of a
 21 deceased employee or Member, or to the widow,
 22 widower, or former spouse (or the surviving
 23 partner or former domestic partner), or insur-
 24 able interest designee”; and

1 (B) in subparagraph (B)(ii), by striking “a
 2 widow, widower, former spouse, or insurable in-
 3 terest designee” and inserting “a widow, wid-
 4 ower, or former spouse (or surviving partner or
 5 former domestic partner) or insurable interest
 6 designee”.

7 **SEC. 205. SURVIVOR ANNUITIES.**

8 Section 8341 is amended—

9 (1) in subsection (a)—

10 (A) by redesignating paragraphs (3) and
 11 (4) as paragraphs (4) and (5), respectively;

12 (B) by inserting after paragraph (2) the fol-
 13 lowing:

14 “(3) ‘surviving partner’—

15 “(A) means the surviving domestic partner
 16 of an employee or Member who—

17 “(i) was in a domestic partnership
 18 with such employee or Member for at least
 19 9 months immediately before the death of
 20 such employee or Member; or

21 “(ii) satisfies such other requirements,
 22 related to parenthood and the domestic
 23 partnership, as the Director of the Office of
 24 Personnel Management shall by regulation
 25 prescribe based on the definition of a widow

1 or widower under paragraphs (1)(B) and
2 (2)(B) of this section; and

3 “(B) notwithstanding subparagraph (A),
4 includes a surviving domestic partner described
5 under that subparagraph only if the employee or
6 Member performed at least 18 months of service
7 as a Federal employee;” and

8 (C) in paragraph (5) (as so redesignated by
9 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) by inserting “(or surviving
16 domestic partner)” after “the surviving
17 spouse”; and

18 (III) by inserting at the end, be-
19 fore the semicolon, the following: “, and
20 (v) a child of the domestic partner of
21 an employee or Member (not adopted
22 by the employee or Member), but only
23 if—

1 “(I) the child lived with the em-
2 ployee or Member in a regular parent-
3 child relationship; and

4 “(II) the employee or Member per-
5 formed at least 18 months of service as
6 a Federal employee”; and

7 (ii) in subparagraphs (B) and (C), by
8 striking “unmarried dependent child” and
9 inserting “dependent child who is unmar-
10 ried (and not in a domestic partnership)”;

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

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

16 (ii) by striking “remarriage,” and in-
17 serting “remarriage (or entry into a subse-
18 quent domestic partnership)”;

19 (B) in paragraph (2)—

20 (i) by striking “widow or widower”
21 each place it appears and inserting “widow
22 or widower (or surviving partner)”;

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

25 (C) in paragraph (3)—

- 1 (i) *in the matter before subparagraph*
2 *(A), by inserting “(or domestic partner)”*
3 *after “spouse”;*
- 4 (ii) *by striking “widow or widower”*
5 *each place it appears and inserting “widow*
6 *or widower (or surviving partner)”;* and
- 7 (iii) *in subparagraph (B), by inserting*
8 *“(or, in the case of a widow or widower, en-*
9 *ters into a domestic partnership) (or, in the*
10 *case of a surviving partner, enters into a*
11 *subsequent domestic partnership or mar-*
12 *ries)” after “remarries”;* and
- 13 (D) *in paragraph (4)—*
- 14 (i) *by striking “widow or widower”*
15 *each place it appears and inserting “widow*
16 *or widower (or surviving partner)”;* and
- 17 (ii) *in subparagraph (B), by inserting*
18 *“(or former domestic partner)” after*
19 *“former spouse”;*
- 20 (3) *in subsection (d)—*
- 21 (A) *by striking “widow or widower” each*
22 *place it appears and inserting “widow or wid-*
23 *ower (or surviving partner)”;*

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

4 (C) in clause (ii), by inserting “(or, in the
5 case of a widow or widower, enters into a domes-
6 tic partnership) (or, in the case of a surviving
7 partner, enters into a subsequent domestic part-
8 nership or marries)” after “remarries”;

9 (4) in subsection (e)—

10 (A) by striking the matter before paragraph
11 (2) and inserting the following:

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

13 “(A) the term ‘former spouse’ includes a former
14 spouse who was married to an employee or Member
15 for less than 9 months and a former spouse of an em-
16 ployee or Member who completed less than 18 months
17 of service covered by this subchapter; and

18 “(B) the term ‘former domestic partner’ includes
19 a former domestic partner who was in a domestic
20 partnership with a Federal employee or Member for
21 less than 9 months and a former domestic partner of
22 a Federal employee or Member who completed less
23 than 18 months of service covered by this sub-
24 chapter.”;

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

5 (C) in paragraph (3)—

6 (i) in subparagraph (E), by striking
7 “dies or marries;” and inserting “dies or
8 marries (or enters into a domestic partner-
9 ship);”; and

10 (ii) in the matter following subpara-
11 graph (E)—

12 (I) by inserting “(or domestic
13 partner or former domestic partner)”
14 after “spouse or former spouse”; and

15 (II) by striking “spouse, former
16 spouse, or child” and inserting “spouse
17 or former spouse (or domestic partner
18 or former domestic partner) or child,”;
19 and

20 (D) in paragraph (4), by striking “mar-
21 riage, then, if such marriage” and inserting
22 “marriage, then, if such marriage (or a domestic
23 partnership, then, if such domestic partner-
24 ship)”;

1 (5) *by striking subsection (f) and inserting the*
2 *following:*

3 “(f) *If a Member heretofore or hereafter separated from*
4 *the service with title to deferred annuity from the Fund*
5 *hereafter dies before having established a valid claim for*
6 *annuity and is survived by a spouse to whom married (or*
7 *a domestic partner to whom in a domestic partnership) at*
8 *the date of separation, the surviving spouse (or surviving*
9 *partner)—*

10 “(1) *is entitled to an annuity equal to 55 per-*
11 *cent of the deferred annuity of the Member com-*
12 *mencing on the day after the Member dies and termi-*
13 *nating on the last day of the month before the sur-*
14 *viving spouse dies or remarries (or enters into a do-*
15 *mestic partnership) (or the surviving domestic part-*
16 *ner dies or enters into a subsequent domestic partner-*
17 *ship or marries); or*

18 “(2) *may elect to receive the lump-sum credit in-*
19 *stead of annuity if the spouse (or domestic partner)*
20 *is the individual who would be entitled to the lump-*
21 *sum credit and files application therefor with the Of-*
22 *fice before the award of the annuity.*

23 *Notwithstanding the preceding sentence, an annuity pay-*
24 *able under this subsection to the surviving spouse (or sur-*

1 *living domestic partner) of a Member may not exceed the*
2 *difference between—*

3 “(A) *the annuity which would otherwise be pay-*
4 *able to such surviving spouse (or such surviving do-*
5 *mestic partner) under this subsection, and*

6 “(B) *the amount of the survivor annuity payable*
7 *to any former spouse (or any former domestic part-*
8 *ner) of such Member under subsection (h).”;*

9 (6) *by striking subsection (g) and inserting the*
10 *following:*

11 “(g) *In the case of a surviving spouse (or surviving*
12 *domestic partner) whose annuity under this section is ter-*
13 *minated because of a subsequent entry into a marriage (or*
14 *domestic partnership) before becoming 55 years of age, an-*
15 *nuity at the same rate shall be restored commencing on the*
16 *day the remarriage (or subsequent domestic partnership) is*
17 *dissolved by death, annulment, or divorce (or terminated),*
18 *if—*

19 “(1) *the surviving spouse (or surviving domestic*
20 *partner) elects to receive this annuity instead of a*
21 *survivor benefit to which he may be entitled, under*
22 *this subchapter or another retirement system for Gov-*
23 *ernment employees, by reason of the subsequent entry*
24 *into a marriage (or domestic partnership); and*

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

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

5 “(h)(1) Subject to paragraphs (2) through (5), a
6 former spouse (or former domestic partner) of a deceased
7 employee, Member, annuitant, or former Member who was
8 separated from the service with title to a deferred annuity
9 under section 8338(b) is entitled to a survivor annuity
10 under this subsection, if and to the extent expressly provided
11 for in an election under section 8339(j)(3), or in the terms
12 of any decree of divorce or annulment or any court order
13 or court-approved property settlement agreement incident
14 to such decree.

