

AMENDMENT NO._____

Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 1910

To provide benefits to domestic partners of Federal employees.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. LIEBERMAN (for himself and Ms. COLLINS)

Viz:

1 Strike all after the enacting clause and insert the following:

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 2012”.

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
11 of, a section or other provision, the reference shall be con-

1 sidered to be made to a section or other provision of title
2 5, United States Code.

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

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

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

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

TITLE II—CIVIL SERVICE RETIREMENT SYSTEM

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

TITLE III—FEDERAL EMPLOYEES’ RETIREMENT SYSTEM

Subtitle A—General Provisions

Sec. 301. Definitions.

Subtitle B—Creditable Service

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

Subtitle C—Thrift Savings Plan

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

Subtitle D—Survivor Annuities

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

Subtitle E—General Administrative Provisions

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

Subtitle F—Federal Retirement Thrift Investment Management System

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

TITLE IV—INSURANCE BENEFITS

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

TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

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

TITLE VI—COMPENSATION FOR WORK INJURIES

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

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

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

See. 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—

23 “(A) an employee as defined under section
24 2105, including an employee referred to in sub-
25 section (c) or (e) of that section;

26 “(B) a Member of Congress;

1 “(C) the President;

2 “(D) an individual who is an employee, as
3 defined under section 8331, 8401, 8701, 8901,
4 or 9001; or

5 “(E) any other individual who is employed
6 by the Government and is included within this
7 definition under regulations prescribed by the
8 President or a designee of the President.

9 **“§ 2502. Establishment and termination of domestic**

10 **partnerships**

11 “(a) ESTABLISHMENT OF DOMESTIC PARTNER-
12 SHIP.—

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

19 “(2) To establish a domestic partnership, the 2
20 individuals referred to in paragraph (1) shall jointly
21 execute, and the employee, former employee, or an-
22 nuitant shall file, an affidavit in such form and filed
23 in such manner as the Director shall by regulation
24 prescribe.

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

4 “(A)(i) The individuals are of the same
5 sex; and

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

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

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

21 “(iii) The individuals share responsibility
22 for a significant measure of each other’s welfare
23 and financial obligations.

1 “(iv) Neither individual is married to or in
2 a domestic partnership with anyone except each
3 other.

4 “(C) Each individual is at least 18 years
5 of age and mentally competent to consent to a
6 contract.

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

13 “(E) Each of the individuals understands
14 that—

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

22 “(ii) either or both of the domestic
23 partners are required to file notification
24 under subsection (b)(2) terminating the
25 domestic partnership within 30 days after

1 any condition under clause (ii), (iii), or (iv)
2 of subparagraph (B) ceases to be satisfied,
3 and, if 1 domestic partner dies, the other
4 is required to file a notification under sub-
5 section (b)(3) within 30 days after the
6 death; and

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

15 “(b) TERMINATION OF DOMESTIC PARTNERSHIP.—

16 “(1) A domestic partnership is terminated
17 upon—

18 “(A) the death of either domestic partner;
19 “(B) the filing of a notification under
20 paragraph (2) by either or both domestic part-
21 ners; or

22 “(C) the satisfaction of such other condi-
23 tions as the Director may by regulation pre-
24 scribe.

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

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

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

19 “(3) When one domestic partner dies, the other
20 domestic partner shall, within 30 days after the
21 death, execute and file a notification of the death, in
22 such form and in such manner as prescribed by the
23 Director in regulation.

24 “(c) EFFECTIVENESS OF THE FILING OF AN AFFI-
25 DAVIT.—

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

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

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

12 “(B) after the earlier of—

13 “(i) the date of the death of either in-
14 dividual; or

15 “(ii) the date as of which the domestic
16 partnership is otherwise terminated, as de-
17 termined under regulations prescribed by
18 the Director.

19 “(d) ADDITIONAL NOTIFICATIONS TO GOVERNMENT
20 EMPLOYER.—A domestic partner employed by an entity
21 of the United States shall provide such notifications to the
22 employing entity of the formation, existence, or termi-
23 nation of the domestic partnership, in addition to the fil-
24 ings required under subsections (a) and (b), as may be

1 required, and in such form and in such manner as pre-
2 scribed, by the Director in regulation.

