

113TH CONGRESS
1ST SESSION

H. R. 3135

To provide certain benefits to domestic partners of Federal employees.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2013

Mr. POCAN (for himself, Ms. ROS-LEHTINEN, Mr. CONNOLLY, Mr. HANNA, Ms. BONAMICI, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CARTWRIGHT, Ms. CHU, Mr. CICILLINE, Mr. COHEN, Mr. CUMMINGS, Ms. DELBENE, Mr. DOYLE, Ms. EDWARDS, Ms. ESTY, Ms. FUDGE, Mr. GRIJALVA, Mr. HONDA, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. LEE of California, Mr. LEWIS, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Mr. MCGOVERN, Mr. MICHAUD, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Florida, Ms. PINGREE of Maine, Mr. POLIS, Mr. QUIGLEY, Mr. RANGEL, Mr. RUSH, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHNEIDER, Ms. SCHWARTZ, Mr. SERRANO, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. TAKANO, Mr. TONKO, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. VARGAS, Ms. VELÁZQUEZ, Mr. WALZ, Mr. WAXMAN, and Mr. WELCH) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and the Workforce, House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide certain benefits to domestic partners of Federal employees.

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

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

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Domestic Partnership Benefits and Obligations Act of
 5 2013”.

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

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

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

TITLE I—DOMESTIC PARTNERSHIPS

Sec. 101. Domestic partnerships.

TITLE II—CIVIL SERVICE RETIREMENT SYSTEM

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

TITLE III—FEDERAL EMPLOYEES’ RETIREMENT SYSTEM

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

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

TITLE IV—INSURANCE BENEFITS

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

TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

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

TITLE VI—COMPENSATION FOR WORK INJURIES

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

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

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

TITLE VIII—ADDITIONAL PROVISIONS

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

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

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

TITLE X—REPORTING REQUIREMENTS

Sec. 1001. Report of the President.

Sec. 1002. GAO report.

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

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

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

6 **“§ 2110. Domestic partnerships**

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

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

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

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

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

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

6 “(5) Such individuals—

7 “(A) have a common residence; or

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

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

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

17 “(8) The 2 individuals are not related in a way
18 that, if they were of the opposite sex, would prohibit
19 legal marriage in any jurisdiction in which the indi-
20 viduals have a common residence.

21 “(9) Neither individual resides in a covered
22 State.

23 “(10) The filing employee, former employee, or
24 annuitant (as the case may be) understands that
25 willful falsification of information set forth in the af-

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

7 An affidavit shall not be effective for purposes of estab-
8 lishing the existence of a domestic partnership under this
9 section unless the filing individual is an employee, former
10 employee, or annuitant as of the time of filing. No two
11 individuals shall, for purposes of the provisions of law to
12 which this section applies, be treated as being in a domes-
13 tic partnership with one another unless there is in effect,
14 in accordance with regulations prescribed by the Office,
15 an affidavit filed in accordance with the preceding provi-
16 sions of this subsection.

17 “(b) TERMINATION.—

18 “(1) IN GENERAL.—A domestic partnership es-
19 tablished under subsection (a) terminates—

20 “(A) upon the death of either domestic
21 partner;

22 “(B) if the condition set forth in sub-
23 section (a)(9) has ceased to exist for a period
24 of 6 months; or

1 “(C) upon the occurrence of such other
2 terminating event or condition as the Director
3 may by regulation prescribe.

4 “(2) NOTIFICATION.—

5 “(A) IN GENERAL.—If a domestic partner-
6 ship terminates, either or both of the domestic
7 partners shall, within 30 days after the date as
8 of which such partnership terminates, execute
9 and file a notification, in such form and in such
10 manner the Director shall by regulation pre-
11 scribe, stating—

12 “(i) that the partnership has termi-
13 nated;

14 “(ii) the date as of which the partner-
15 ship terminated; and

16 “(iii) the event or condition pursuant
17 to which termination occurred.

18 “(B) REGULATIONS.—Regulations to carry
19 out this subsection shall include provisions—

20 “(i) for determining the date as of
21 which a domestic partnership terminates
22 by reason of each subparagraph of para-
23 graph (1); and

24 “(ii) under which, one’s place of per-
25 manent residence (as defined in such regu-

1 lations) shall be used for purposes of ap-
2 plying paragraph (1)(B).

3 “(c) DOMESTIC PARTNER DEFINED.—For purposes
4 of the provisions of law to which this section applies, the
5 term ‘domestic partner’ means an individual who is in a
6 domestic partnership, as described in subsection (a).