15 “(2)(A) The annuity payable to a former spouse (or
16 former domestic partner) under this subsection may not ex-
17 ceed the difference between—

18 “(i) the amount applicable in the case of such
19 former spouse (or former domestic partner), as deter-
20 mined under subparagraph (B), and

21 “(ii) the amount of any annuity payable under
22 this subsection to any other former spouse (or former
23 domestic partner) of the employee, Member, or annu-
24 itant, based on an election previously made under sec-
25 tion 8339(j)(3), or a court order previously issued.

1 “(B) *The applicable amount, for purposes of subpara-*
2 *graph (A)(i) in the case of a former spouse (or former do-*
3 *mestic partner), is the amount which would be applicable—*

4 “(i) *under subsection (b)(4)(A) in the case of a*
5 *widow or widower (or surviving partner), if the de-*
6 *ceased was an employee or Member who died after re-*
7 *tirement;*

8 “(ii) *under subparagraph (A) of subsection (d)*
9 *in the case of a widow or widower (or surviving part-*
10 *ner), if the deceased was an employee or Member de-*
11 *scribed in the first sentence of such subsection; or*

12 “(iii) *under subparagraph (A) of subsection (f)*
13 *in the case of a surviving spouse (or surviving domes-*
14 *tic partner), if the deceased was a Member described*
15 *in the first sentence of such subsection.*

16 “(3) *The commencement and termination of an annu-*
17 *ity payable under this subsection shall be governed by the*
18 *terms of the applicable order, decree, agreement, or election,*
19 *as the case may be, except that any such annuity—*

20 “(A) *shall not commence before—*

21 “(i) *the day after the employee, Member, or*
22 *annuitant dies, or*

23 “(ii) *the first day of the second month be-*
24 *ginning after the date on which the Office re-*
25 *ceives written notice of the order, decree, agree-*

1 *ment, or election, as the case may be, together*
2 *with such additional information or documenta-*
3 *tion as the Office may prescribe,*

4 *whichever is later, and*

5 “(B) shall terminate—

6 “(i) *except as provided in subsection (k), in*
7 *the case of an annuity computed by reference to*
8 *clause (i) or (ii) of paragraph (2)(B), no later*
9 *than the last day of the month before the former*
10 *spouse remarries (or enters into a domestic part-*
11 *nership) (or former domestic partner enters into*
12 *a subsequent domestic partnership or marries)*
13 *before becoming 55 years of age or dies; or*

14 “(ii) *in the case of an annuity computed by*
15 *reference to clause (iii) of such paragraph, no*
16 *later than the last day of the month before the*
17 *former spouse remarries (or enters into a domes-*
18 *tic partnership) or dies (or the former domestic*
19 *partner enters into a subsequent domestic part-*
20 *nership or marries or dies).*

21 “(4) *For purposes of this subchapter, a modification*
22 *in a decree, order, agreement, or election referred to in*
23 *paragraph (1) shall not be effective—*

1 “(A) if such modification is made after the re-
2 tirement or death of the employee or Member con-
3 cerned, and

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

6 “(5) For purposes of this subchapter, a decree, order,
7 agreement, or election referred to in paragraph (1) shall
8 not be effective, in the case of a former spouse (or former
9 domestic partner), to the extent that it is inconsistent with
10 any joint designation or waiver previously executed with
11 respect to such former spouse (or former domestic partner)
12 under section 8339(j)(1) or a similar prior provision of law.

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

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

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

21 “(i) The requirement in subsections (a)(1)(A),
22 (a)(2)(A), and (a)(5)(A) that the surviving spouse (or sur-
23 viving domestic partner) of an employee or Member have
24 been married to (or in a domestic partnership with) such
25 employee or Member for at least 9 months immediately be-

1 fore the employee's or Member's death in order to qualify
 2 as the widow or widower (or surviving partner) of such em-
 3 ployee or Member shall be deemed satisfied in any case in
 4 which the employee or Member dies within the applicable
 5 9-month period, if—

6 “(1) the death of the employee or Member was
 7 accidental; or

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

14 (9) by redesignating subsection (k) subsection (j)
 15 and amending such subsection to read as follows:

16 “(j)(1) Subsections (b)(3)(B), (d)(ii), and (h)(3)(B)(i),
 17 to the extent that they provide for termination of a survivor
 18 annuity because of a subsequent entry into a marriage (or
 19 domestic partnership) before age 55, shall not apply if the
 20 widow, widower or former spouse was married to (or the
 21 surviving partner or former domestic partner was in a do-
 22 mestic partnership with) the individual on whose service
 23 the survivor annuity is based for at least 30 years.

24 “(2) A subsequent entry into a marriage (or domestic
 25 partnership) described in paragraph (1) shall not be taken

1 *into account for purposes of subparagraph (B) or (C) of*
 2 *section 8339(j)(5) or any other provision of this chapter*
 3 *which the Director of the Office of Personnel Management*
 4 *may by regulation identify in order to carry out the pur-*
 5 *poses of this subsection.”.*

6 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
 7 **FICIARY; ORDER OF PRECEDENCE.**

8 *Section 8342 is amended—*

9 *(1) in subsection (c)—*

10 *(A) by inserting “(or surviving partner)”*
 11 *after “widow or widower” ; and*

12 *(B) by striking “stepchild.” and inserting*
 13 *“stepchild (or a child of a domestic partner*
 14 *which child is not otherwise a child of the em-*
 15 *ployee or Member).”;* and

16 *(2) in subsection (j)—*

17 *(A) in paragraph (1)(A), by inserting “(or*
 18 *the domestic partner, if any)” after “the spouse,*
 19 *if any”;*

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

22 *(C) by inserting “(or former domestic part-*
 23 *ner)” after “former spouse” each place it ap-*
 24 *pears.*

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

2 *Section 8343a is amended—*

3 *(1) in subsection (b)(2)—*

4 *(A) (in the material before subparagraph*
5 *(A)), by inserting “(or in a domestic partner-*
6 *ship)” after “married”; and*

7 *(B) in subparagraph (B), by inserting “(or*
8 *surviving domestic partner)” after “surviving*
9 *spouse”;*

10 *(2) in subsection (d)—*

11 *(A) in paragraph (1), by striking “mar-*
12 *ried,” each place it appears and inserting “mar-*
13 *ried (or in a domestic partnership),”;* and

14 *(B) in paragraph (2), by striking “former*
15 *spouse,” and inserting “former spouse (or former*
16 *domestic partner),”;* and

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

19 **SEC. 208. ADMINISTRATION; REGULATIONS.**

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

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

25 *Section 8351(b)(5) is amended—*

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

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

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

11 **TITLE III—FEDERAL EMPLOY-**
 12 **EES’ RETIREMENT SYSTEM**

13 **Subtitle A—General Provisions**

14 **SEC. 301. DEFINITIONS.**

15 Section 8401 is amended—

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

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

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

21 “(37) ‘domestic partner’ and ‘domestic partner-
 22 ship’ have the meanings given under section 2501;

23 “(38) ‘Federal employee’ means an elected offi-
 24 cial of the United States or an employee of any entity
 25 of the United States; and

1 “(39) ‘former domestic partner’ means a former
2 domestic partner of an individual—

3 “(A) if such individual performed at least
4 18 months of civilian service creditable under
5 section 8411 as a Federal employee; and

6 “(B) if the former domestic partner was in
7 a domestic partnership with such individual for
8 at least 9 months.”.

9 **Subtitle B—Creditable Service**

10 **SEC. 311. CREDITABLE SERVICE.**

11 Section 8411 is amended—

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

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

16 (3) in subsection (l)(5), by inserting “(or domes-
17 tic partner)” after “spouse” each place it appears.

