

112TH CONGRESS  
1ST SESSION

# S. 1910

To provide benefits to domestic partners of Federal employees.

---

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2011

Mr. LIEBERMAN (for himself and Ms. COLLINS) introduced the following bill;  
which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

---

## A BILL

To provide benefits to domestic partners of Federal employees.

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

3 **SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF**  
4 **CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Domestic Partnership Benefits and Obligations Act of  
7 2011”.

8 (b) REFERENCES.—Except as otherwise expressly  
9 provided, whenever in this Act an amendment or repeal  
10 is expressed in terms of an amendment to, or a repeal

1 of, a section or other provision, the reference shall be con-  
 2 sidered to be made to a section or other provision of title  
 3 5, United States Code.

4 (c) TABLE OF CONTENTS.—The table of contents of  
 5 this Act is as follows:

Sec. 1. Short title; references; and table of contents.  
 Sec. 2. Purpose.

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

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

TITLE II—CIVIL SERVICE RETIREMENT SYSTEM

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

TITLE III—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Subtitle A—General Provisions

Sec. 301. Definitions.

Subtitle B—Creditable Service

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

Subtitle C—Thrift Savings Plan

Sec. 321. Benefits and election of benefits.  
 Sec. 322. Annuities: methods of payment; election; purchase.

- Sec. 323. Protections for spouses, domestic partners, former spouses, and former domestic partners.
- Sec. 324. Justices and judges.

#### Subtitle D—Survivor Annuities

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

#### Subtitle E—General Administrative Provisions

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

#### Subtitle F—Federal Retirement Thrift Investment Management System

- Sec. 351. Fiduciary responsibilities; liability and penalties.

### TITLE IV—INSURANCE BENEFITS

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

### TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

- Sec. 501. Reimbursement for taxes incurred on money received for travel expenses.
- Sec. 502. Definition.
- Sec. 503. Relocation expenses of employees transferred or reemployed.
- Sec. 504. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.
- Sec. 505. Relocation expenses of an employee who is performing an extended assignment.
- Sec. 506. Transportation of family members incident to repatriation of employees held captive.
- Sec. 507. Regulations to include domestic partners.

### TITLE VI—COMPENSATION FOR WORK INJURIES

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

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

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

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

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

**1 SEC. 2. PURPOSE.**

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

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

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

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

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

“Sec.

“2501. Definitions.

“2502. Establishment and termination of domestic partnerships.

1 **“§ 2501. Definitions**

2 “In this chapter—

3 “(1) the term ‘annuitant’ means—

4 “(A) an annuitant as defined under section  
5 8331, 8401, or 8901(3)(A); and

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

12 “(2) the term ‘Director’ means the Director of  
13 the Office of Personnel Management;

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

16 “(4) the term ‘domestic partnership’ means a  
17 relationship between 2 individuals of the same sex,  
18 at least 1 of whom is an employee, former employee,  
19 or annuitant, that has been established under sec-  
20 tion 2502(a) and not terminated under section  
21 2502(b); and

22 “(5) the term ‘employee’ means—

1           “(A) an employee as defined under section  
2           2105, including an employee referred to in sub-  
3           section (c) or (e) of that section;

4           “(B) a Member of Congress;

5           “(C) the President;

6           “(D) an individual who is an employee, as  
7           defined under section 8331, 8401, 8701, 8901,  
8           or 9001; or

9           “(E) any other individual who is employed  
10          by the Government and is included within this  
11          definition under regulations prescribed by the  
12          President or a designee of the President.

13   **“§ 2502. Establishment and termination of domestic**  
14                                   **partnerships**

15          “(a) ESTABLISHMENT OF DOMESTIC PARTNER-  
16          SHIP.—

17               “(1) An employee, former employee, or annu-  
18               itant and another individual (who may also be an  
19               employee, former employee, or annuitant) may es-  
20               tablish a domestic partnership as provided in this  
21               section for the purposes of the provisions of law to  
22               which this chapter applies.