7 “(d) OTHER DEFINITIONS.—For purposes of this
8 section—

9 “(1) the term ‘employee’ means an employee as
10 defined by section 2105, an employee of a non-
11 appropriated fund instrumentality of the Depart-
12 ment of Defense or the Coast Guard (as described
13 in section 2105(c)), an employee of the United
14 States Postal Service or of the Postal Regulatory
15 Commission (as described in section 2105(e)), a
16 Member of Congress, a member of the commissioned
17 corps of the Public Health Service, a member of the
18 commissioned corps of the National Oceanic and At-
19 mospheric Administration, and any other individual
20 who is employed by the Government (as determined
21 under regulations of the President or a designee
22 thereof), but does not include a technician (within
23 the meaning of section 8337(h)) or, notwithstanding
24 any provision of chapter 43 of title 38, a member of
25 the armed forces;

1 “(2) the term ‘annuitant’ means—

2 “(A) an annuitant within the meaning of
3 section 8331 or 8401; and

4 “(B) as determined under regulations pre-
5 scribed by the President or a designee thereof,
6 any other individual who is entitled to benefits
7 (based on the service of such individual) under
8 a retirement system for employees of the Gov-
9 ernment;

10 “(3) the term ‘covered State’ means a State,
11 foreign country, or political subdivision of a foreign
12 country in which a marriage between 2 individuals
13 of the same sex is recognized under the law of such
14 State, country, or political subdivision; and

15 “(4) the term ‘State’ means each of the several
16 States, the District of Columbia, the Commonwealth
17 of Puerto Rico, and any other territory or possession
18 of the United States.

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

20 “(1) use the information obtained under sub-
21 section (a) for any purpose other than the adminis-
22 tration of any provision of law to which this section
23 applies; or

24 “(2) furnish any information obtained under
25 subsection (a) to anyone, or permit anyone to exam-

1 ine or otherwise gain access to any such information,
2 except for—

3 “(A) an individual who needs such infor-
4 mation for a purpose that satisfies paragraph
5 (1); or

6 “(B) a member of the domestic partner-
7 ship to which the information pertains or an
8 authorized representative thereof.

9 “(f) **APPLICABILITY.**—This section applies for pur-
10 poses of the provisions of this title (excluding chapter 81)
11 and any provision of law identified in or under title VIII
12 of the Domestic Partnership Benefits and Obligations Act
13 of 2013.”.

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

 “2110. Domestic partnerships.”.

17 **TITLE II—CIVIL SERVICE**
18 **RETIREMENT SYSTEM**

19 **SEC. 201. DEFINITIONS.**

20 (a) **FORMER SPOUSE.**—Subparagraph (B) of section
21 8331(23) is amended to read as follows:

22 “(B) if the former spouse—

23 “(i) was married to such individual
24 for at least 9 months; or

1 “(ii) was in a domestic partnership
2 with the individual immediately before a
3 marriage to such individual, and the com-
4 bined duration of the domestic partnership
5 and marriage was at least 9 months;”.

6 (b) FORMER DOMESTIC PARTNER.—Section 8331 is
7 amended—

8 (1) in paragraph (31), by striking “and” at the
9 end;

10 (2) in paragraph (32), by striking the period
11 and inserting “; and”; and

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

13 “(33) ‘former domestic partner’ means a former
14 domestic partner of an individual—

15 “(A) if such individual performed at least
16 18 months of civilian service as an employee or
17 Member; and

18 “(B) if the former domestic partner—

19 “(i) was in a domestic partnership
20 with such individual for at least 9 months;
21 or

22 “(ii) was married to such individual
23 immediately after being in a domestic part-
24 nership with such individual, and the com-

1 bined duration of the marriage and domes-
2 tic partnership was at least 9 months.”.

3 **SEC. 202. CREDITABLE SERVICE.**

4 Section 8332 is amended—

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

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

11 **SEC. 203. COMPUTATION OF ANNUITY.**

12 Section 8339 is amended—

13 (1) in subsection (j)—

14 (A) in paragraph (1)—

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

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

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

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

1 (C) in paragraph (3)—

2 (i) in the first sentence—

3 (I) by inserting “(or former do-
4 mestic partner)” after “former
5 spouse” each place it appears; and

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

9 (ii) in the second sentence—

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

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

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

20 (iv) in subparagraph (B)—

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

24 (II) by striking “the spouse’s
25 written consent.” and inserting “the

1 written consent of the spouse (or do-
2 mestic partner).”; and

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

23 (D) by amending paragraph (5) to read as
24 follows:

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

5 “(i) after the death of the spouse (or domestic
6 partner), or

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

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

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

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

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

21 “(I) within 2 years after such remarriage (or
22 such subsequent domestic partnership), or

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

24 “(aa) the death or remarriage of any
25 former spouse (or the death of or entry into a

1 subsequent domestic partnership by any former
2 domestic partner) of such employee or Member
3 who was entitled to a survivor annuity under
4 section 8341(h), or

5 “(bb) if there was more than 1, the death
6 or remarriage of the last such surviving former
7 spouse (or the death of or entry into a subse-
8 quent domestic partnership by the last such
9 surviving former domestic partner),

10 a reduction in the employee’s or Member’s annuity under
11 paragraph (4) for the purpose of providing an annuity for
12 such employee’s or Member’s spouse (or domestic partner)
13 in the event such spouse (or domestic partner) survives
14 the employee or Member.