18 **SEC. 312. SURVIVOR REDUCTION FOR A CURRENT SPOUSE**

19 **OR A CURRENT DOMESTIC PARTNER.**

20 (a) *IN GENERAL.*—Section 8416 is amended—

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

23 (2) in subsection (a)—

24 (A) by inserting “(or in a domestic partner-
25 ship)” after “married” each place it appears;

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

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

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

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

17 “(A) within 2 years after such entry into a sub-
18 sequent marriage (or domestic partnership), or

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

20 “(i) the death of or entry into a subsequent
21 marriage (or domestic partnership) by any
22 former spouse (or former domestic partner) of
23 such employee or Member who was entitled to a
24 survivor annuity under section 8445, or

1 “(ii) if there was more than 1, the death of
2 or entry into a subsequent marriage (or domestic
3 partnership) by the last such surviving former
4 spouse (or former domestic partner),
5 a reduction in the employee’s or Member’s annuity
6 under section 8419(a) for the purpose of providing an
7 annuity for such employee’s or Member’s spouse (or
8 domestic partner) in the event such spouse (or domes-
9 tic partner) survives the employee or Member.

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

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

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

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

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

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

11 (4) in subsection (c)—

12 (A) by striking the matter before paragraph
13 (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 Mem-
20 ber marries (or enters into a domestic partnership),
21 or

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

23 “(i) the death of or entry into a subsequent
24 remarriage (or domestic partnership) by of any
25 former spouse (or domestic partner) of such em-

1 *ployee or Member who was entitled to a survivor*
 2 *annuity under section 8445,*

3 *“(i) if more than 1, the death of or entry*
 4 *into a subsequent marriage (or domestic partner-*
 5 *ship) by the last such surviving former spouse*
 6 *(or surviving domestic partner),*

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

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

13 *(5) in subsection (d)(1)—*

14 *(A) by inserting “(or in a domestic partner-*
 15 *ship)” after “married”; and*

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

18 *(b) TECHNICAL AND CONFORMING AMENDMENT.—The*
 19 *table of sections for chapter 84 of title 5, United States*
 20 *Code, is amended by striking the item relating to section*
 21 *8416 and inserting the following:*

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

22 **SEC. 313. SURVIVOR REDUCTION FOR A FORMER SPOUSE**
 23 **OR FORMER DOMESTIC PARTNER.**

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

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

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

6 (3) *in subsection (b)—*

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

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

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

20 (C) *in paragraph (3)—*

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

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

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

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

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

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

10 Section 8418(b) is amended—

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

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

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

16 Section 8419 is amended—

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

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

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

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

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

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

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

22 “(B) a current spouse to whom the employee or
23 Member was married (or a current domestic partner
24 with whom the employee or Member was in a domes-
25 tic partnership) at the time of retirement and with

1 *respect to whom a survivor annuity was not waived*
2 *under section 8416(a) or, if waived, with respect to*
3 *whom an election under section 8416(d) has been*
4 *made; or*

5 “(C) a current spouse whom the employee or
6 *Member married (or current domestic partner with*
7 *whom the employee or Member entered into a domes-*
8 *tic partnership) after retirement and with respect to*
9 *whom an election has been made under subsection (b)*
10 *or (c) of section 8416.”.*

11 **SEC. 316. INSURABLE INTEREST REDUCTIONS.**

12 *Section 8420 is amended—*

13 (1) *in subsection (b)(1)—*

14 (A) *by striking “married employee or Mem-*
15 *ber” and inserting “employee or Member who is*
16 *married (or in a domestic partnership)”;* and

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

19 (2) *in subsection (b)(2), by inserting “(or former*
20 *domestic partner)” after “former spouse”.*

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

22 *Section 8420a is amended—*

23 (1) *in subsection (b)(2)—*

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

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

7 (2) in subsection (d)—

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

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

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

16 **SEC. 318. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
 17 **FICIARY; ORDER OF PRECEDENCE.**

18 Section 8424 is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1)—

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

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

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

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

14 (B) by striking “stepchild.” and inserting
15 “stepchild (or a child of a domestic partner
16 which child is not otherwise a child of the em-
17 ployee or Member).”.

18 **Subtitle C—Thrift Savings Plan**

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

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

22 “(2) Notwithstanding section 8424(d), if an em-
23 ployee, Member, former employee, or former Member
24 dies and has designated as sole or partial beneficiary
25 his or her spouse (or domestic partner) at the time of

1 death, or, if an employee, Member, former employee,
2 or former Member, dies with no designated bene-
3 ficiary and is survived by a spouse (or domestic part-
4 ner), the spouse (or domestic partner) may maintain
5 the portion of the employee's or Member's account to
6 which the spouse (or domestic partner) is entitled in
7 accordance with the following terms:

8 “(A) Subject to the limitations of subpara-
9 graph (B), the spouse (or domestic partner) shall
10 have the same withdrawal options under sub-
11 section (b) as the employee or Member were the
12 employee or Member living.

13 “(B) The spouse (or domestic partner) may
14 not make withdrawals under subsection (g) or
15 (h).

16 “(C) The spouse (or domestic partner) may
17 not make contributions or transfers to the ac-
18 count.

19 “(D) The account shall be disbursed upon
20 the death of the surviving spouse (or surviving
21 domestic partner). A beneficiary or surviving
22 spouse (or surviving domestic partner) of a de-
23 ceased spouse (or domestic partner) who has in-
24 herited an account is ineligible to maintain the
25 inherited spousal account.”.

1 **SEC. 322. ANNUITIES: METHODS OF PAYMENT; ELECTION;**
 2 **PURCHASE.**

3 *Section 8434(a)(2) is amended—*

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

6 *(2) in subparagraph (E)(i), by inserting “(or*
 7 *former domestic partner)” after “former spouse”.*

8 **SEC. 323. PROTECTIONS FOR SPOUSES, DOMESTIC PART-**
 9 **NERS, FORMER SPOUSES, AND FORMER DO-**
 10 **MESTIC PARTNERS.**

11 *(a) IN GENERAL.—Section 8435 is amended—*

12 *(1) in the section heading, by inserting “(and*
 13 *domestic partners and former domestic*
 14 *partners)” after “spouses and former*
 15 *spouses”;*

16 *(2) in subsection (a)—*

17 *(A) in paragraph (1)—*

18 *(i) in subparagraph (A), by striking*
 19 *“A married employee or Member (or former*
 20 *employee or Member)” each place it appears*
 21 *and inserting “An employee or Member, or*
 22 *former employee or former Member, who is*
 23 *married (or in a domestic partnership);*
 24 *and*

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

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

7 (3) in subsection (b)—

8 (A) in paragraph (1)—

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

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

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

16 (4) in subsection (d)—

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

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

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

1 (D) in paragraph (3)(A), by inserting “(or
2 surviving domestic partner)” after “surviving
3 spouse”;

4 (5) in subsection (e)(1)—

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

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

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

15 (6) in subsection (g), by inserting “(or domestic
16 partner or former domestic partner)” after “spouse or
17 former spouse”.

18 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
19 table of sections for chapter 84 is amended by striking the
20 item relating to section 8435 and inserting the following:

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

21 **SEC. 324. JUSTICES AND JUDGES.**

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

1 ***Subtitle D—Survivor Annuities***

2 ***SEC. 331. DEFINITIONS.***

3 *Section 8441 is amended—*

4 *(1) by redesignating paragraphs (3) and (4) as*
5 *paragraphs (4) and (5), respectively, and by inserting*
6 *after paragraph (2) the following:*

7 *“(3) the term ‘surviving partner’—*

8 *“(A) means the surviving domestic partner*
9 *of an employee, Member, or annuitant, or of a*
10 *former employee or Member, who—*

11 *“(i) was in a domestic partnership*
12 *with such employee, Member, or annuitant,*
13 *or former employee or Member, for at least*
14 *9 months immediately before the death of*
15 *such employee, Member, or annuitant, or*
16 *former employee or Member; or*

17 *“(ii) satisfies such other requirements,*
18 *based on parenthood and the domestic part-*
19 *nership, as the Director of the Office of Per-*
20 *sonnel Management shall by regulation pre-*
21 *scribe based on the definition of a widow or*
22 *widower under paragraphs (1)(B) and*
23 *(2)(B) of this section; and*

24 *“(B) notwithstanding subparagraph (A),*
25 *includes a surviving domestic partner described*