23               “(2) To establish a domestic partnership, the 2  
24               individuals referred to in paragraph (1) shall jointly  
25               execute, and the employee, former employee, or an-

1       nuitant shall file, an affidavit in such form and filed  
2       in such manner as the Director shall by regulation  
3       prescribe.

4               “(3) By the affidavit referred to in paragraph  
5       (2), each of the individuals shall attest to the fol-  
6       lowing:

7                       “(A)(i) The individuals are of the same  
8       sex; and

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

11                      “(B)(i) The individuals are in a committed  
12      domestic-partnership relationship with each  
13      other satisfying the conditions in clauses (ii),  
14      (iii), and (iv) and intend to remain so indefi-  
15      nitely.

16                      “(ii) The individuals have a common resi-  
17      dence and intend to continue to do so (or would  
18      have a common residence, but are prevented  
19      from doing so because of an assignment abroad  
20      or other employment-related factors, financial  
21      considerations, family responsibilities, or other  
22      similar reason (which shall be specifically iden-  
23      tified in the affidavit)).

1           “(iii) The individuals share responsibility  
2 for a significant measure of each other’s welfare  
3 and financial obligations.

4           “(iv) Neither individual is married to or in  
5 a domestic partnership with anyone except each  
6 other.

7           “(C) Each individual is at least 18 years  
8 of age and mentally competent to consent to a  
9 contract.

10          “(D) The individuals are not related to  
11 each other by blood in a way that would pro-  
12 hibit legal marriage between individuals other-  
13 wise eligible to marry in the jurisdiction (or, if  
14 applicable, in any jurisdiction) in which the in-  
15 dividuals have a common residence.

16          “(E) Each of the individuals understands  
17 that—

18               “(i) as a domestic partner, each indi-  
19 vidual not only gains certain benefits, but  
20 also assumes certain obligations, as set  
21 forth in the provision of law to which this  
22 chapter applies, the violation of which may  
23 lead to disciplinary action against an em-  
24 ployee and to criminal and other penalties;



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

11           “(iii) willful falsification of informa-  
12 tion in the affidavit, or willful failure to  
13 file notification as required under sub-  
14 section (b)(2) or (3), may lead to recovery  
15 of amounts obtained as a result of such  
16 falsification or failure, disciplinary action  
17 against an employee, and criminal or other  
18 penalties.

19           “(b) TERMINATION OF DOMESTIC PARTNERSHIP.—

20           “(1) A domestic partnership is terminated  
21 upon—

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

23           “(B) the filing of a notification under  
24 paragraph (2) by either or both domestic part-  
25 ners; or

1           “(C) the satisfaction of such other condi-  
2           tions as the Director may by regulation pre-  
3           scribe.

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

13          “(B) Each domestic partner has a duty that the  
14          notification under subparagraph (A) be timely filed,  
15          but the duty of 1 domestic partner shall be satisfied  
16          if the other domestic partner timely executes and  
17          files the required notification.

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

22          “(3) When one domestic partner dies, the other  
23          domestic partner shall, within 30 days after the  
24          death, execute and file a notification of the death, in

1 such form and in such manner as prescribed by the  
2 Director in regulation.

3 “(c) EFFECTIVENESS OF THE FILING OF AN AFFI-  
4 DAVIT.—

5 “(1) The filing of an affidavit under subsection  
6 (a)(2) shall not be effective for purposes of this sec-  
7 tion unless the filing individual is an employee,  
8 former employee, or annuitant as of the time of the  
9 filing.

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

13 “(A) unless an affidavit has been filed in  
14 accordance with this section and with regula-  
15 tions prescribed by the Director; or

16 “(B) after the earlier of—

17 “(i) the date of the death of either in-  
18 dividual; or

19 “(ii) the date as of which the domestic  
20 partnership is otherwise terminated, as de-  
21 termined under regulations prescribed by  
22 the Director.