15 “(ii) Such election and reduction shall be effective the
16 first day of the second month after the election is received
17 by the Office, but not less than 9 months after the date
18 of the remarriage (or entry into the subsequent domestic
19 partnership), and the retired employee or Member shall
20 deposit in the Fund an amount determined by the Office
21 of Personnel Management, as nearly as may be adminis-
22 tratively feasible, to reflect the amount by which the annu-
23 ity of such retired employee or Member would have been
24 reduced if the election had been in effect since the date
25 of retirement or, if later, the date the previous reduction

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

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

1 “(iv) Notwithstanding any other provision of this sub-
2 paragraph, an election under this subparagraph may not
3 be made for the purpose of providing an annuity in the
4 case of a spouse by remarriage (or a domestic partner by
5 a subsequent domestic partnership) if such spouse was
6 married to (or if such domestic partner was in a domestic
7 partnership with) the employee or Member at the time of
8 such employee’s or Member’s retirement, and all rights to
9 survivor benefits for such spouse (or domestic partner)
10 under this subchapter based on marriage (or domestic
11 partnership) to such employee or Member were then
12 waived under paragraph (1) or a similar prior provision
13 of law.

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

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

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

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

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

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

8 (2) in subsection (k)—

9 (A) in paragraph (1)—

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

14 (ii) by inserting “(or domestic part-
15 ner)” after “spouse” each place it appears;
16 and

17 (B) in paragraph (2)—

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

20 “(2)(A) An employee or Member, who is unmarried
21 (and not in a domestic partnership) at the time of retiring
22 under a provision of law which permits election of a re-
23 duced annuity with a survivor annuity payable to such em-
24 ployee’s or Member’s spouse (or domestic partner) and
25 who later marries (or enters into a domestic partnership),

1 may irrevocably elect, in a signed writing received in the
2 Office—

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

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

7 “(I) the death or remarriage of any former
8 spouse (or the death of or entry into a subse-
9 quent domestic partnership by any former do-
10 mestic partner) of such employee or Member
11 who was entitled to a survivor annuity under
12 section 8341(h), or

13 “(II) if there was more than 1, the death
14 (or entry into a subsequent domestic partner-
15 ship) by the last such surviving former spouse
16 (or surviving former domestic partner),

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

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

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

1 (iv) in subparagraph (C), by striking
2 “marriage.” and inserting “marriage (or
3 domestic partnership).”; and

4 (3) in subsection (o)(1)—

5 (A) in subparagraphs (A)(i) and (B)(i), by
6 striking “is married,” and inserting “is married
7 (or is in a domestic partnership).”; and

8 (B) in subparagraph (A) (in the matter
9 following clause (ii)), by inserting “(or domestic
10 partner)” after “spouse”.

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

12 Section 8340 is amended—

13 (1) in subsection (a)—

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

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

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

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

22 (2) in subsection (c)(1)—

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

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

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

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

14 Section 8341 is amended—

15 (1) in subsection (a)—

16 (A) by striking paragraphs (1) and (2) and
 17 inserting the following:

18 “(1) ‘widow’ means the surviving wife of an em-
 19 ployee or Member who—

20 “(A) was married to such employee or
 21 Member for at least 9 months immediately be-
 22 fore the death of such employee or Member;

23 “(B) was married to such employee or
 24 Member immediately before the death of such
 25 employee or Member, was in a domestic part-

1 nership with such employee or Member imme-
2 diately before the marriage to such employee or
3 Member, and the combined duration of the do-
4 mestic partnership and marriage was at least 9
5 months; or

6 “(C) is the mother of issue by the mar-
7 riage referred to in subparagraph (A) or (B), as
8 the case may be;

9 “(2) ‘widower’ means the surviving husband of
10 an employee or Member who—

11 “(A) was married to such employee or
12 Member for at least 9 months immediately be-
13 fore the death of such employee or Member;

14 “(B) was married to such employee or
15 Member immediately before the death of such
16 employee or Member, was in a domestic part-
17 nership with such employee or Member imme-
18 diately before the marriage to such employee or
19 Member, and the combined duration of the do-
20 mestic partnership and marriage was at least 9
21 months; or

22 “(C) is the father of issue by the marriage
23 referred to in subparagraph (A) or (B), as the
24 case may be;”;

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

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

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

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

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

16 (D) in paragraph (5) (as so redesignated
17 by subparagraph (B))—

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

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

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

5 (2) in subsection (b)—

6 (A) in paragraph (1)—

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

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

13 (B) in paragraph (2)—

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

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

19 (C) in paragraph (3)—

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

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

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

4 (D) in paragraph (4)—

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

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

11 (3) in subsection (d)—

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

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

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

21 (4) in subsection (e)—

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

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

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

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

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

17 (C) in paragraph (3)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(A) shall not commence before—

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

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

18 whichever is later, and

19 “(B) shall terminate—

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

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

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

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

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

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

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

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

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

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

9 “(i)(1) The requirement—

10 “(A) in subsection (a)(1) or (a)(2) that the
11 widow or widower of an employee or Member have
12 been—

13 “(i) married to such employee or Member
14 for at least 9 months, or

15 “(ii) married to such employee or Member
16 after having been in a domestic partnership
17 with such employee or Member for a combined
18 total of at least 9 months,

19 immediately before the employee’s or Member’s
20 death in order to qualify as the widow or widower
21 of such employee or Member, or

22 “(B) in subsection (a)(3) that the surviving
23 partner of an employee or Member have been in a
24 domestic partnership with such employee or Member
25 immediately before the employee’s or Member’s

1 death in order to qualify as the surviving partner of
2 such employee or Member,
3 shall be deemed satisfied if the employee or Member dies
4 within the applicable 9-month period, and either of the
5 conditions described in paragraph (2) is met.