3 “(e) APPLICABILITY.—

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

6 “(2) Two individuals determined under section
7 8101(21) or 8171(e)(1)(A) to be domestic partners
8 for purposes of chapter 81 shall be deemed to be do-
9 mestic partners in a domestic partnership, as de-
10 fined under section 2501, for purposes of any provi-
11 sion of law to which that definition applies.

12 “(3) Under regulations prescribed by the Presi-
13 dent, the Secretary of Labor shall inform the Direc-
14 tor of any individuals determined under section
15 8101(21) or 8171(e)(1)(A) to be domestic partners.

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

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

“25. Federal Employees in Domestic Partnerships 2501”.

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

23 (a) IN GENERAL.—The officers and agencies that
24 have authority to develop and issue guidance and edu-
25 cational materials with respect to benefits and obligations

1 established under the amendments made by this Act and
2 the measures taken under section 103 shall issue the ma-
3 terials—

4 (1) in accordance with subsection (c); and
5 (2) if in the executive branch, under the coordi-
6 nation of the Director of the Office of Personnel
7 Management.

8 (b) OFFICE OF PERSONNEL MANAGEMENT.—The
9 Director of the Office of Personnel Management shall, to
10 the greatest extent practicable—

11 (1) compile the materials referred to under sub-
12 section (a);

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

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

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

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

4 (2) updated as necessary.

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

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

10 (a) DEFINITIONS.—In this section—

11 (1) the term “benefit” includes any right,
12 power, privilege, immunity, or protection, whether
13 substantive, procedural, remedial, or otherwise;

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

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

18 (A) who are of the same sex;

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

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

24 (ii) who have a common residence and in-
25 tend to continue to do so (or would have a com-

1 mon residence, but are prevented from doing so
2 because of such reasons as an assignment
3 abroad or other employment-related factors, fi-
4 nancial considerations, family responsibilities,
5 or other such reasons);

6 (iii) who share responsibility for a signifi-
7 cant measure of each other's welfare and finan-
8 cial obligations; and

9 (iv) neither of whom is married to or in a
10 domestic partnership with anyone except each
11 other;

12 (D) each of whom are at least 18 years of
13 age and mentally competent to consent to a
14 contract; and

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

21 (4) the term "employee" means—

22 (A) an employee as defined under section
23 2501 of title 5, United States Code, as added
24 by section 101 of this Act;

1 (B) a member of the commissioned corps
2 of the Public Health Service or of the commis-
3 sioned corps of the National Oceanic and At-
4 mospheric Administration; or

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

13 (5) the term "obligation" includes any duty,
14 disability, or liability, whether substantive, proce-
15 dural, remedial, or otherwise.

16 (b) REVIEWS, ADDITIONAL MEASURES, REC-
17 OMMENDATIONS, AND REPORTS TO CONGRESS.—Not later
18 than 180 days after the date of enactment of this Act,
19 and not less frequently than once every 2 years thereafter,
20 the President and designees of the President shall—

21 (1) conduct a review of the employment benefits
22 and of the employment obligations applied to mar-
23 ried employees and their spouses to determine what
24 authority exists for the President and designees of
25 the President to apply such benefits and obligations

1 to employees who have domestic partners and the
2 domestic partners of those employees;

3 (2) include within the review under paragraph
4 (1) all employment benefits and obligations under
5 regulations prescribed by the President or a designee
6 of the President, or promulgated by the head of any
7 agency or department of the executive branch;

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

13 (4) develop recommendations for any legislation
14 to further apply such benefits and obligations to em-
15 ployees with domestic partners and the domestic
16 partners of those employees; and

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

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

22 **SEC. 104. EFFECTIVE DATE.**

23 (a) IN GENERAL.—Except as otherwise specifically
24 provided, this Act and amendments made by this Act shall

1 take effect 180 days after the date of enactment of this
2 Act.