1 *under that subparagraph only if the employee,*
2 *Member, annuitant, or former employee or Mem-*
3 *ber performed at least 18 months of service as a*
4 *Federal employee;”;* and

5 (2) *in paragraph (5) (as so redesignated by*
6 *paragraph (1))—*

7 (A) *in subparagraph (A)—*

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

12 (ii) *in clause (iii), by striking “and”*
13 *at the end; and*

14 (iii) *in clause (iv)—*

15 (I) *by inserting “(or surviving*
16 *partner)” after “widow or widower”;*
17 *and*

18 (II) *by inserting at the end, before*
19 *the semicolon, the following: “, and (v)*
20 *a child of a domestic partner of an em-*
21 *ployee, Member, or annuitant (not*
22 *adopted by the employee, Member, or*
23 *annuitant), but only if—*

1 “(I) the child lived with the em-
2 ployee, Member, or annuitant in a reg-
3 ular parent-child relationship; and

4 “(II) the employee, Member, or
5 annuitant performed at least 18
6 months of service as a Federal em-
7 ployee;”; and

8 (B) in subparagraphs (B) and (C), by strik-
9 ing “unmarried dependent child” each place that
10 term appears and inserting “dependent child
11 who is unmarried (and not in a domestic part-
12 nership)”.

13 **SEC. 332. RIGHTS OF A WIDOW, WIDOWER, OR SURVIVING**
14 **PARTNER.**

15 (a) *IN GENERAL.*—Section 8442 is amended—

16 (1) in the section heading, by inserting “**(or**
17 **surviving partner)**” after “**widow or wid-**
18 **ower**”;

19 (2) in subsection (a)—

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

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

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

1 (3) in subsection (b), by inserting “(or surviving
2 partner)” after “widow or widower” each place it ap-
3 pears;

4 (4) in subsection (c)—

5 (A) in the matter in paragraph (1) before
6 subparagraph (A) thereof, by inserting “(or a
7 surviving partner with whom in a domestic
8 partnership)” after “widow or widower to whom
9 married”; and

10 (B) by striking “widow or widower” each
11 place it appears (other than where amended by
12 subparagraph (A)) and inserting “widow or
13 widower (or surviving partner)”;

14 (5) 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)”;

18 (B) in paragraph (1)(B), by inserting “(or,
19 in the case of a widow or widower, enters into
20 a domestic partnership) (or, in the case of a sur-
21 viving partner, enters into a subsequent domestic
22 partnership or marries)” after “remarries”;

23 (C) in paragraph (2)—

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

4 (ii) by striking “remarriage is dis-
5 solved by death, divorce, or annulment,”
6 and inserting “subsequently entered mar-
7 riage is dissolved by death, divorce, annul-
8 ment (or subsequently entered domestic
9 partnership is terminated),”; and

10 (iii) in subparagraph (A), by striking
11 “remarriage;” and inserting “subsequently
12 entered marriage (or domestic partner-
13 ship);”; and

14 (D) in paragraph (3)—

15 (i) by striking “remarriage” and in-
16 serting “subsequent entry into a marriage
17 (or domestic partnership)”; and

18 (ii) by inserting “(or in a domestic
19 partnership for at least 30 years with)”
20 after “married for at least 30 years to”;

21 (6) in subsection (e)—

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

24 (B) by inserting “(or in a domestic partner-
25 ship with)” after “been married to”; and

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

3 “(2) the surviving spouse (or surviving domestic
4 partner) of such individual had been previously mar-
5 ried to (or in a domestic partnership with) the indi-
6 vidual that was subsequently dissolved (or termi-
7 nated), and the aggregate time married (or in a do-
8 mestic partnership) is at least 9 months.”;

9 (7) in subsection (g), by striking “widow or wid-
10 ower” and inserting “widow, widower, or surviving
11 partner” each place it appears; and

12 (8) in subsection (h)—

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

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

19 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
20 table of sections for chapter 84 is amended by striking the
21 item relating to section 8442 and inserting the following:
“8442. *Rights of a widow or widower (or surviving partner).*”.

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

23 Section 8443(b) is amended by striking subparagraph
24 (E) and the matter following that subparagraph and insert-
25 ing the following:

1 “(E) dies or marries (or enters into a do-
 2 mestic partnership);
 3 whichever occurs first. On the death of the surviving
 4 wife or husband (or surviving domestic partner), or
 5 former wife or husband (or former domestic partner),
 6 or termination of the annuity of a child, the annuity
 7 of any other child or children shall be recomputed and
 8 paid as though the wife or husband (or domestic part-
 9 ner), former wife or husband (or former domestic
 10 partner), or child had not survived the annuitant,
 11 employee, or Member. If the annuity of a child under
 12 this subchapter terminates under subparagraph (E)
 13 because of marriage (or domestic partnership), then,
 14 if such marriage (or domestic partnership) ends, such
 15 annuity shall resume on the first day of the month
 16 in which it ends, but only if any lump sum paid is
 17 returned to the Fund, and that individual is not oth-
 18 erwise ineligible for such annuity.”.

19 **SEC. 334. RIGHTS OF A FORMER SPOUSE OR FORMER DO-**
 20 **MESTIC PARTNER.**

21 (a) *IN GENERAL.*—Section 8445 is amended—

22 (1) in the section heading, by inserting “(or
 23 **former domestic partner)**” after “**former**
 24 **spouse**”;

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

3 (3) in subsection (b)—

4 (A) by inserting “(or former domestic part-
5 ner)” after “former spouse” each place it ap-
6 pears; and

7 (B) by inserting “(or surviving partner)”
8 after “widow or widower”;

9 (4) in subsection (c)(2), by inserting “(or enters
10 into a domestic partnership) (or the former domestic
11 partner enters into a subsequent domestic partnership
12 or marries)” after “remarries”;

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

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

18 “(h)(1) Subsection (c)(2), to the extent that it provides
19 for termination of a survivor annuity because of a subse-
20 quent entry into a marriage (or domestic partnership) be-
21 fore age 55, shall not apply if the former spouse (or former
22 domestic partner) was married to (or in a domestic part-
23 nership with) the individual on whose service the survivor
24 annuity is based for at least 30 years.

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

7 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
8 table of sections for chapter 84 is amended by striking the
9 item relating to section 8445 and inserting the following:
“8445. Rights of a former spouse (or former domestic partner).”.

10 **Subtitle E—General Administrative** 11 **Provisions**

12 **SEC. 341. AUTHORITY OF THE OFFICE OF PERSONNEL MAN-** 13 **AGEMENT.**

14 Section 8461(j)(1)(D) is amended by striking “such
15 employees, their spouses, their former spouses, and their
16 survivors” and inserting “such employees and their spouses
17 (and domestic partners), former spouses (and former domes-
18 tic partners), and survivors”.

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

20 Section 8462(c) is amended—

21 (1) in paragraph (2), by striking “survivor
22 (other than a widow or widower whose annuity is
23 computed under section 8442(g) or a child under sec-
24 tion 8443)” and inserting the following: “survivor,
25 other than a widow or widower (or surviving part-

1 *ner) whose annuity is computed under section*
 2 *8442(g) or a child under section 8443,”;*

3 *(2) in paragraph (4) (in the matter before sub-*
 4 *paragraph (A)), by inserting “(or surviving partner)”*
 5 *after “widow or widower”; and*

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

8 ***Subtitle F—Federal Retirement***
 9 ***Thrift Investment Management***
 10 ***System***

11 ***SEC. 351. FIDUCIARY RESPONSIBILITIES; LIABILITY AND***
 12 ***PENALTIES.***

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

14 *“(F) a spouse (or domestic partner), sibling,*
 15 *ancestor, lineal descendant, or spouse (or domes-*
 16 *tic partner) of a lineal descendant of a person*
 17 *described in subparagraph (A), (B), or (D);”.*

18 ***TITLE IV—INSURANCE BENEFITS***

19 ***SEC. 401. LIFE INSURANCE.***

20 *(a) IN GENERAL.—Chapter 87 is amended—*

21 *(1) in section 8701(d)—*

22 *(A) in paragraph (1)—*

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

1 (ii) in subparagraph (B), by inserting
2 “(or child of the individual’s domestic part-
3 ner)” after “stepchild” each place it ap-
4 pears; and

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

6 “(3) For the purpose of this subsection, ‘domestic
7 partner’ has the meaning given under section 2501.”.