6 “(2) The alternative conditions described in this
7 paragraph are the following:

8 “(A) The death of the employee or Member was
9 accidental.

10 “(B) The surviving widow or widower (or sur-
11 viving domestic partner) of such individual was pre-
12 viously in a marriage (or a domestic partnership)
13 with the individual that was subsequently dissolved
14 (or terminated), and the aggregate time married (or
15 in a domestic partnership) is at least 9 months.”;
16 and

17 (9) by redesignating subsection (k) as sub-
18 section (j) and amending such subsection to read as
19 follows:

20 “(j)(1) Subsections (b)(3)(B), (d)(ii), and
21 (h)(3)(B)(i), to the extent that they provide for termi-
22 nation of a survivor annuity because of a remarriage (or
23 entry into a subsequent domestic partnership) before age
24 55, shall not apply if the widow, widower or former spouse
25 was married to (or if the surviving partner or former do-

1 mestic partner was in a domestic partnership with) the
 2 individual on whose service the survivor annuity is based
 3 for at least 30 years or a combined total of at least 30
 4 years.

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

12 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
 13 **FICIARY; ORDER OF PRECEDENCE.**

14 Section 8342 is amended—

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

17 (2) in subsection (j)—

18 (A) in paragraph (1)(A), by inserting “(or
 19 the domestic partner, if any, and any former
 20 domestic partner)” after “the spouse, if any,
 21 and any former spouse”; and

22 (B) by inserting “(or domestic partner or
 23 former domestic partner)” after “spouse or
 24 former spouse” each place it appears.

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

2 Section 8343a is amended—

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

5 (2) in subsection (b)(2)(B), by inserting “(or
6 surviving domestic partner)” after “surviving
7 spouse”; and

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

10 **SEC. 208. ADMINISTRATION; REGULATIONS.**

11 Section 8347(n)(1)(D) is amended by striking “their
12 spouses, and their former spouses” and inserting “their
13 spouses, domestic partners, former spouses, and former
14 domestic partners”.

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

16 Section 8351(b)(5) is amended—

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

20 (2) in subparagraph (B), by striking “a married
21 employee or Member” and inserting “an employee or
22 Member who is married (or in a domestic partner-
23 ship)”; and

24 (3) in subparagraph (D), by inserting “(or do-
25 mestic partner or former domestic partner)” after
26 “spouse or former spouse”.

1 **TITLE III—FEDERAL EMPLOY-**
2 **EES’ RETIREMENT SYSTEM**

3 **SEC. 301. DEFINITIONS.**

4 (a) FORMER SPOUSE.—Subparagraph (B) of section
5 8401(12) is amended to read as follows:

6 “(B) if the former spouse—

7 “(i) was married to such individual
8 for at least 9 months; or

9 “(ii) was in a domestic partnership
10 with the individual immediately before a
11 marriage to such individual, and the com-
12 bined duration of the domestic partnership
13 and marriage was at least 9 months;”.

14 (b) FORMER DOMESTIC PARTNER.—Section 8401 is
15 amended—

16 (1) in paragraph (36), by striking “and” at the
17 end;

18 (2) in paragraph (37), by striking the period at
19 the end and inserting “; and”; and

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

21 “(38) ‘former domestic partner’ means a former
22 domestic partner of an individual—

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

1 “(B) if the former domestic partner—
 2 “(i) was in a domestic partnership
 3 with such individual for at least 9 months;
 4 or
 5 “(ii) was married to such individual
 6 immediately after being in a domestic part-
 7 nership with such individual, and the com-
 8 bined duration of the marriage and domes-
 9 tic partnership was at least 9 months.”.

10 **SEC. 302. 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 do-
 17 mestic partner)” after “spouse” each place it ap-
 18 pears.

19 **SEC. 303. SURVIVOR REDUCTION FOR A CURRENT SPOUSE**
 20 **OR A CURRENT DOMESTIC PARTNER.**

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

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

24 (2) in subsection (a)—

1 (A) by inserting “(or in a domestic part-
2 nership)” after “married” each place it ap-
3 pears;

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

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

8 (3) by amending subsection (b) to read as fol-
9 lows:

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

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

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

23 “(i) the death or remarriage of any former
24 spouse (or the death of or entry into a subse-
25 quent domestic partnership by any former do-

1 mestic partner) of such employee or Member
2 who was entitled to a survivor annuity under
3 section 8445, or

4 “(ii) if there was more than 1, the death
5 or remarriage of the last such surviving former
6 spouse (or the death of or entry into a subse-
7 quent domestic partnership by the last such
8 surviving former domestic partner),

9 a reduction in the employee’s or Member’s annuity under
10 section 8419(a) for the purpose of providing an annuity
11 for such employee’s or Member’s spouse (or domestic part-
12 ner) in the event such spouse (or domestic partner) sur-
13 vives the employee or Member.

