

105TH CONGRESS
1ST SESSION

H. R. 2761

To provide benefits to domestic partners of Federal employees.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 1997

Mr. FRANK of Massachusetts (for himself, Mrs. LOWEY, Ms. NORTON, Ms. FURSE, Ms. PELOSI, Mr. LANTOS, Mr. MEEHAN, Mr. FILNER, Mrs. MALONEY of New York, Mr. DELAHUNT, Mr. NADLER, Mr. OLVER, Mr. SCHUMER, Ms. RIVERS, Ms. VELÁZQUEZ, Mr. KENNEDY of Rhode Island, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide 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.**

4 This Act may be cited as the “Domestic Partnership
5 Benefits and Obligations Act of 1997”.

1 **SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL**
2 **EMPLOYEES.**

3 (a) IN GENERAL.—A domestic partner of an em-
4 ployee shall be entitled to benefits available to and obliga-
5 tions imposed upon a spouse of an employee.

6 (b) CERTIFICATION OF ELIGIBILITY.—In order to ob-
7 tain benefits under this Act, an employee shall file an affi-
8 davit of eligibility for benefits with the Office of Personnel
9 Management certifying that the employee and the domes-
10 tic partner of the employee—

11 (1) are each other's sole domestic partner and
12 intend to remain so indefinitely;

13 (2) have a common residence, and intend to
14 continue the arrangement;

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

17 (4) share responsibility for a significant meas-
18 ure of each other's common welfare and financial ob-
19 ligations;

20 (5) are not married to or domestic partners
21 with anyone else;

22 (6) understand that willful falsification of infor-
23 mation within the affidavit may lead to disciplinary
24 action and the recovery of the cost of benefits re-
25 ceived related to such falsification; and

1 (7)(A) are same sex domestic partners, and not
 2 related in a way that, if the 2 were of opposite sex,
 3 would prohibit legal marriage in the state in which
 4 they reside; or

5 (B) are opposite sex domestic partners, and are
 6 not related in a way that would prohibit legal mar-
 7 riage in the state in which they reside.

8 (c) DISSOLUTION OF PARTNERSHIP.—

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

16 (2) DEATH OF EMPLOYEE.—In a case in which
 17 an employee dies, the domestic partner of the em-
 18 ployee at the time of death shall be deemed a spouse
 19 of the employee for the purpose of receiving benefits
 20 under this Act.

21 (3) OTHER DISSOLUTION OF PARTNERSHIP.—

22 (A) IN GENERAL.—In a case in which a
 23 domestic partnership dissolves by a method
 24 other than death of the employee or domestic
 25 partner of the employee, any benefits received

1 by the domestic partner as a result of this Act
2 shall terminate.

3 (B) EXCEPTION.—In a case in which a do-
4 mestic partnership dissolves by a method other
5 than death of the employee or domestic partner
6 of the employee, any health benefits received by
7 the domestic partner as a result of this Act
8 shall continue for a period of 60 days after the
9 date of the dissolution of the partnership. The
10 domestic partner shall pay for such benefits in
11 the same manner that a former spouse would
12 pay for such benefits under the Consolidated
13 Omnibus Budget Reconciliation Act of 1985.

14 (d) CONFIDENTIALITY.—Any information submitted
15 to the Office of Personnel Management under subsection
16 (b) shall be used solely for the purpose of certifying an
17 individual’s eligibility for benefits under subsection (a).

18 (e) DEFINITIONS.—For purposes of this Act:

19 (1) DOMESTIC PARTNER.—The term “domestic
20 partner” means an adult person living with, but not
21 married to, another adult person in a committed, in-
22 timate relationship.

23 (2) BENEFITS.—The term “benefits” means—

1 (A) Civil Service Retirement, as provided
2 in title 5, chapter 83, of the United States
3 Code;

4 (B) Federal Employees' Retirement, as
5 provided in title 5, chapter 84, of the United
6 States Code;

7 (C) life insurance, as provided in title 5,
8 chapter 87, of the United States Code;

9 (D) health insurance, as provided in title
10 5, chapter 89, of the United States Code; and

11 (E) compensation for work injuries, as pro-
12 vided in title 5, chapter 81, of the United
13 States Code.

14 (3) EMPLOYEE.—

15 (A) With respect to Civil Service Retire-
16 ment, the term “employee” shall have the
17 meaning given such term in section 8331(1) of
18 title 5, United States Code.

19 (B) With respect to Federal Employees'
20 Retirement, the term “employee” shall have the
21 meaning given such term in section 8401(11) of
22 title 5, United States Code.

23 (C) With respect to life insurance, the
24 term “employee” shall have the meaning given

1 such term in section 8701(a) of title 5, United
2 States Code.

3 (D) With respect to health insurance, the
4 term “employee” shall have the meaning given
5 such term in section 8901 of title 5, United
6 States Code.

7 (E) With respect to compensation for work
8 injuries, the term “employee” shall have the
9 meaning given such term in section 8101(1) of
10 title 5, United States Code.

11 (4) OBLIGATIONS.—The term “obligations”
12 means any duties or responsibilities that would be
13 incurred by the spouse of an employee.

14 **SEC. 3. EXEMPTION FROM TAX FOR EMPLOYER-PROVIDED**
15 **FRINGE BENEFITS TO DOMESTIC PARTNERS.**

16 Section 106 of the Internal Revenue Code of 1986
17 (relating to contributions by employer to accident and
18 health plans) is amended by adding at the end the follow-
19 ing new subsection:

20 “(d) TREATMENT OF DOMESTIC PARTNERS.—The
21 provisions of section 2 of the Domestic Partnership Bene-
22 fits and Obligations Act of 1997 shall apply to employees
23 and domestic partners of employees for purposes of this
24 section and any other benefit which is not includible in

- 1 the gross income of employees by reason of an express pro-
- 2 vision of this chapter.”