23 “(d) ADDITIONAL NOTIFICATIONS TO GOVERNMENT  
24 EMPLOYER.—A domestic partner employed by an entity  
25 of the United States shall provide such notifications to the

1 employing entity of the formation, existence, or termi-  
2 nation of the domestic partnership, in addition to the fil-  
3 ings required under subsections (a) and (b), as may be  
4 required, and in such form and in such manner as pre-  
5 scribed, by the Director in regulation.

6 “(e) APPLICABILITY.—

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

9 “(2) Two individuals determined under section  
10 8101(21) or 8171(e)(1)(A) to be domestic partners  
11 for purposes of chapter 81 shall be deemed to be do-  
12 mestic partners in a domestic partnership, as de-  
13 fined under section 2501, for purposes of any provi-  
14 sion of law.

15 “(3) Under regulations prescribed by the Presi-  
16 dent—

17 “(A) the Secretary of Labor shall inform  
18 the Director of any individual determined under  
19 section 8101(21) or 8171(e)(1)(A) to be domes-  
20 tic partners; and

21 “(B) if an individual who is an employee  
22 or annuitant is determined under section  
23 8101(21) or 8171(e)(1)(A) to be a domestic  
24 partner with another individual for purposes of  
25 chapter 81, the individual shall promptly estab-

1           lish a domestic partnership under subsection (a)  
 2           and shall be subject to the requirements of sub-  
 3           sections (b), (c), and (d).

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

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

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

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

11           (a) IN GENERAL.—The officers and agencies that  
 12           have authority to develop and issue guidance and edu-  
 13           cational materials with respect to benefits and obligations  
 14           established under the amendments made by this Act and  
 15           the measures taken under section 103 shall issue the ma-  
 16           terials—

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

18                   (2) if in the executive branch, under the coordi-  
 19           nation of the Director of the Office of Personnel  
 20           Management.

21           (b) OFFICE OF PERSONNEL MANAGEMENT.—The  
 22           Director of the Office of Personnel Management shall, to  
 23           the greatest extent practicable—

24                   (1) compile the materials referred to under sub-  
 25           section (a);

1           (2) prepare and issue guidance and educational  
2 materials with respect to benefits and obligations  
3 available to domestic partners of certain Secret Serv-  
4 ice and Park Police Officers who are covered under  
5 the DC Police Officers' and Firefighters' Retirement  
6 Plan, and include that guidance documentation in  
7 the compilation under paragraph (1); and

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

11       (c) **TIMELINESS.**—To the maximum extent prac-  
12 ticable, the materials shall be—

13           (1) prepared and made readily available not  
14 later than 30 days before the effective date of this  
15 Act; and

16           (2) updated as necessary.

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

19 **SEC. 103. REVIEW OF PROGRAMS UNDER WHICH EMPLOY-**  
20 **MENT BENEFITS AND OBLIGATIONS ARE ES-**  
21 **TABLISHED.**

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

23           (1) the term “benefit” includes any right,  
24 power, privilege, immunity, or protection, whether  
25 substantive, procedural, remedial, or otherwise;

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

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

5                   (A) who are of the same sex;

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

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

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

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

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

1 (D) each of whom are at least 18 years of  
2 age and mentally competent to consent to a  
3 contract; and

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

10 (4) the term “employee” means—

11 (A) an employee as defined under section  
12 2501 of title 5, United States Code, as added  
13 by section 101 of this Act;

14 (B) a member of the commissioned corps  
15 of the Public Health Service or of the commis-  
16 sioned corps of the National Oceanic and At-  
17 mospheric Administration; or

18 (C) any other individual performing per-  
19 sonal service to the Government (including an  
20 instrumentality wholly owned by the United  
21 States), whether for pay, for nominal pay, or as  
22 a volunteer, who is not performing such service  
23 as an employee of any employer other than the  
24 Government or as a member of the Armed  
25 Forces; and



1           (5) the term “obligation” includes any duty,  
2           disability, or liability, whether substantive, proce-  
3           dural, remedial, or otherwise.