3 (b) APPLICATION TO CURRENT AND FUTURE EM-
4 PLOYEES.—An employee, former employee, or annuitant
5 shall be eligible to establish a domestic partnership by fil-
6 ing an affidavit under section 2502(a)(2) of title 5, United
7 States Code, as added by section 101 of this Act, only
8 if the employee, former employee, or annuitant is or has
9 been employed as an employee on or after the effective
10 date of this Act.

11 **TITLE II—CIVIL SERVICE 12 RETIREMENT SYSTEM**

13 SEC. 201. DEFINITIONS.

14 Section 8331 is amended—

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

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

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

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

23 “(33) ‘former domestic partner’ means a former
24 domestic partner of an individual—

1 “(A) if such individual performed at least
2 18 months of civilian service covered under this
3 subchapter as an employee or Member; and

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

7 **SEC. 202. CREDITABLE SERVICE.**

8 Section 8332 is amended—

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

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

15 **SEC. 203. COMPUTATION OF ANNUITY.**

16 Section 8339 is amended—

17 (1) in subsection (j)—

18 (A) in paragraph (1)—

19 (i) by inserting “(or domestic part-
20 ner)” after “the spouse” each place it ap-
21 pears;

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

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

7 (C) in paragraph (3)—

8 (i) in the first sentence—

(I) by inserting “(or former domestic partner)” after “former spouse” each place it appears; and

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

15 (ii) in the second sentence—

16 (I) by inserting “(or the domestic
17 partnership of the former domestic
18 partner with)” after “the marriage of
19 the former spouse to”; and

20 (II) by striking "is dissolved,"
21 and inserting "is dissolved (or termi-
22 nated).";

1 (iv) in subparagraph (B)—

2 (I) by striking “is then married,”

3 and inserting “is then married (or is

4 then in a domestic partnership);” and

5 (II) by striking “the spouse’s

6 written consent.” and inserting “the

7 written consent of the spouse (or do-

8 mestic partner).”; and

9 (v) by amending the next to last sen-

10 tence to read as follows: “In the case of a

11 retired employee or Member whose annuity

12 is being reduced in order to provide a sur-

13 vivor annuity for a former spouse (or

14 former domestic partner), an election to

15 provide or increase a survivor annuity for

16 any other former spouse (or any other

17 former domestic partner), and to continue

18 an appropriate reduction for that purpose,

19 may be made within the same period that,

20 and subject to the same conditions under

21 which, an election could be made under

22 paragraph (5)(B) for a current spouse (or

23 a current domestic partner), subject to the

24 provisions of this paragraph relating to

25 consent of a current spouse (or of a cur-

1 rent domestic partner), if the retired em-
2 ployee or Member is then married (or in a
3 domestic partnership).”; and

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

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

10 “(i) after the death of the spouse (or domestic
11 partner); or

12 “(ii) after the dissolution of the marriage of the
13 spouse (or the termination of the domestic partner-
14 ship of the domestic partner) to the employee or
15 Member,

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

20 “(B) Any reduction in an annuity for the purpose of
21 providing a survivor annuity for a former spouse (or a
22 former domestic partner) of a retired employee or Member
23 shall be terminated for each full month after the former
24 spouse remarries (or enters into a domestic partnership)
25 (or the former domestic partner enters into a subsequent

1 domestic partnership or marries) before reaching age 55
2 or dies. This reduction shall be replaced by an appropriate
3 reduction or reductions under paragraph (4) if the retired
4 employee or Member has (i) another former spouse (or an-
5 other former domestic partner) who is entitled to a sur-
6 vivor annuity under section 8341(h), (ii) a current spouse
7 to whom the employee or Member was married (or a cur-
8 rent domestic partner with whom the employee or Member
9 was in a domestic partnership) at the time of retirement
10 and with respect to whom a survivor annuity was not
11 jointly waived under paragraph (1), or (iii) a current
12 spouse whom the employee or Member married (or a cur-
13 rent domestic partner with whom the employee or Member
14 entered into domestic partnership) after retirement and
15 with respect to whom an election has been made under
16 subparagraph (C) or subsection (k)(2).