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

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

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

18 **SEC. 402. HEALTH INSURANCE.**

19 (a) *DEFINITIONS.*—Section 8901 is amended—

20 (1) in paragraph (5)—

21 (A) in the matter before subparagraph (A),
22 by inserting “(or the domestic partner of a Fed-
23 eral employee or of a Federal annuitant)” after
24 “or annuitant”;

1 (B) in subparagraph (A), by striking
2 “and”;

3 (C) in subparagraph (B), by inserting
4 “and” at the end; and

5 (D) by inserting after subparagraph (B) the
6 following:

7 “(C) a child of the domestic partner of a
8 Federal employee or of a Federal annuitant, un-
9 less adopted by such individual, but only if the
10 child lives with the Federal employee or Federal
11 annuitant in a regular parent-child relation-
12 ship;”;

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

16 (3) in paragraph (10)—

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

20 (B) by striking “and” at the end;

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

24 “(11) ‘former domestic partner’ means a domes-
25 tic partner—

1 “(A) whose domestic partnership with an
2 employee, former employee, or Federal annuitant
3 has terminated,

4 “(B) who has not entered into another do-
5 mestic partnership (or married) before age 55
6 after the domestic partnership to the employee,
7 former employee, or annuitant was terminated,

8 “(C) who was enrolled in an approved
9 health benefits plan under this chapter as a fam-
10 ily member at any time during the 18-month pe-
11 riod before the date of the termination of the do-
12 mestic partnership to the employee, former em-
13 ployee, or annuitant, and

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

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

24 “(iii) who is otherwise entitled to an annu-
25 ity or any portion of an annuity as a former do-

1 *domestic partner under a retirement system for*
2 *Government employees,*
3 *except that such term shall not include any such*
4 *former domestic partner (who has not entered*
5 *into another domestic partnership) of a former*
6 *employee whose domestic partnership was termi-*
7 *nated after the former employee's separation*
8 *from the service (other than by retirement).”;*

9 *(5) by striking the period at the end of para-*
10 *graph (12) (as redesignated) and inserting “; and”;*
11 *and*

12 *(6) by adding at the end the following:*

13 *“(13) ‘domestic partner’ and ‘domestic partner-*
14 *ship’ have the meanings given under section 2501;*

15 *“(14) ‘Federal employee’ means an elected offi-*
16 *cial of the United States or an employee of any entity*
17 *of the United States; and*

18 *“(15) ‘Federal annuitant’ means an annuitant*
19 *whose service consists of at least 18 months as a Fed-*
20 *eral employee.”.*

21 **(b) CONTRACTING AUTHORITY.**—*Section 8902 is*
22 *amended in subsections (g), (j), and (k)(1), by striking*
23 *“former spouse,” each place it appears and inserting*
24 *“former spouse (or former domestic partner),”.*

1 (c) *DEBARMENT AND OTHER SANCTIONS.*—Section
 2 8902a(a)(1)(B) is amended by inserting “(or former domes-
 3 tic partner)” after “or former spouse”.

4 (d) *HEALTH BENEFITS PLANS.*—Section 8903(1) is
 5 amended—

6 (1) by striking “former spouses,” and inserting
 7 “former spouses (or former domestic partners),”; and

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

10 (e) *ELECTION OF COVERAGE.*—Section 8905 is amend-
 11 ed—

12 (1) in subsection (c), by adding at the end the
 13 following:

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

17 “(A) to former spouses and former domestic
 18 partners; and

19 “(B) to the children of a marriage that has been
 20 dissolved and the children of a domestic partnership
 21 that has been terminated.”;

22 (2) in subsection (e)—

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

1 (B) by striking “either spouse,” and insert-
2 ing “either spouse (or either domestic partner, as
3 the case may be),”; and

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

7 (f) *CONTINUED COVERAGE*.—Section 8905a is amend-
8 ed by adding at the end the following:

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

12 “(1) to former spouses and former domestic part-
13 ners; and

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

17 (g) *COVERAGE OF RESTORED EMPLOYEES AND SUR-*
18 *VIVOR OR DISABILITY ANNUITANTS*.—Section 8908(b) is
19 amended by striking “remarriage and is later restored” and
20 inserting “having entered into a subsequent marriage (or
21 domestic partnership) and is later restored (or a surviving
22 domestic partner whose survivor annuity under this title
23 was terminated because of having entered into a subsequent
24 domestic partnership or a marriage and is later restored)”.

1 (h) *EMPLOYEES HEALTH BENEFITS FUND.*—Section
 2 8909(d) is amended by striking “former spouse,” each place
 3 it appears and inserting “former spouse (or former domestic
 4 partner),”.

5 (i) *REGULATIONS.*—Section 8913(c) is amended—

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

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

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

14 **SEC. 403. ENHANCED DENTAL BENEFITS.**

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

16 (1) in section 8956(a)—

17 (A) by inserting “or domestic partner” after
 18 “a spouse”; and

19 (B) by striking “either spouse,” and insert-
 20 ing “either spouse (or either domestic partner, as
 21 the case may be),”; and

22 (2) in section 8957, by striking “surviving
 23 spouse,” and inserting “surviving spouse (or sur-
 24 viving domestic partner),”.

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

5 **SEC. 404. ENHANCED VISION BENEFITS.**

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

7 (1) *in section 8986(a)—*

8 (A) *by inserting “(or domestic partner)”*
 9 *after “a spouse”; and*

10 (B) *by striking “either spouse,” and insert-*
 11 *ing “either spouse (or either domestic partner, as*
 12 *the case may be),”; and*

13 (2) *in section 8987, by striking “surviving*
 14 *spouse,” and inserting “surviving spouse (or sur-*
 15 *ving domestic partner),”.*

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

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

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

22 (1) *in section 9001(5), by redesignating subpara-*
 23 *graph (D) as subparagraph (E) and by inserting*
 24 *after subparagraph (C) the following:*

1 “(D)(i) a domestic partner (as that term is
2 defined in section 2501) of a Federal employee
3 (as that term is defined in section 8901), of an
4 individual described in subparagraph (B), (C),
5 or (D) of paragraph (1), or of an annuitant
6 whose service (as that term is defined in section
7 8901) consists of at least 18 months as a Federal
8 employee;

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

12 “(iii) a parent of a domestic partner re-
13 ferred to in clause (i).”; and

14 (2) in section 9002(e)(2)—

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

18 (B) by inserting “(or domestic partner)”
19 after “spouse”.

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

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

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

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

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

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8
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11 (2) in subsection (b), by striking “employee and spouse, as the case may be,” and inserting “employee and spouse (or domestic partner), as the case may be”.

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

19 **SEC. 502. DEFINITION.**

20 Section 5721 is amended—

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

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

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

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

3 **SEC. 503. RELOCATION EXPENSES OF EMPLOYEES TRANS-**
4 **FERRED OR REEMPLOYED.**

5 (a) *IN GENERAL.*—Section 5724a(b)(1)(A) is amended
6 by striking “employee’s spouse” and inserting “employee’s
7 spouse (or domestic partner)”.

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

12 **SEC. 504. TAXES ON REIMBURSEMENTS FOR TRAVEL,**
13 **TRANSPORTATION, AND RELOCATION EX-**
14 **PENSES OF EMPLOYEES TRANSFERRED.**

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

16 (1) in subsection (a), by striking “(if filing joint-
17 ly),” and inserting “by an employee and such em-
18 ployee’s spouse (or, where allowable, such employee’s
19 domestic partner), if filing jointly,”; and

20 (2) in subsection (b), by striking “employee and
21 spouse, as the case may be,” and inserting “employee
22 and spouse (or domestic partner), as the case may
23 be”.