4           (b) **REVIEWS, ADDITIONAL MEASURES, REC-**  
5 **OMMENDATIONS, AND REPORTS TO CONGRESS.**—Not later  
6 than 180 days after the date of enactment of this Act,  
7 and not less frequently than once every 2 years thereafter,  
8 the President and designees of the President shall—

9           (1) conduct a review of the employment benefits  
10          and of the employment obligations applied to mar-  
11          ried employees and their spouses to determine what  
12          authority exists for the President and designees of  
13          the President to apply such benefits and obligations  
14          to employees who have domestic partners and the  
15          domestic partners of those employees;

16          (2) include within the review under paragraph  
17          (1) all employment benefits and obligations under  
18          regulations prescribed by the President or a designee  
19          of the President, or promulgated by the head of any  
20          agency or department of the executive branch;

21          (3) take any additional measures that can be  
22          taken, to the greatest extent practicable and con-  
23          sistent with law, to apply such benefits and obliga-  
24          tions to employees with domestic partners and the  
25          domestic partners of those employees;

1           (4) develop recommendations for any legislation  
2           to further apply such benefits and obligations to em-  
3           ployees with domestic partners and the domestic  
4           partners of those employees; and

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

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

10 **SEC. 104. EFFECTIVE DATE.**

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

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

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

3 **SEC. 201. DEFINITIONS.**

4           Section 8331 is amended—

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

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

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

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

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 covered under this  
17           subchapter as an employee or Member; and

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

21 **SEC. 202. CREDITABLE SERVICE.**

22           Section 8332 is amended—

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

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

4 **SEC. 203. COMPUTATION OF ANNUITY.**

5           Section 8339 is amended—

6           (1) in subsection (j)—

7           (A) in paragraph (1)—

8           (i) by inserting “(or domestic part-  
9           ner)” after “the spouse” each place it ap-  
10          pears;

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

13          (iii) by inserting “(or domestic part-  
14          ner’s)” after “the spouse’s” each place it  
15          appears;

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

19          (C) in paragraph (3)—

20          (i) in the first sentence—

21               (I) by inserting “(or former do-  
22               mestic partner)” after “former  
23               spouse” each place it appears; and

1 (II) by inserting “(or being in a  
2 domestic partnership with)” after  
3 “based on marriage to”;

4 (ii) in the second sentence—

5 (I) by inserting “(or the domestic  
6 partnership of the former domestic  
7 partner with)” after “the marriage of  
8 the former spouse to”; and

9 (II) by striking “is dissolved,”  
10 and inserting “is dissolved (or termi-  
11 nated),”;

12 (iii) in the sixth sentence, by striking  
13 “former spouse.” and inserting “former  
14 spouse (or former domestic partner).”;

15 (iv) in subparagraph (B)—

16 (I) by striking “is then married,”  
17 and inserting “is then married (or is  
18 then in a domestic partnership),”; and

19 (II) by striking “the spouse’s  
20 written consent.” and inserting “the  
21 written consent of the spouse (or do-  
22 mestic partner).”; and

23 (v) by amending the next to last sen-  
24 tence to read as follows: “In the case of a  
25 retired employee or Member whose annuity

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

18 (D) by amending paragraph (5) to read as  
19 follows:

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

24 “(i) after the death of the spouse (or domestic  
25 partner); or

1           “(ii) after the dissolution of the marriage of the  
2           spouse (or the termination of the domestic partner-  
3           ship of the domestic partner) to the employee or  
4           Member,