17 “(C)(i) Upon entry into a subsequent marriage (or
18 domestic partnership), a retired employee or Member who
19 was married (or in a domestic partnership) at the time
20 of retirement, including an employee or Member whose an-
21 nuity was not reduced to provide a survivor annuity for
22 the employee’s or Member’s spouse or former spouse (or
23 domestic partner or former domestic partner) as of the
24 time of retirement, may irrevocably elect during such mar-

1 riage (or domestic partnership), in a signed writing re-
2 ceived by the Office—

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

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

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

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

17 a reduction in the employee’s or Member’s annuity
18 under paragraph (4) for the purpose of providing an
19 annuity for such employee’s or Member’s spouse (or
20 domestic partner) in the event such spouse (or do-
21 mestic partner) survives the employee or Member.

22 “(ii) Such election and reduction shall be effective the
23 first day of the second month after the election is received
24 by the Office, but not less than 9 months after the date
25 of the subsequent marriage (or entry into the subsequent

1 domestic partnership), and the retired employee or Mem-
2 ber shall deposit in the Fund an amount determined by
3 the Office of Personnel Management, as nearly as may
4 be administratively feasible, to reflect the amount by
5 which the annuity of such retired employee or Member
6 would have been reduced if the election had been in effect
7 since the date of retirement or, if later, the date the pre-
8 vious reduction in such retired employee's or Member's an-
9 nuity was terminated under subparagraph (A) or (B), plus
10 interest. For the purposes of the preceding sentence, the
11 annual rate of interest for each year during which an an-
12 nuity would have been reduced if the election had been
13 in effect on and after the applicable date referred to in
14 such sentence shall be 6 percent.

15 “(iii) The Office shall, by regulation, provide for pay-
16 ment of the deposit required under clause (ii) by a reduc-
17 tion in the annuity of the employee or Member. The reduc-
18 tion shall, to the extent practicable, be designed so that
19 the present value of the future reduction is actuarially
20 equivalent to the deposit required under clause (ii), except
21 that total reductions in the annuity of an employee or
22 Member to pay deposits required by the provisions of this
23 paragraph or paragraph (3) shall not exceed 25 percent
24 of the annuity computed under subsections (a) through
25 (i), (n), (q), and (r), including adjustments under section

1 8340. The reduction required by this clause, which shall
2 be effective on the same date as the election under clause
3 (i), shall be permanent and unaffected by any future dis-
4 solution of the marriage (or termination of the domestic
5 partnership). Such reduction shall be independent of and
6 in addition to the reduction required under clause (i).

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

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

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

1 “(II) shall, if an election was made by the em-
2 ployee or Member under such subsection (k)(1) with
3 respect to a different person, prospectively void such
4 election if appropriate written application is made by
5 such employee or Member at the time of making the
6 election under this subparagraph.

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

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

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

14 (2) in subsection (k)—

15 (A) in paragraph (1)—

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

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

23 (B) in paragraph (2)—

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

1 “(2)(A) An employee or Member, who is unmarried
2 (and not in a domestic partnership) at the time of retiring
3 under a provision of law which permits election of a re-
4 duced annuity with a survivor annuity payable to such em-
5 ployee’s or Member’s spouse (or domestic partner) and
6 who later marries (or enters into a domestic partnership),
7 may irrevocably elect, in a signed writing received in the
8 Office—

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

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

13 “(I) the death of, or entry into a subse-
14 quent marriage (or domestic partnership) by,
15 any former spouse (or former domestic partner)
16 of such employee or Member who was entitled
17 to a survivor annuity under section 8341(h); or

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

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

5 (iii) in subparagraph (B)(ii), by in-
6 serting “(or in a domestic partnership)”
7 after “married”; and

11 (3) in subsection (o)(1)—

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

18 SEC. 204. COST-OF-LIVING ADJUSTMENT OF ANNUITIES.

19 Section 8340 is amended—

20 (1) in subsection (a)—

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

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

(C) by adding at the end the following:

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

4 (2) in subsection (c)(1)—

5 (A) in the matter before subparagraph (A),
6 by striking all after “who retires,” and before
7 “of a deceased annuitant” and inserting “to the
8 widow, widower, or former spouse (or the sur-
9 viving partner or former domestic partner) of a
10 deceased employee or Member, or to the widow,
11 widower, or former spouse (or the surviving
12 partner or former domestic partner), or insur-
13 able interest designee”; and

14 (B) in subparagraph (B)(ii), by striking “a
15 widow, widower, former spouse, or insurable in-
16 terest designee” and inserting “a widow, wid-
17 ower, or former spouse (or surviving partner or
18 former domestic partner) or insurable interest
19 designee”.