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

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

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

24 “(B) shall, if an election was made by the em-
25 ployee or Member under section 8420 with respect

1 to a different individual, prospectively void such elec-
2 tion if appropriate written application is made by
3 such employee or Member at the time of making the
4 election under this subsection.

5 “(4) Any election under this subsection made by an
6 employee or Member on behalf of an individual after the
7 retirement of such employee or Member shall not be effec-
8 tive if—

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

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

15 (4) in subsection (c)—

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

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

23 “(A) within 2 years after such employee or
24 Member marries (or enters into a domestic partner-
25 ship), or

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

2 “(i) the death or remarriage of any former
3 spouse (or the death of or entry into a subse-
4 quent domestic partnership by any domestic
5 partner) of such employee or Member who was
6 entitled to a survivor annuity under section
7 8445, or

8 “(ii) if more than 1, the death or remar-
9 riage of the last such surviving former spouse
10 (or the death of or the entry into a subsequent
11 domestic partnership by the last such surviving
12 domestic partner),

13 a reduction in the current annuity of the retired employee
14 or Member, in accordance with section 8419(a).”; and

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

18 (5) in subsection (d)(1)—

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

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

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

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

1 **SEC. 304. SURVIVOR REDUCTION FOR A FORMER SPOUSE**
2 **OR FORMER DOMESTIC PARTNER.**

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

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

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

8 (3) in subsection (b)—

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

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

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

22 (C) in paragraph (3)—

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

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

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

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

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

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

12 Section 8418(b) is amended—

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

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

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

18 Section 8419 is amended—

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

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

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

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

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

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

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

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

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

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

15 **SEC. 307. INSURABLE INTEREST REDUCTIONS.**

16 Section 8420 is amended—

17 (1) in subsection (b)(1)—

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

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

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

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

2 Section 8420a is amended—

3 (1) in subsection (b)(2)—

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

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

10 (2) in subsection (d)—

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

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

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

19 **SEC. 309. LUMP-SUM BENEFITS; DESIGNATION OF BENE-
20 FICIARY; ORDER OF PRECEDENCE.**

21 Section 8424 is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)—

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

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

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

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

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

15 **SEC. 310. ANNUITIES: METHODS OF PAYMENT; ELECTION;**
16 **PURCHASE.**

17 Section 8434(a)(2) is amended—

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

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

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

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

1 (1) in the heading, by striking “**spouses and**
2 **former spouses**” and inserting “**spouses, do-**
3 **mestic partners, former spouses, and**
4 **former domestic partners**”;

5 (2) in subsection (a)—

6 (A) in paragraph (1)—

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

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

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

20 (3) in subsection (b)—

21 (A) in paragraph (1)—

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

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

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

5 (4) in subsection (d)—

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

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

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

15 (D) in paragraph (3)(B), by inserting “(or
16 former domestic partners)” after “former
17 spouses”;

18 (5) in subsection (e)(1)—

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

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

1 partner) consents to such loan or withdrawal in writing.”;
 2 and

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

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

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

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

12 **SEC. 312. JUSTICES AND JUDGES.**

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

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

16 Section 8441 is amended—

17 (1) by striking paragraphs (1) and (2) and in-
 18 serting the following:

19 “(1) ‘widow’ means the surviving wife of an em-
 20 ployee or Member who—

21 “(A) was married to such employee or
 22 Member for at least 9 months immediately be-
 23 fore the death of such employee or Member;

1 “(B) was married to such employee or
2 Member immediately before the death of such
3 employee or Member, was in a domestic part-
4 nership with such employee or Member imme-
5 diately before the marriage to such employee or
6 Member, and the combined duration of the do-
7 mestic partnership and marriage was at least 9
8 months; or

9 “(C) is the mother of issue by the mar-
10 riage referred to in subparagraph (A) or (B), as
11 the case may be;

12 “(2) ‘widower’ means the surviving husband of
13 an employee or Member who—

14 “(A) was married to such employee or
15 Member for at least 9 months immediately be-
16 fore the death of such employee or Member;

17 “(B) was married to such employee or
18 Member immediately before the death of such
19 employee or Member, was in a domestic part-
20 nership with such employee or Member imme-
21 diately before the marriage to such employee or
22 Member, and the combined duration of the do-
23 mestic partnership and marriage was at least 9
24 months; or

1 “(C) is the father of issue by the marriage
2 referred to in subparagraph (A) or (B), as the
3 case may be;”;

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

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

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

17 “(B) satisfies such other requirement,
18 based on parenthood, as the Office of Personnel
19 Management shall by regulation prescribe based
20 on the definition of a widow or widower under
21 this section;”;

22 (3) in paragraph (5) (as so redesignated by
23 paragraph (2)) in subparagraph (A), by inserting
24 “(or surviving partner)” after “widow or widower”;
25 and

1 (4) by adding after “interim.” the following:
 2 “The Office shall prescribe regulations to provide
 3 that, for purposes of applying the provisions of para-
 4 graph (5)(A)(ii) (relating to the treatment of a step-
 5 child) in the case of a domestic partnership, rules
 6 similar to those prescribed to carry out section
 7 8901(5)(B) in similar circumstances shall apply.”.