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

9           “(B) Any reduction in an annuity for the purpose of  
10          providing a survivor annuity for a former spouse (or a  
11          former domestic partner) of a retired employee or Member  
12          shall be terminated for each full month after the former  
13          spouse remarries (or enters into a domestic partnership)  
14          (or the former domestic partner enters into a subsequent  
15          domestic partnership or marries) before reaching age 55  
16          or dies. This reduction shall be replaced by an appropriate  
17          reduction or reductions under paragraph (4) if the retired  
18          employee or Member has (i) another former spouse (or an-  
19          other former domestic partner) who is entitled to a sur-  
20          vivor annuity under section 8341(h), (ii) a current spouse  
21          to whom the employee or Member was married (or a cur-  
22          rent domestic partner with whom the employee or Member  
23          was in a domestic partnership) at the time of retirement  
24          and with respect to whom a survivor annuity was not  
25          jointly waived under paragraph (1), or (iii) a current

1 spouse whom the employee or Member married (or a cur-  
2 rent domestic partner with whom the employee or Member  
3 entered into domestic partnership) after retirement and  
4 with respect to whom an election has been made under  
5 subparagraph (C) or subsection (k)(2).

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

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

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

19                       “(aa) the death of or entry into a subse-  
20 quent marriage (or domestic partnership) by  
21 any former spouse (or former domestic partner)  
22 of such employee or Member who was entitled  
23 to a survivor annuity under section 8341(h); or

24                       “(bb) if there was more than 1 surviving  
25 former spouse (or surviving former domestic



1 partner), the death of or entry into a subse-  
2 quent marriage (or domestic partnership) by  
3 the last such surviving former spouse (or sur-  
4 viving former domestic partner),

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

10 “(ii) Such election and reduction shall be effective the  
11 first day of the second month after the election is received  
12 by the Office, but not less than 9 months after the date  
13 of the subsequent marriage (or entry into the subsequent  
14 domestic partnership), and the retired employee or Mem-  
15 ber shall deposit in the Fund an amount determined by  
16 the Office of Personnel Management, as nearly as may  
17 be administratively feasible, to reflect the amount by  
18 which the annuity of such retired employee or Member  
19 would have been reduced if the election had been in effect  
20 since the date of retirement or, if later, the date the pre-  
21 vious reduction in such retired employee's or Member's an-  
22 nuity was terminated under subparagraph (A) or (B), plus  
23 interest. For the purposes of the preceding sentence, the  
24 annual rate of interest for each year during which an an-  
25 nuity would have been reduced if the election had been

1 in effect on and after the applicable date referred to in  
2 such sentence shall be 6 percent.

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

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

1 partnership with) the employee or Member at the time of  
2 such employee's or Member's retirement, and all rights to  
3 survivor benefits for such spouse (or domestic partner)  
4 under this subchapter based on marriage (or domestic  
5 partnership) to such employee or Member were then  
6 waived under paragraph (1) or a similar prior provision  
7 of law.

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

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

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

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

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

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

1 (2) in subsection (k)—

2 (A) in paragraph (1)—

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

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

9 (B) in paragraph (2)—

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

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

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

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

24 “(I) the death of, or entry into a subse-  
25 quent marriage (or domestic partnership) by,

1 any former spouse (or former domestic partner)  
 2 of such employee or Member who was entitled  
 3 to a survivor annuity under section 8341(h); or  
 4 “(II) if there was more than 1 surviving  
 5 former spouse (or surviving former domestic  
 6 partner), the death of or entry into a subse-  
 7 quent marriage (or domestic partnership) by  
 8 the last such surviving former spouse (or sur-  
 9 viving former domestic partner),  
 10 a reduction in the retired employee or Member’s current  
 11 annuity as provided in subsection (j).”;

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

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

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

22 (3) in subsection (o)(1)—

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

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

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

5 Section 8340 is amended—

6 (1) in subsection (a)—

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

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

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

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

15 (2) in subsection (c)(1)—

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

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

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

8 Section 8341 is amended—

9 (1) in subsection (a)—

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

12 (B) by inserting after paragraph (2) the  
13 following:

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

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

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

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

3 (C) in paragraph (5) (as so redesignated  
4 by subparagraph (A))—

5 (i) in subparagraph (A)—

6 (I) by striking “an unmarried de-  
7 pendent child” and inserting “a de-  
8 pendent child who is unmarried (and  
9 not in a domestic partnership) and”;

10 (II) in clause (ii), by striking  
11 “stepchild but only if the stepchild”  
12 and inserting “stepchild (or child of  
13 the domestic partner not adopted by  
14 or otherwise the child of the employee  
15 or Member) but only if the stepchild  
16 (or the child of the domestic part-  
17 ner)”;

18 (III) in clause (iv), by inserting  
19 “(or surviving domestic partner)”  
20 after “the surviving spouse”; and

21 (ii) in subparagraphs (B) and (C), by  
22 striking “unmarried dependent child” and  
23 inserting “dependent child who is unmar-  
24 ried (and not in a domestic partnership)”;

25 (2) in subsection (b)—



1 (A) in paragraph (1)—

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

5 (ii) by striking “remarriage,” and in-  
6 serting “remarriage (or entry into a subse-  
7 quent domestic partnership)”; and

8 (B) in paragraph (2)—

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

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

14 (C) in paragraph (3)—

15 (i) in the matter before subparagraph  
16 (A), by inserting “(or domestic partner)”  
17 after “spouse”;

18 (ii) by striking “widow or widower”  
19 each place it appears and inserting “widow  
20 or widower (or surviving partner)”; and

21 (iii) in subparagraph (B), by inserting  
22 “(or, in the case of a widow or widower,  
23 enters into a domestic partnership) (or, in  
24 the case of a surviving partner, enters into

1 a subsequent domestic partnership or mar-  
2 rries)” after “remarries”; and

3 (D) in paragraph (4)—

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

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

10 (3) in subsection (d)—

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

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

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

22 (4) in subsection (e)—

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

25 “(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 or  
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 enters into a  
3       domestic partnership) (or the surviving domestic  
4       partner dies or enters into a subsequent domestic  
5       partnership or marries); or

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

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

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

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

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

23               “(g) In the case of a surviving spouse (or surviving  
24       domestic partner) whose annuity under this section is ter-  
25       minated because of a subsequent entry into a marriage

1 (or domestic partnership) before becoming 55 years of  
2 age, annuity at the same rate shall be restored com-  
3 mencing on the day the remarriage (or subsequent domes-  
4 tic partnership) is dissolved by death, annulment, or di-  
5 vorce (or terminated), if—

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

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

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

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



1 enters into a subsequent domestic partnership  
2 or marries) before becoming 55 years of age or  
3 dies; or

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

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

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

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

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

1 ner) under section 8339(j)(1) or a similar prior provision  
2 of law.

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

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

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

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

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

23 “(2) the surviving spouse (or surviving domestic  
24 partner) of such individual had been previously mar-  
25 ried to (or in a domestic partnership with) the indi-

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

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

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

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

23   **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**  
 24                           **FIICIARY; ORDER OF PRECEDENCE.**

25       Section 8342 is amended—

1 (1) in subsection (c)—

2 (A) by inserting “(or surviving partner)”  
3 after “widow or widower”; and

4 (B) by striking “stepchild.” and inserting  
5 “stepchild (or a child of a domestic partner  
6 which child is not adopted by or otherwise a  
7 child of the employee or Member).”; and

8 (2) in subsection (j)—

9 (A) in paragraph (1)(A), by inserting “(or  
10 the domestic partner, if any)” after “the  
11 spouse, if any”;

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

14 (C) by inserting “(or former domestic part-  
15 ner)” after “former spouse” each place it ap-  
16 pears.