20 **SEC. 205. SURVIVOR ANNUITIES.**

21 Section 8341 is amended—

22 (1) in subsection (a)—

23 (A) by redesignating paragraphs (3) and
24 (4) as paragraphs (4) and (5), respectively;

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

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

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

9 “(B) satisfies such other requirements, re-
10 lated to parenthood and the domestic partner-
11 ship, as the Director of the Office of Personnel
12 Management shall by regulation prescribe based
13 on the definition of a widow or widower under
14 paragraphs (1)(B) and (2)(B) of this section;”;
15 and

16 (C) in paragraph (5) (as so redesignated
17 by subparagraph (A))—

18 (i) in subparagraph (A)—

19 (I) by striking “an unmarried de-
20 pendent child” and inserting “a de-
21 pendent child who is unmarried (and
22 not in a domestic partnership) and”;

the domestic partner not adopted by or otherwise the child of the employee or Member) but only if the stepchild (or the child of the domestic partner); and

6 (III) in clause (iv), by inserting
7 “(or surviving domestic partner)”
8 after “the surviving spouse”; and
9 (ii) in subparagraphs (B) and (C), by
10 striking “unmarried dependent child” and
11 inserting “dependent child who is unmar-
12 ried (and not in a domestic partnership);

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

(ii) by striking “remarriage,” and inserting “remarriage (or entry into a subsequent domestic partnership)”;

21 (B) in paragraph (2)—

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

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

3 (C) in paragraph (3)—

16 (D) in paragraph (4)—

23 (3) in subsection (d)—

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

4 (B) in subparagraph (B), by inserting “(or
5 former domestic partner)” after “former
6 spouse”; and

7 (C) in clause (ii), by inserting “(or, in the
8 case of a widow or widower, enters into a do-
9 mestic partnership) (or, in the case of a sur-
10 viving partner, enters into a subsequent domes-
11 tic partnership or marries)” after “remarries”;

12 (4) in subsection (e)—

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

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

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

21 “(B) the term ‘former domestic partner’ in-
22 cludes a former domestic partner who was in a do-
23 mestic partnership with an employee or Member for
24 less than 9 months and a former domestic partner

1 of an employee or Member who completed less than
2 18 months of service covered by this subchapter.”;

8 (C) in paragraph (3)—

15 (I) by inserting “(or domestic
16 partner or former domestic partner)”
17 after “spouse or former spouse”; and

18 (II) by striking “spouse, former
19 spouse, or child” and inserting
20 “spouse or former spouse (or domestic
21 partner or former domestic partner)
22 or child;” and

1 tic partnership, then, if such domestic partner-
2 ship)’’;

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

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

12 “(1) is entitled to an annuity equal to 55 per-
13 cent of the deferred annuity of the Member com-
14 mencing on the day after the Member dies and ter-
15 minating on the last day of the month before the
16 surviving spouse dies or remarries (or enters into a
17 domestic partnership) (or the surviving domestic
18 partner dies or enters into a subsequent domestic
19 partnership or marries); or

20 “(2) may elect to receive the lump-sum credit
21 instead of annuity if the spouse (or domestic part-
22 ner) is the individual who would be entitled to the
23 lump-sum credit and files application therefor with
24 the Office before the award of the annuity.