8 **SEC. 314. RIGHTS OF A WIDOW, WIDOWER, OR SURVIVING**
 9 **PARTNER.**

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

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

14 (2) in subsection (a)—

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

17 (B) in paragraph (1)(B), by inserting “(or
 18 entry into a domestic partnership)” after “mar-
 19 riage”; and

20 (C) in paragraph (2), by inserting “(or do-
 21 mestic partner)” after “spouse” each place it
 22 appears;

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

1 (4) in subsection (c)—

2 (A) in paragraph (1), (in the matter before
3 subparagraph (A)), by inserting “(or a sur-
4 viving partner with whom in a domestic part-
5 nership)” after “widow or widower to whom
6 married”; and

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

11 (5) in subsection (d)—

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

15 (B) in paragraph (1)(B), by inserting “(or
16 enters into a subsequent domestic partnership)”
17 after “remarries”;

18 (C) in paragraph (2)—

19 (i) by striking “remarriage before”
20 and inserting “remarriage (or entry into a
21 subsequent domestic partnership) before”;

22 (ii) by striking “remarriage is dis-
23 solved by death, divorce, or annulment,”
24 and inserting “remarriage is dissolved by

1 death, divorce, annulment (or subsequent
2 domestic partnership is terminated),”; and

3 (iii) in subparagraph (A), by striking
4 “remarriage;” and inserting “remarriage
5 (or entry into a subsequent domestic part-
6 nership);”; and

7 (D) in paragraph (3)—

8 (i) by inserting “or entry into a subse-
9 quent domestic partnership” after “remar-
10 riage”; and

11 (ii) by inserting “(or in a domestic
12 partnership for at least 30 years with)”
13 after “married for at least 30 years to”;

14 (6) by striking subsection (e) and inserting the
15 following:

16 “(e)(1) The requirement—

17 “(A) in paragraph (1) or (2) of section 8441
18 that the widow or widower of an employee or Mem-
19 ber have been—

20 “(i) married to such employee or Member
21 for at least 9 months, or

22 “(ii) married to such employee or Member
23 after having been in a domestic partnership
24 with such employee or Member for a combined
25 total of at least 9 months,

1 immediately before the employee's or Member's
2 death in order to qualify as the widow or widower
3 of such employee or Member, or

4 “(B) in section 8441(3) that the surviving part-
5 ner of an employee or Member have been in a do-
6 mestic partnership with such employee or Member
7 for at least 9 months immediately before the employ-
8 ee's or Member's death in order to qualify as the
9 surviving partner of such employee or Member,

10 shall be deemed satisfied if the employee or Member dies
11 within the applicable 9-month period, and either of the
12 conditions described in paragraph (2) is met.

13 “(2) The alternative conditions described in this
14 paragraph are the following:

15 “(A) The death of the employee or Member was
16 accidental.

17 “(B) The surviving widow or widower (or sur-
18 viving domestic partner) of such individual was pre-
19 viously in a marriage (or domestic partnership) with
20 the individual that was subsequently dissolved (or
21 terminated), and the aggregate time married (or in
22 a domestic partnership) is at least 9 months or a
23 combined total of at least 9 months.”;

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

4 (8) in subsection (h)—

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

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

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

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

14 **SEC. 315. RIGHTS OF A FORMER SPOUSE OR FORMER DO-**
15 **MESTIC PARTNER.**

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

17 (1) in the heading, by striking “**former**
18 **spouse**” and inserting “**former spouse or**
19 **former domestic partner**”;

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

22 (3) in subsection (b)—

23 (A) by inserting “(or former domestic part-
24 ner)” after “former spouse” each place it ap-
25 pears; and

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

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

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

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

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

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

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

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

4 **SEC. 316. AUTHORITY OF THE OFFICE OF PERSONNEL MAN-**
5 **AGEMENT.**

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

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

12 Section 8462(c) is amended—

13 (1) in paragraph (2), by striking “survivor
14 (other than a widow or widower whose annuity is
15 computed under section 8442(g) or a child under
16 section 8443)” and inserting the following: “sur-
17 vivor, other than a widow or widower (or surviving
18 partner) whose annuity is computed under section
19 8442(g) or a child under section 8443,”;

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

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

1 **SEC. 318. FIDUCIARY RESPONSIBILITIES; LIABILITY AND**
 2 **PENALTIES.**

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

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

9 **TITLE IV—INSURANCE BENEFITS**

10 **SEC. 401. LIFE INSURANCE.**

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

12 (1) in section 8701(d)—

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

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

16 “(3) In the case of an individual whose domestic part-
 17 ner has a child by a previous marriage, domestic partner-
 18 ship (as defined under regulations of the Office of Per-
 19 sonnel Management), or otherwise, such child shall, unless
 20 adopted by such individual, be treated as a stepchild of
 21 such individual.”;