24 (b) *EFFECTIVE DATE.*—The amendments made by this
25 section shall apply with respect to taxable years beginning

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

3 **SEC. 505. RELOCATION EXPENSES OF AN EMPLOYEE WHO IS**
 4 **PERFORMING AN EXTENDED ASSIGNMENT.**

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

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

12 **TITLE VI—COMPENSATION FOR**
 13 **WORK INJURIES**

14 **SEC. 601. DEFINITIONS.**

15 *Section 8101 is amended—*

16 (1) *in paragraph (8), by striking “married*
 17 *brothers or married sisters;” and inserting “any*
 18 *brother or sister who is married (or is in a domestic*
 19 *partnership);”;*

20 (2) *in paragraph (9)—*

21 (A) *by inserting “(or children of the em-*
 22 *ployee’s domestic partner, if the employee was a*
 23 *Federal employee)” after “stepchildren”; and*

1 (B) by striking “married children” and in-
2 serting “any child who is married (or in a do-
3 mestic partnership)”;

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

6 (4) in paragraph (20), by striking the period
7 and inserting a semicolon; and

8 (5) by adding after paragraph (20) the fol-
9 lowing:

10 “(21) the term ‘domestic partner’ means either of
11 the individuals in a domestic partnership;

12 “(22) the term ‘domestic partnership’ means a
13 relationship between 2 individuals of the same sex
14 that meets the conditions of subparagraphs (A) and
15 (B):

16 “(A) except as provided in subparagraph
17 (B), the term means a relationship established
18 under section 2502 and not dissolved under that
19 section;

20 “(B) if neither of the 2 individuals is an
21 employee within the meaning of section 2501,
22 but if at least 1 of them is a covered Federal em-
23 ployee, the term means a relationship established
24 under section 2502 and not dissolved under that
25 section, except that—

1 “(i) notwithstanding the requirement
2 in section 2502(a)(2)(A)(ii), each of the in-
3 dividuals shall attest that the individual
4 who files the application and affidavit is a
5 covered Federal employee; and

6 “(ii) the Secretary of Labor shall exer-
7 cise the authorities of the Director under
8 section 2502 with respect to the domestic
9 partnership, and shall do so under any ap-
10 plicable regulations issued by the Director
11 (except insofar as may be necessitated by
12 different circumstances);

13 “(23) the term ‘Federal employee’—

14 “(A) means—

15 “(i) an individual referred to in sub-
16 paragraph (A) or (B) of paragraph (1)
17 (subject to the exclusions following subpara-
18 graph (E) of that paragraph); or

19 “(ii) any other individual who is eligi-
20 ble for coverage under this subchapter based
21 on such individual’s employment with or
22 other service to the United States; and

23 “(B) shall not include any individual who
24 is eligible for coverage under this subchapter
25 based on the individual’s service performed as

1 *the employee of any employer other than an enti-*
 2 *ty of the United States; and*

3 “(24) *the term ‘surviving partner’ means the do-*
 4 *mestic partner in a domestic partnership with the de-*
 5 *cedent at the time of his or her death if the decedent*
 6 *was a Federal employee”.*

7 **SEC. 602. DEATH GRATUITY FOR INJURIES INCURRED IN**
 8 **CONNECTION WITH EMPLOYEE’S SERVICE**
 9 **WITH AN ARMED FORCE.**

10 *Section 8102a(d) is amended—*

11 (1) *in paragraph (1)(A), by striking “surviving*
 12 *spouse.” and inserting “surviving spouse (or sur-*
 13 *ving partner).”;* and

14 (2) *in paragraph (2)(C), by inserting “(or chil-*
 15 *dren of the employee’s domestic partner, if the em-*
 16 *ployee was a covered Federal employee)” after “step-*
 17 *children”.*

18 **SEC. 603. BENEFICIARIES OF AWARDS UNPAID AT DEATH;**
 19 **ORDER OF PRECEDENCE.**

20 *Section 8109(a)(D) is amended—*

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

24 (2) *in clause (ii)—*

- 1 (A) by inserting “(or a surviving partner)”
 2 after “a widow or widower”; and
 3 (B) by inserting “(or the surviving part-
 4 ner)” after “the widow or widower”; and
 5 (3) in clause (iii), by striking “no widow or
 6 widower,” and inserting “no widow or widower (and
 7 no surviving partner),”.

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

9 Section 8110(a) is amended—

10 (1) in paragraph (3)—

11 (A) by striking “an unmarried child” and
 12 inserting “a child who is unmarried (and not in
 13 a domestic partnership)”; and

14 (B) by striking “and” at the end;

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

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

19 “(5) a domestic partner, if—

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

22 “(B) he or she is receiving regular contribu-
 23 tions from the employee for his or her support;

24 or

1 (2) *in subsection (b)—*

2 (A) *by amending paragraph (1) to read as*
3 *follows:*

4 “(1) *a widow or widower dies or remarries (or*
5 *enters into a domestic partnership) (or a surviving*
6 *partner dies or enters into a subsequent domestic*
7 *partnership or marries) before reaching age 55;”;* and

8 (B) *in paragraphs (2) and (3), by striking*
9 *“marries,” each place that term appears and in-*
10 *serting “marries (or enters into a domestic part-*
11 *nership),”;* and

12 (C) *in the matter following paragraph*
13 (3)—

14 (i) *in the first sentence, by striking*
15 *“marries.” and inserting “marries (or en-*
16 *ters into a domestic partnership).”;* and

17 (ii) *in the second sentence, by inserting*
18 *“(or domestic partner) (or a surviving part-*
19 *ner who has entitlements to benefits under*
20 *this title derived from more than one domes-*
21 *tic partner or spouse)” after “husband or*
22 *wife”.*

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

24 Section 8135 is amended—

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

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

5 “*(b) A widow or widower on remarriage (or on entry*
 6 *into a domestic partnership) before reaching age 55 (or a*
 7 *surviving partner on entry into a subsequent domestic part-*
 8 *nership or on marriage before age 55) who is entitled to*
 9 *compensation under section 8133 of this title, shall be paid*
 10 *a lump sum equal to 24 times the monthly compensation*
 11 *payment (excluding compensation on account of another in-*
 12 *dividual) to which that individual was entitled imme-*
 13 *diately before the remarriage (or marriage or entry into*
 14 *a domestic partnership).”.*

15 **SEC. 608. EMPLOYEES OF NONAPPROPRIATED FUND IN-**
 16 **STRUMENTALITIES.**

17 (a) *IN GENERAL.*—*Section 8171 is amended by adding*
 18 *at the end the following:*

19 “*(e) For the purpose of this subchapter—*

20 “*(1) the term ‘domestic partner’ means either of*
 21 *the individuals in a domestic partnership;*

22 “*(2) the term ‘domestic partnership’ means a re-*
 23 *lationship between 2 individuals of the same sex that*
 24 *meets the conditions of subparagraphs (A) and (B)—*

1 “(A) except as provided in subparagraph
2 (B), the term means a relationship established
3 under section 2502 and not dissolved under that
4 section; and

5 “(B) if neither of the 2 individuals is an
6 employee described in subsection (a), but if at
7 least 1 of them is a volunteer described in sub-
8 section (a), the term means a relationship estab-
9 lished under section 2502 and not dissolved
10 under that section, except that—

11 “(i) the Secretary of Labor shall exer-
12 cise the authorities of the Director under
13 that section with respect to the domestic
14 partnership; and

15 “(ii) notwithstanding the requirement
16 in section 2502(a)(2)(A)(ii), each of the in-
17 dividuals shall attest that the individual
18 who files the application and affidavit is
19 such a volunteer;

20 “(3) the term ‘surviving partner’ means the dece-
21 dent’s domestic partner at the time of his or her
22 death;

23 “(4) in the Longshore and Harbor Workers’
24 Compensation Act—

25 “(A) section 2(14) shall apply as though—

1 “(i) the term ‘(or child of the domestic
2 partner of an employee or volunteer referred
3 to in section 8171(a) of title 5, United
4 States Code)’ were inserted after ‘stepchild’;
5 and

6 “(ii) the term ‘(or children in domestic
7 partnerships)’ were inserted after ‘married
8 children’, ‘(or brothers in domestic partner-
9 ships)’ were inserted after ‘married broth-
10 ers’, and ‘(or sisters in domestic partner-
11 ships)’ were inserted after ‘married sisters’;
12 “(B) in section 8(d)(1)—