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

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

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

11 (6) by striking subsection (g) and inserting the
12 following:

13 “(g) In the case of a surviving spouse (or surviving
14 domestic partner) whose annuity under this section is ter-
15 minated because of a subsequent entry into a marriage
16 (or domestic partnership) before becoming 55 years of
17 age, annuity at the same rate shall be restored com-
18 mencing on the day the remarriage (or subsequent domes-
19 tic partnership) is dissolved by death, annulment, or di-
20 vorce (or terminated), if—

21 “(1) the surviving spouse (or surviving domestic
22 partner) elects to receive this annuity instead of a
23 survivor benefit to which he may be entitled, under
24 this subchapter or another retirement system for

1 Government employees, by reason of the subsequent
2 entry into a marriage (or domestic partnership); and

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

5 (7) by striking subsection (h) and inserting the
6 following:

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

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

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

23 “(ii) the amount of any annuity payable under
24 this subsection to any other former spouse (or
25 former domestic partner) of the employee, Member,

1 or annuitant, based on an election previously made
2 under section 8339(j)(3), or a court order previously
3 issued.

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

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

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

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

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

24 “(A) shall not commence before—

1 “(i) the day after the employee, Member,
2 or annuitant dies; or

3 “(ii) the first day of the second month be-
4 ginning after the date on which the Office re-
5 ceives written notice of the order, decree, agree-
6 ment, or election, as the case may be, together
7 with such additional information or documenta-
8 tion as the Office may prescribe,

9 whichever is later, and

10 “(B) shall terminate—

11 “(i) except as provided in subsection (k),
12 in the case of an annuity computed by reference
13 to clause (i) or (ii) of paragraph (2)(B), no
14 later than the last day of the month before the
15 former spouse remarries (or enters into a do-
16 mestic partnership) (or former domestic partner
17 enters into a subsequent domestic partnership
18 or marries) before becoming 55 years of age or
19 dies; or

20 “(ii) in the case of an annuity computed by
21 reference to clause (iii) of such paragraph, no
22 later than the last day of the month before the
23 former spouse remarries (or enters into a do-
24 mestic partnership) or dies (or the former do-

1 mestic partner enters into a subsequent domes-
2 tic partnership or marries or dies).

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

6 “(A) if such modification is made after the re-
7 tirement or death of the employee or Member con-
8 cerned, and

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

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

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

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

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

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

13 “(1) the death of the employee or Member was
14 accidental; or

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

21 (9) by redesignating subsection (k) as sub-
22 section (j) and amending such subsection to read as
23 follows:

24 “(j)(1) Subsections (b)(3)(B), (d)(ii), and
25 (h)(3)(B)(i), to the extent that they provide for termi-

1 nation of a survivor annuity because of a subsequent entry
2 into a marriage (or domestic partnership) before age 55,
3 shall not apply if the widow, widower or former spouse
4 was married to (or the surviving partner or former domes-
5 tic partner was in a domestic partnership with) the indi-
6 vidual on whose service the survivor annuity is based for
7 at least 30 years.

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

15 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**

16 **FICIARY; ORDER OF PRECEDENCE.**

17 Section 8342 is amended—

18 (1) in subsection (c)—

19 (A) by inserting “(or surviving partner)”
20 after “widow or widower”; and

21 (B) by striking “stepchild.” and inserting
22 “stepchild (or a child of a domestic partner
23 which child is not adopted by or otherwise a
24 child of the employee or Member).”; and

25 (2) in subsection (j)—

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

(C) by inserting “(or former domestic partner)” after “former spouse” each place it appears.

9 SEC. 207. ALTERNATIVE FORMS OF ANNUITIES.

10 Section 8343a is amended—

11 (1) in subsection (b)(2)—

12 (A) (in the material before subparagraph
13 (A)), by inserting “(or in a domestic partner-
14 ship)” after “married”; and

18 (2) in subsection (d)—

22 (B) in paragraph (2), by striking “former
23 spouse,” and inserting “former spouse (or
24 former domestic partner);” and

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

3 **SEC. 208. ADMINISTRATION; REGULATIONS.**

4 Section 8347(n)(1)(D) is amended by striking “their
5 spouses, and their former spouses” and inserting “their
6 spouses (and domestic partners), and their former spouses
7 (and former domestic partners)”.