22 (2) in section 8705(a), by inserting “or sur-
 23 viving domestic partner” after “widow or widower”;
 24 and

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

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

8 **SEC. 402. HEALTH INSURANCE.**

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

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

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

16 (3) by striking “and” at the end of paragraph
17 (10), by redesignating paragraph (11) as paragraph
18 (12), and by inserting after paragraph (10) the fol-
19 lowing:

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

22 “(A) whose domestic partnership with an
23 employee, former employee, or annuitant has
24 terminated,

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

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

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

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

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

1 except that such term shall not include any such
2 former domestic partner, who has not entered into
3 another domestic partnership, of a former employee
4 whose domestic partnership was terminated after the
5 former employee's separation from the service (other
6 than by retirement); and"; and

7 (4) by adding after paragraph (12) (as so re-
8 designated by paragraph (3)), as a flush left sen-
9 tence, the following:

10 "For purposes of paragraph (5), in the case of an em-
11 ployee or annuitant whose domestic partner has a child
12 by a previous marriage, domestic partnership (as defined
13 under regulations of the Office of Personnel Manage-
14 ment), or otherwise, such child shall, unless adopted by
15 such individual, be treated as a stepchild of such indi-
16 vidual."

17 (b) CONTRACTING AUTHORITY.—Section 8902 is
18 amended in subsections (g), (j), and (k)(1), by inserting
19 "former domestic partner," after "former spouse," each
20 place it appears.

21 (c) DEBARMENT AND OTHER SANCTIONS.—Section
22 8902a(a)(1)(B) is amended by striking "or former
23 spouse" and inserting "former spouse, or former domestic
24 partner".

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

3 (1) by inserting “former domestic partners,”
4 after “former spouses,”; and

5 (2) by inserting “former domestic partner,”
6 after “former spouse,”.

7 (e) ELECTION OF COVERAGE.—Section 8905 is
8 amended—

9 (1) in subsection (c), by adding at the end the
10 following:

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

14 “(A) to former spouses and former domestic
15 partners; and

16 “(B) to the children of a marriage that has
17 been dissolved and the children of a domestic part-
18 nership that has been terminated.”;

19 (2) in subsection (e)—

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

22 (B) by striking “either spouse,” and in-
23 serting “either spouse or domestic partner,”;
24 and

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

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

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

9 “(1) to former spouses and former domestic
10 partners; and

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

14 (g) COVERAGE OF RESTORED EMPLOYEES AND SUR-
15 VIVOR OR DISABILITY ANNUITANTS.—Section 8908(b) is
16 amended—

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

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

21 (h) REGULATIONS.—Section 8913(c) is amended—

22 (1) by striking “and former spouses” and in-
23 serting “former spouses, and former domestic part-
24 ners”; and

1 (2) by striking “annuitant or former spouse”
2 and inserting “annuitant, former spouse, or former
3 domestic partner”.

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

8 **SEC. 403. ENHANCED DENTAL BENEFITS.**

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

10 (1) in section 8956(a)—

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

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

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

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

22 **SEC. 404. ENHANCED VISION BENEFITS.**

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

24 (1) in section 8986(a)—

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

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

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

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

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

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

14 (1) in section 9001(5)—

15 (A) in subparagraph (A), by striking “or
16 (4).” and inserting “or (4) (and the domestic
17 partner of an individual described in paragraph
18 (1), (2), or (4) or of an individual who satisfies
19 paragraph (3) by virtue of having been ap-
20 pointed to a position in the commissioned corps
21 of the Public Health Service or the commis-
22 sioned corps of the National Oceanic and At-
23 mospheric Administration).”; and

1 (B) in subparagraph (C), by inserting “or
2 of the domestic partner of such an individual,”
3 after “(4),”; and
4 (2) in section 9002(e)(2)—

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

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

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

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

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

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

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

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

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

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

7 **SEC. 502. RELOCATION EXPENSES OF EMPLOYEES TRANS-**
8 **FERRED OR REEMPLOYED.**

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

12 (b) EFFECTIVE DATE.—The amendment made by
13 this section shall apply with respect to expenses incurred
14 after the end of the 6-month period beginning on the date
15 of the enactment of this Act.