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

18 Section 8343a is amended—

19 (1) in subsection (b)(2)—

20 (A) (in the material before subparagraph  
21 (A)), by inserting “(or in a domestic partner-  
22 ship)” after “married”; and

23 (B) in subparagraph (B), by inserting “(or  
24 surviving domestic partner)” after “surviving  
25 spouse”;

1 (2) in subsection (d)—

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

5 (B) in paragraph (2), by striking “former  
6 spouse,” and inserting “former spouse (or  
7 former domestic partner),”; 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 (and domestic partners), and their former spouses  
14 (and former 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

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

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

7       **SEC. 301. DEFINITIONS.**

8           Section 8401 is amended—

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

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

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

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

17               “(38) ‘former domestic partner’ means a former  
 18               domestic partner of an individual—

19                       “(A) if such individual performed at least  
 20                       18 months of civilian service creditable under  
 21                       section 8411 as an employee or Member; and

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

## 1           **Subtitle B—Creditable Service**

### 2   **SEC. 311. CREDITABLE SERVICE.**

3           Section 8411 is amended—

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

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

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

### 11   **SEC. 312. SURVIVOR REDUCTION FOR A CURRENT SPOUSE** 12                                   **OR A CURRENT DOMESTIC PARTNER.**

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

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

16                 (2) in subsection (a)—

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

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

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

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

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

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

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

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

19                       “(ii) if there was more than 1 surviving  
20 former spouse (or surviving former domestic  
21 partner), the death of or entry into a subse-  
22 quent marriage (or domestic partnership) by  
23 the last such surviving former spouse (or sur-  
24 viving former domestic partner),



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

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

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

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

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

22 “(4) Any election under this subsection made by an  
23 employee or Member on behalf of an individual after the  
24 retirement of such employee or Member shall not be effec-  
25 tive if—

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

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

7           (4) in subsection (c)—

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

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

15                 “(A) within 2 years after such employee or  
16          Member marries (or enters into a domestic partner-  
17          ship); or

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

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

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

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

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

13           (5) in subsection (d)(1)—

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

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

18           (b) TECHNICAL AND CONFORMING AMENDMENT.—

19 The table of sections for chapter 84 of title 5, United  
20 States Code, is amended by striking the item relating to  
21 section 8416 and inserting the following:

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

22 **SEC. 313. SURVIVOR REDUCTION FOR A FORMER SPOUSE**

23 **OR FORMER DOMESTIC PARTNER.**

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

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

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

6           (3) in subsection (b)—

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

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

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

20                (C) in paragraph (3)—

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

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

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

5           (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

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

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

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

10          Section 8418(b) is amended—

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

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

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

16          Section 8419 is amended—

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

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

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

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

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

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

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

24           “(B) a current spouse to whom the employee or  
25 Member was married (or a current domestic partner

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

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

13 **SEC. 316. INSURABLE INTEREST REDUCTIONS.**

14 Section 8420 is amended—

15 (1) in subsection (b)(1)—

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

19 and

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

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

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

25 Section 8420a is amended—

1 (1) in subsection (b)(2)—

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

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

8 (2) in subsection (d)—

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

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

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

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

19 Section 8424 is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), by striking  
23 “the spouse, if any, and any former  
24 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)—

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

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

## 20 **Subtitle C—Thrift Savings Plan**

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

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

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

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

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

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

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

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

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

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

6           Section 8434(a)(2) is amended—

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

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

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

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

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

19          (2) in subsection (a)—

20                (A) in paragraph (1)—

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

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

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

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

9 (3) in subsection (b)—

10 (A) in paragraph (1)—

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

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

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

18 (4) in subsection (d)—

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

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

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

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

7 (5) in subsection (e)(1)—

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

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

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

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

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
23 The table of sections for chapter 84 is amended by strik-  
24 ing the item relating to section 8435 and inserting the  
25 following:

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

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

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

4 **Subtitle D—Survivor Annuities**

5 **SEC. 331. DEFINITIONS.**

6 Section 8441 is amended—

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

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

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

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

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

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

5 (A) in subparagraph (A)—

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

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

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

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

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

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

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

7 (2) in subsection (a)—

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

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

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

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

17 (4) in subsection (c)—

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

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



1 (5) in subsection (d)—

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

5 (B) in paragraph (1)(B), by inserting “(or  
6 enters into a domestic partnership) (or in the  
7 case of a surviving partner, enters into a subse-  
8 quent domestic partnership or marries)” after  
9 “remarries”;