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

9 Section 8351(b)(5) is amended—

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

13 (2) in subparagraph (B), by striking “a married
14 employee or Member” and inserting “an employee or
15 Member who is married (or in a domestic partner-
16 ship)”; and

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

20 **TITLE III—FEDERAL EMPLOY-
21 EES’ RETIREMENT SYSTEM
22 Subtitle A—General Provisions**

23 **SEC. 301. DEFINITIONS.**

24 Section 8401 is amended—

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

3 (2) in paragraph (37), by striking the period at
4 the end and inserting a semicolon; and

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

6 “(38) ‘domestic partner’ and ‘domestic partner-
7 ship’ have the meanings given under section 2501;
8 and

9 “(39) ‘former domestic partner’ means a former
10 domestic partner of an individual—

11 “(A) if such individual performed at least
12 18 months of civilian service creditable under
13 section 8411 as an employee or Member; and

14 “(B) if the former domestic partner was in
15 a domestic partnership with such individual for
16 at least 9 months.”.

17 **Subtitle B—Creditable Service**

18 **SEC. 311. CREDITABLE SERVICE.**

19 Section 8411 is amended—

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

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

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

4 **SEC. 312. SURVIVOR REDUCTION FOR A CURRENT SPOUSE
5 OR A CURRENT DOMESTIC PARTNER.**

6 (a) IN GENERAL.—Section 8416 is amended—
7 (1) in the section heading, by inserting “(**or**
8 **domestic partner)**” after “**spouse**”;

9 (2) in subsection (a)—
10 (A) by inserting “(or in a domestic part-
11 nership)” after “married” each place it ap-
12 pears;

13 (B) by inserting “(or domestic partner)”
14 after “spouse” each place it appears; and
15 (C) by inserting “(or domestic partner’s)”
16 after “spouse’s” each place it appears;

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

19 “(b)(1) Upon entry into a subsequent marriage (or
20 subsequent domestic partnership), a retired employee or
21 Member who was married (or in a domestic partnership)
22 at the time of retirement, including an employee or Mem-
23 ber whose annuity was not reduced to provide a survivor
24 annuity for the employee’s or Member’s spouse or former
25 spouse (or domestic partner or former domestic partner)

1 as of the time of retirement, may irrevocably elect during
2 such marriage (or domestic partnership), in a signed writ-
3 ing received by the Office—

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

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

7 “(i) the death of or entry into a subse-
8 quent marriage (or domestic partnership) by
9 any former spouse (or former domestic partner)
10 of such employee or Member who was entitled
11 to a survivor annuity under section 8445, or

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

18 a reduction in the employee’s or Member’s annuity
19 under section 8419(a) for the purpose of providing
20 an annuity for such employee’s or Member’s spouse
21 (or domestic partner) in the event such spouse (or
22 domestic partner) survives the employee or Member.

23 “(2) The election and reduction shall be effective the
24 first day of the second month after the election is received
25 by the Office, but not less than 9 months after the date

1 of the subsequent marriage (or entry into the subsequent
2 domestic partnership).

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

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

8 “(B) shall, if an election was made by the em-
9 ployee or Member under section 8420 with respect
10 to a different individual, prospectively void such elec-
11 tion if appropriate written application is made by
12 such employee or Member at the time of making the
13 election under this subsection.

14 “(4) Any election under this subsection made by an
15 employee or Member on behalf of an individual after the
16 retirement of such employee or Member shall not be effec-
17 tive if—

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

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

24 (4) in subsection (c)—

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

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

8 “(A) within 2 years after such employee or
9 Member marries (or enters into a domestic partner-
10 ship); or

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

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

19 “(ii) if more than 1 surviving former
20 spouse (or surviving former domestic partner),
21 the death of or entry into a subsequent mar-
22 riage (or domestic partnership) by the last such
23 surviving former spouse (or surviving former
24 domestic partner),

1 a reduction in the current annuity of the retired em-
2 ployee or Member, in accordance with section
3 8419(a).”; and

4 (B) in paragraph (2), by striking “mar-
5 riage.” and inserting “marriage (or domestic
6 partnership).”; and