16 **SEC. 503. TAXES ON REIMBURSEMENTS FOR TRAVEL,**
17 **TRANSPORTATION, AND RELOCATION EX-**
18 **PENSES OF EMPLOYEES TRANSFERRED.**

19 (a) IN GENERAL.—Section 5724b(a) is amended—
20 (1) by striking “by an employee and such em-
21 ployee’s spouse (if filing jointly),” and inserting “by
22 an employee and such employee’s spouse (or, where
23 allowable, such employee’s domestic partner), if fil-
24 ing jointly,”; and

1 death of the decedent, or living apart for reasonable
2 cause or because of desertion by the decedent;”;

3 (2) in paragraph (8), by striking “married
4 brothers or married sisters;” and inserting the fol-
5 lowing: “brothers or sisters who are married (or in
6 a domestic partnership);”;

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

10 (4) by striking paragraph (11) and inserting
11 the following:

12 “(11) ‘widower’ means the husband living with
13 or dependent for support on the decedent at the
14 time of death of the decedent, or living apart for
15 reasonable cause or because of desertion by the dece-
16 dent;”;

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

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

21 (7) by adding after paragraph (20) the fol-
22 lowing:

23 “(21) ‘covered State’ means a State (within the
24 meaning of section 2110(d)(4)), foreign country, or
25 political subdivision of a foreign country in which a

1 marriage between 2 individuals of the same sex is
2 recognized under the law of such State, country, or
3 political subdivision;

4 “(22) ‘domestic partner’ means an individual
5 who is in a domestic partnership with another indi-
6 vidual of the same sex, as determined by the Sec-
7 retary of Labor for purposes of this subchapter pur-
8 suant to regulations issued by the Secretary, in con-
9 sultation with the Director of the Office of Per-
10 sonnel Management, consistent with the require-
11 ments that—

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

14 “(B) both individuals intend to remain in
15 the domestic partnership indefinitely;

16 “(C) such individuals—

17 “(i) have a common residence; or

18 “(ii) do not have a common residence
19 because of financial, employment-related,
20 or other reasons;

21 “(D) neither individual is married to or in
22 a domestic partnership with anyone outside of
23 the domestic partnership referred to in subpara-
24 graph (B);

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

4 “(F) the 2 individuals are not related in a
5 way that, if they were of the opposite sex,
6 would prohibit legal marriage in the jurisdiction
7 in which either of them resides;

8 “(G) at least 1 of them is an employee or
9 an individual otherwise eligible for coverage
10 under this subchapter based on such individ-
11 ual’s employment or other service;

12 “(H) on the date on which the employee is
13 injured or dies, or, for purposes of section
14 8110, the date on which the augmented com-
15 pensation is to be provided, neither individual
16 has resided in a covered State for more than 6
17 months; and

18 “(I) both individuals understand that will-
19 ful falsification of information within the affi-
20 davit or failure to provide appropriate notifica-
21 tion of the termination of the domestic partner-
22 ship may lead to the recovery of the amounts
23 obtained as a result of such falsification or fail-
24 ure (as the case may be), criminal or other pen-

1 alties, and (in appropriate circumstances) dis-
2 ciplinary action; and

3 “(23) ‘surviving partner’ means the domestic
4 partner living with or dependent for support on the
5 decedent at the time of his or her death, or living
6 apart for reasonable cause or because of his or her
7 desertion.”.

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

11 Section 8102a(d) is amended—

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

15 (2) in paragraph (2)(C), by inserting “(includ-
16 ing children of a domestic partner)” 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).”; and

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 wid-
6 ower,” and inserting “no widow or widower (and no
7 surviving partner),”.

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

9 Section 8110(a) is amended—

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

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

14 (3) by inserting after paragraph (4) the fol-
15 lowing:

16 “(5) a domestic partner, if—

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

19 “(B) he or she is receiving regular con-
20 tributions from the employee for his or her sup-
21 port; or

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

1 **SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSA-**
2 **TION.**

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

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

6 Section 8133 is amended—

7 (1) in subsection (a)—

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

11 (B) in paragraph (2), by inserting “(or the
12 surviving partner)” after “for the widow or wid-
13 ower”;

14 (C) in paragraph (3), by striking “no
15 widow or widower,” and inserting “no widow or
16 widower (and no surviving partner),”;

17 (D) in paragraphs (4) and (5), by inserting
18 “surviving partner,” after “widow, widower,”
19 each place it appears; and

20 (2) in subsection (b)—

21 (A) by amending paragraph (1) to read as
22 follows:

23 “(1) a widow or widower dies or remarries (or
24 a surviving partner dies or enters into a subsequent
25 domestic partnership) before reaching age 55;”;

26 (B) in the last sentence—

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

3 (ii) by inserting “(or more than one
4 domestic partner)” after “husband or
5 wife”.

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

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

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

17 **SEC. 608. REGULATIONS.**

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

21 (b) CONSULTATION.—The Secretary of Labor shall
22 consult with the Director of the Office of Personnel Man-
23 agement and the heads of any other agencies whose pro-
24 grams are affected by this Act in order to standardize,
25 to the extent possible, the process for establishing the ex-

1 istence of a domestic partnership under each such pro-
2 gram.

3 **SEC. 609. EFFECTIVE DATE.**

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

7 (1) shall take effect on the date of enactment
8 of this Act; and

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

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

15 (1) unless timely claim therefor is filed in ac-
16 cordance with the provisions of sections 8122 or
17 8193 of title 5, United States Code (as applicable),
18 and subsection (c); or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **SEC. 801. APPLICABILITY.**

23 This title applies with respect to—

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

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

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

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

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

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

13 or

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

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

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

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

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

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

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

9 **SEC. 802. REGULATIONS.**

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

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

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

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

22 “DOMESTIC PARTNERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

○