13 “(i) subparagraphs (A), (C), and (D)
14 shall apply as though the term ‘(or sur-
15 viving partner)’ were inserted after ‘widow
16 or widower’ each place it appears; and

17 “(ii) subparagraph (D) shall apply as
18 though the term ‘wife, husband,’ were struck
19 and ‘wife or husband (or domestic partner)’
20 were inserted; and

21 “(C) in section 9—

22 “(i) subsection (b) shall apply as
23 though the portion of the first sentence up
24 to and including the sixth comma reads as
25 follows: ‘If there be a widow or widower (or

1 *surviving partner) and no child of the de-*
2 *ceased, to such widow or widower (or sur-*
3 *living partner) 50 per centum of the aver-*
4 *age wages of the deceased, during widow-*
5 *hood, or dependent widowerhood (or during*
6 *the existence of the domestic partnership, as*
7 *the case may be), with 2 years' compensa-*
8 *tion in 1 sum upon remarriage (or entry*
9 *into a domestic partnership) of such widow*
10 *or widower (or entry into another domestic*
11 *partnership or marriage of such surviving*
12 *partner); and if there be a surviving child*
13 *or children of the deceased, the additional*
14 *amount of $16\frac{2}{3}$ per centum of such wages*
15 *for each such child; in case of the death or*
16 *remarriage (or entry into a domestic part-*
17 *nership) of such widow or widower (or*
18 *entry into another domestic partnership or*
19 *a marriage of such surviving partner),';*

20 *“(ii) subsection (c) shall apply as*
21 *though the portion of the subsection up to*
22 *and including the fourth comma reads as*
23 *follows: ‘If there be 1 surviving child of the*
24 *deceased, but no widow or widower (or sur-*
25 *living partner), then for the support of such*

1 *child 50 per centum of the wages of the de-*
2 *ceased; and if there be more than 1 sur-*
3 *living child of the deceased, but no widow*
4 *or dependent husband (or surviving part-*
5 *ner),’;*

6 “(iii) subsection (d) shall apply as
7 though—

8 “(I) the portion of the first sen-
9 tence up through the word ‘children’
10 reads as follows: ‘If there be no sur-
11 viving wife or husband (or surviving
12 domestic partner) or child, or if the
13 amount payable to a surviving wife or
14 husband (or surviving domestic part-
15 ner) and to children’; and

16 “(II) the second sentence reads as
17 follows: ‘But in no case shall the aggre-
18 gate amount payable under this sub-
19 section exceed the difference between
20 $66\frac{2}{3}$ per centum of such wages and the
21 amount payable as hereinbefore pro-
22 vided to widow or widower (or sur-
23 viving partner) and for the support of
24 surviving child or children.’;

1 “(iv) subsection (g) shall apply as
2 though the term ‘(or surviving domestic
3 partner)’ were inserted after ‘surviving wife’
4 each place it appears; and

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

8 (b) **EXCLUSIVE LIABILITY.**—Section 8173 is amended
9 by striking “spouse,” and inserting “spouse (or domestic
10 partner),”.

11 **SEC. 609. EFFECTIVE DATE.**

12 (a) **IN GENERAL.**—Subject to succeeding provisions of
13 this section, this title and the amendments made by this
14 title—

15 (1) shall take effect on the date of enactment of
16 this Act; and

17 (2) shall apply with respect to any injury or
18 death occurring before, on, or after such date of enact-
19 ment.

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

23 (1) unless timely claim therefor is filed in ac-
24 cordance with the provisions of section 8122 or 8193

1 of title 5, United States Code (as applicable), and
2 subsection (c); or

3 (2) with respect to any period commencing before
4 the date of enactment of this Act.

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

10 (1) such claim shall not be allowed if, as of such
11 date of enactment, a claim based on such disability
12 or death would no longer be timely (determined in ac-
13 cordance with such section 8122 or 8193 (as applica-
14 ble), before the application of paragraph (2)); and

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

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

19 (B) as if the time limitations of such section
20 8122 or 8193 (as applicable) did not begin to
21 run until the date on which the provisions of sec-
22 tion 2502(a) of title 5, United States Code (as
23 added by section 101 of this Act) become effec-
24 tive.

1 (d) *PAYMENTS FOR PRIOR PERIODS NOT AF-*
 2 *FECTED.—No recovery shall be made of compensation paid*
 3 *to any individual whose entitlement to compensation is ter-*
 4 *minated or reduced as a result of the enactment of this title.*

5 **TITLE VII—EMPLOYEE LEAVE;**
 6 **DEATH OR CAPTIVITY COM-**
 7 **PENSATION; OTHER EM-**
 8 **PLOYEE BENEFITS**

9 **SEC. 701. VOLUNTARY TRANSFERS OF LEAVE; VOLUNTARY**
 10 **LEAVE BANK PROGRAM.**

11 (a) *VOLUNTARY TRANSFERS OF LEAVE.—Section 6333*
 12 *is amended by adding at the end the following:*

13 “(d) *Regulations to carry out this section shall include*
 14 *provisions to ensure that, in the administration of this sec-*
 15 *tion, a domestic partner (as that term is defined in section*
 16 *2501) shall be afforded the same status as a spouse.”.*

17 (b) *VOLUNTARY LEAVE BANK PROGRAM.—Section*
 18 *6362 is amended—*

19 (1) *by inserting “(a)” before “Notwithstanding”;*
 20 *and*

21 (2) *by adding at the end the following:*

22 “(b) *The established program under this section shall*
 23 *include provisions to ensure that, in the administration of*
 24 *this section, a domestic partner (as that term is defined*

1 *in section 2501) shall be afforded the same status as a*
 2 *spouse.”.*

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

4 *(a) IN GENERAL.—*

5 *(1) DEFINITION.—Section 6381(6) is amended*
 6 *(in the matter before subparagraph (A)), by striking*
 7 *“parentis,” and inserting “parentis (or a biological,*
 8 *adopted, or foster child of the domestic partner of the*
 9 *employee),”.*

10 *(2) LEAVE REQUIREMENT.—Section 6382 is*
 11 *amended in subsections (a)(1)(C) and (e)(2)(A) by*
 12 *striking “spouse,” each place that term appears and*
 13 *inserting “spouse (or domestic partner),”.*

14 *(3) CERTIFICATION.—Section 6383 is amended*
 15 *in subsections (a) and (b)(4)(A) by striking “spouse,”*
 16 *each place it appears and inserting “spouse (or do-*
 17 *mestic partner),”.*

18 *(b) CONGRESSIONAL ACCOUNTABILITY.—Section 202*
 19 *of the Congressional Accountability Act of 1995 (2 U.S.C.*
 20 *1312) is amended by adding at the end the following:*

21 *“(f) COVERAGE OF EMPLOYEES WITH DOMESTIC*
 22 *PARTNERS.—*

23 *“(1) DEFINITION OF DOMESTIC PARTNER.—In*
 24 *this subsection, the term ‘domestic partner’ has the*

1 *meaning given under section 2501 of title 5, United*
2 *States Code.*

3 *“(2) APPLICATION TO COVERED EMPLOYEES.—In*
4 *the case of a covered employee who has a domestic*
5 *partner—*

6 *“(A) for purposes of the application de-*
7 *scribed in subsection (a)(1)—*

8 *“(i) the term ‘domestic partner’ shall*
9 *be deemed inserted after ‘spouse’ each place*
10 *it appears in sections 102 through 105 of*
11 *the Family and Medical Leave Act of 1993;*
12 *and*

13 *“(ii) a child of the domestic partner of*
14 *a covered employee, which child meets the*
15 *conditions of subparagraphs (A) and (B) of*
16 *section 101(12) of that Act, shall be deemed*
17 *to be included in the term ‘son or daughter’*
18 *as defined in that section 101(12); and*

19 *“(B) if the covered employee and the domes-*
20 *tic partner of the covered employee are employed*
21 *by the same employing office, the limit on the*
22 *aggregate number of workweeks of leave to which*
23 *both may be entitled, as stated in section 102(f)*
24 *of the Family and Medical Leave Act of 1993,*
25 *shall apply.*