10 (C) in paragraph (2)—

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

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

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

24 (D) in paragraph (3)—

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

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

7 (6) in subsection (e)—

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

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

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

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

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

25 (8) in subsection (h)—

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (3) in subsection (b)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 Section 8462(c) is amended—

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

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

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

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

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

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

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

12 **TITLE IV—INSURANCE BENEFITS**

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

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

15 (1) in section 8701(d)—

16 (A) in paragraph (1)—

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

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

19 and

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

21 “stepchild or foster child (but only if the

22 stepchild” and inserting “stepchild (or

23 child of the domestic partner of the indi-

24 vidual not adopted by or otherwise the

25 child of the individual) or foster child (but

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

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

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

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

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

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

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

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

19                 (1) in paragraph (5)—

20                         (A) in the matter before subparagraph

21                         (A)—

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

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



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

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

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

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

15 (3) in paragraph (10)—

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

19 (B) by striking “and” at the end;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) in subsection (e)—

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

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

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

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

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

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

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

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

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

22           (i) REGULATIONS.—Section 8913(c) is amended—

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

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

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

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

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

9           (1) in section 8956(a)—

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

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

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

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

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

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

24           (1) in section 8986(a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8        Section 5721 is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“5762. Regulations to include domestic partners.”.

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

22 **SEC. 601. DEFINITIONS.**

23 Section 8101 is amended—

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

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

3 (2) in paragraph (9)—

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

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

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

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

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

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

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

24 “(A) who are of the same sex;

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

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

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

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

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

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

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

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

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

13           Section 8102a(d) is amended—

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

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

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

23           Section 8109(a)(D) is amended—

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

4 (2) in clause (ii)—

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

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

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

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

13 Section 8110(a) is amended—

14 (1) in paragraph (3)—

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

18 (B) by striking “and” at the end;

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

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

23 “(5) a domestic partner, if—

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

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

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

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

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

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

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

14           Section 8133 is amended—

15           (1) in subsection (a)—

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

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

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



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

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

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

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

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

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

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

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

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

4 Section 8135 is amended—

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

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

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

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

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

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

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

8                   “(i) who are of the same sex;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(C) in section 9 of that Act—

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

1 the case may be), with 2 years' compensation in  
2 1 sum upon remarriage (or entry into a domes-  
3 tic partnership) of such widow or widower (or  
4 entry into another domestic partnership or mar-  
5 riage of such surviving partner); and if there be  
6 a surviving child or children of the deceased,  
7 the additional amount of  $16\frac{2}{3}$  per centum of  
8 such wages for each such child; in case of the  
9 death or remarriage (or entry into a domestic  
10 partnership) of such widow or widower (or  
11 entry into another domestic partnership or a  
12 marriage of such surviving partner)';

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           (1) in paragraph (3)—

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

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

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

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

25           “(ii) under 21 years of age;”;

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

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

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

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

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

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

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

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

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

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

22                 (2) in paragraph (1)—

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) in subsection (c)—

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

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

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

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

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

24 (3) in subsection (e)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) in subsection (a)—

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

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

12 (C) in paragraph (4)—

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

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

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

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

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

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

9           (A) in paragraph (2)—

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

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

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



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

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

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

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

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

14           (i) in section 101(f)—

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

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

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

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

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

7 (B) OTHER PROVISIONS.—

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

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

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

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

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

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

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

13 **SEC. 802. CONFLICTS OF INTEREST.**

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

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

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

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

6 Section 3110 is amended—

7 (1) in subsection (a)—

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

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

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

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

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

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

25 Section 7342(a)(1) is amended—

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

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

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

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

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

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

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

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

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

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

○