1 “(3) *APPLICATION TO EMPLOYEES OF THE GOV-*
2 *ERNMENT ACCOUNTABILITY OFFICE.—In the case of*
3 *an employee of the Government Accountability Office*
4 *who has a domestic partner—*

5 “(A) *the term ‘domestic partner’ shall be*
6 *deemed inserted after ‘spouse’ each place it ap-*
7 *pears in sections 102 through 105 of the Family*
8 *and Medical Leave Act of 1993;*

9 “(B) *a child of the domestic partner of the*
10 *employee, which child meets the conditions of*
11 *subparagraphs (A) and (B) of section 101(12) of*
12 *that Act, shall be deemed to be included in the*
13 *term ‘son or daughter’ as defined in that section*
14 *101(12); and*

15 “(C) *in any case in which the employee and*
16 *the domestic partner of the employee are both*
17 *employed by the Government Accountability Of-*
18 *fice or are both employed by the Library of Con-*
19 *gress, the limit on the aggregate number of work-*
20 *weeks of leave to which both may be entitled, as*
21 *stated in section 102(f) of the Family and Med-*
22 *ical Leave Act of 1993, shall apply.”.*

23 (c) *PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNT-*
24 *ABILITY.—Section 412 of title 3, United States Code, is*
25 *amended by adding at the end the following:*

1 “(e) *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.*

6 “(2) *APPLICATION TO COVERED EMPLOYEES.*—*In*
7 *the case of a covered employee who has a domestic*
8 *partner—*

9 “(A) *for purposes of the application de-*
10 *scribed in subsection (a)(1)—*

11 “(i) *the term ‘domestic partner’ shall*
12 *be deemed inserted after ‘spouse’ each place*
13 *it appears in sections 102 through 105 of*
14 *the Family and Medical Leave Act of 1993;*
15 *and*

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

22 “(B) *if the covered employee and the domes-*
23 *tic partner of the covered employee are employed*
24 *by the same employing office, the limit on the*
25 *aggregate number of workweeks of leave to which*

1 *both may be entitled, as stated in section 102(f)*
2 *of the Family and Medical Leave Act of 1993,*
3 *shall apply.”.*

4 **SEC. 703. SETTLEMENT OF ACCOUNTS.**

5 *(a) DEFINITION.—Section 5581 is amended—*

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

8 *(2) in paragraph (2), by striking “by Federal*
9 *statute.” at the end and inserting “by Federal statute;*
10 *and”;* and

11 *(3) by adding at the end the following:*

12 *“(3) ‘domestic partner’ has the meaning given it*
13 *by section 2501.”.*

14 *(b) ORDER OF PRECEDENCE.—Section 5582(b) is*
15 *amended by inserting “(or surviving domestic partner)”*
16 *after “widow or widower”.*

17 **SEC. 704. BENEFITS FOR CAPTIVES.**

18 *Section 5569(j) is amended by adding at the end the*
19 *following: “Such regulations shall include provisions to en-*
20 *sure that, in the administration of this section, a domestic*
21 *partner (as that term is defined in section 2501) shall be*
22 *afforded the same status as a spouse.”.*

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

24 *Section 5570 is amended by adding at the end the fol-*
25 *lowing:*

1 “(h) Regulations to carry out this section shall include
 2 provisions to ensure that, in the administration of this sec-
 3 tion, a domestic partner (as that term is defined in section
 4 2501) shall be afforded the same status as a spouse.”.

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

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

8 (1) in the matter preceding paragraph (1), by
 9 striking “subchapter—” and inserting “subchapter:”;

10 (2) in paragraph (1)—

11 (A) by inserting “The term” after “(1)”;

12 and

13 (B) by inserting “(or the child of a report-
 14 ing Comptroller General’s domestic partner)”
 15 after “including a stepchild”; and

16 (3) by striking paragraphs (2) and (3) and in-
 17 serting the following:

18 “(2) The terms ‘domestic partner’ and ‘domestic
 19 partnership’ have the meanings given under section
 20 2501 of title 5.

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

1 “(A) was married to the individual for at
2 least 1 year immediately before the individual
3 died; or

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

7 “(4) The term ‘surviving partner’ means a sur-
8 viving domestic partner of an individual who was a
9 Comptroller General or retired Comptroller General
10 and the domestic partner—

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

14 “(B)(i) has not entered into a subsequent
15 domestic partnership or married before age 55;
16 and

17 “(ii) satisfies other requirements, related to
18 parenthood and the domestic partnership, pre-
19 scribed by the Director of the Office of Personnel
20 Management by regulation under sections
21 8341(3)(b) and 8441(3)(B) of title 5, as deter-
22 mined and applied by the General Counsel of the
23 Government Accountability Office on the basis of
24 those regulations.

1 “(5) *Service as a Comptroller General equals the*
2 *number of years and complete months an individual*
3 *is Comptroller General.*”.

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

6 (1) *in subsection (b)(2)(B), by inserting “(or do-*
7 *mestic partner’s)” after “surviving spouse’s”;*

8 (2) *in subsection (c), by inserting “(or surviving*
9 *domestic partner)” after “surviving spouse”; and*

10 (3) *in subsection (d), by inserting “(or domestic*
11 *partner)” before the period.*

12 **(c) SURVIVOR ANNUITIES.**—Section 774 of title 31,
13 *United States Code, is amended—*

14 (1) *in subsection (c)—*

15 (A) *by striking paragraph (1) and inserting*
16 *the following:*

17 “(1) *only by a spouse (or domestic partner), the*
18 *surviving spouse (or surviving domestic partner) shall*
19 *receive an annuity computed under subsection (d) of*
20 *this section beginning on the death of the Comptroller*
21 *General or retired Comptroller General or when the*
22 *spouse (or domestic partner) is 50 years of age,*
23 *whichever is later;”;*

24 (B) *in paragraph (2), by striking “by a*
25 *spouse and a dependent child, the surviving*

1 spouse” and inserting “by a spouse (or domestic
2 partner) and a dependent child, the surviving
3 spouse (or surviving domestic partner)”; and

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

7 (2) in subsection (d), by inserting “(or surviving
8 domestic partner)” after “surviving spouse”;

9 (3) in subsection (e)—

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

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

14 (C) by inserting “(or domestic partner)”
15 after “unless the spouse”.

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

18 (1) in subsection (d)(2), by inserting “(or sur-
19 viving domestic partner)” after “surviving spouse”;
20 and

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

23 (e) PAYMENT OF SURVIVOR BENEFITS.—Section
24 776(b) of title 31, United States Code, is amended—

1 (1) *in paragraph (1), by striking “A surviving*
2 *spouse’s annuity ends when the spouse remarries”*
3 *and inserting “A surviving spouse’s (or surviving do-*
4 *mestic partner’s) annuity ends when the spouse re-*
5 *marries (or enters into a domestic partnership) (or*
6 *when the surviving domestic partner enters into an-*
7 *other domestic partnership or marries)”;*

8 (2) *in paragraph (2), by striking “marries, or*
9 *dies, whichever is earliest. However, if a child is not*
10 *self-supporting because of a physical or mental dis-*
11 *ability, an annuity ends when the child recovers,*
12 *marries” and inserting “marries (or enters into a do-*
13 *mestic partnership), or dies, whichever is earliest.*
14 *However, if a child is not self-supporting because of*
15 *a physical or mental disability, an annuity ends*
16 *when the child recovers, marries (or enters into a do-*
17 *mestic partnership)”;* and

18 (3) *in paragraph (3), by inserting “(or surviving*
19 *domestic partner)” after “a surviving spouse”.*

20 (f) *ANNUITY INCREASES.—Section 777(b) of title 31,*
21 *United States Code, is amended by inserting “(or surviving*
22 *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.*

Calendar No. 704

11TH CONGRESS
2^D SESSION

S. 1102

[Report No. 111-376]

A BILL

To provide benefits to domestic partners of Federal employees.

DECEMBER 17, 2010

Reported with an amendment