7 (5) in subsection (d)(1)—

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

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

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—

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

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

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

17 **OR FORMER DOMESTIC PARTNER.**

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

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

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

24 (3) in subsection (b)—

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

4 (B) by amending paragraph (2) to read as
5 follows:

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

14 (C) in paragraph (3)—

15 (i) in subparagraph (A)(ii), by insert-
16 ing “(or a surviving partner)” after “a
17 widow or widower”; and

18 (ii) by amending subparagraph (B) to
19 read as follows:

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

24 (b) TECHNICAL AND CONFORMING AMENDMENT.—

25 The table of sections for chapter 84 of title 5, United

1 States Code, is amended by striking the item relating to
2 section 8417 and inserting the following:

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

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

4 Section 8418(b) is amended—

5 (1) by inserting “(or domestic partnership)”
6 after “marriage”; and
7 (2) by striking “former spouse.” inserting
8 “former spouse (or former domestic partner).”.

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

10 Section 8419 is amended—

11 (1) in subsection (a), by inserting “(or domestic
12 partner)” after “spouse” each place it appears; and
13 (2) by amending subsection (b) to read as fol-
14 lows:

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

19 (A) after the death of the spouse (or domestic
20 partner); or

21 (B) after the dissolution of the spouse’s mar-
22 riage to (or the termination of the domestic part-
23 ner’s domestic partnership with) the employee or
24 Member, except that an appropriate reduction shall
25 be made thereafter if the spouse (or domestic part-

1 ner) is entitled, as a former spouse (or former do-
2 mestic partner), to a survivor annuity under section
3 8445.

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

14 “(A) another former spouse (or former domestic
15 partner) who is entitled to a survivor annuity under
16 section 8445;

17 “(B) a current spouse to whom the employee or
18 Member was married (or a current domestic partner
19 with whom the employee or Member was in a domes-
20 tic partnership) at the time of retirement and with
21 respect to whom a survivor annuity was not waived
22 under section 8416(a) or, if waived, with respect to
23 whom an election under section 8416(d) has been
24 made; or

1 “(C) a current spouse whom the employee or
2 Member married (or current domestic partner with
3 whom the employee or Member entered into a do-
4 mestic partnership) after retirement and with re-
5 spect to whom an election has been made under sub-
6 section (b) or (e) of section 8416.”.

7 **SEC. 316. INSURABLE INTEREST REDUCTIONS.**

8 Section 8420 is amended—

9 (1) in subsection (b)(1)—

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

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

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

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

19 Section 8420a is amended—

20 (1) in subsection (b)(2)—

21 (A) in the matter before subparagraph (A),
22 by inserting “(or in a domestic partnership)”
23 after “married”; and

4 (2) in subsection (d)—

13 SEC. 318. LUMP-SUM BENEFITS; DESIGNATION OF BENE-

14 FICIARY; ORDER OF PRECEDENCE.

15 Section 8424 is amended—

16 (1) in subsection (b)—

23 (ii) in subparagraph (B), by striking
24 “spouse or former spouse” each place it
25 appears and inserting “spouse or former

1 spouse (or domestic partner or former do-
2 mestic partner)”; and
3 (B) in paragraph (2), by striking “spouse
4 or former spouse” each place it appears and in-
5 serting “spouse or former spouse (or domestic
6 partner or former domestic partner)”; and
7 (2) in subsection (d)—
8 (A) by striking “widow or widower” and
9 inserting “widow or widower (or surviving part-
10 ner)”; and
11 (B) by striking “stepchild.” and inserting
12 “stepchild (or a child of a domestic partner
13 which child is not adopted by or otherwise a
14 child of the employee or Member).”.

15 **Subtitle C—Thrift Savings Plan**

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

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

19 “(2) Notwithstanding section 8424(d), if an
20 employee, Member, former employee, or former
21 Member dies and has designated as sole or partial
22 beneficiary his or her spouse (or domestic partner)
23 at the time of death, or, if an employee, Member,
24 former employee, or former Member, dies with no
25 designated beneficiary and is survived by a spouse

1 (or domestic partner), the spouse (or domestic part-
2 ner) may maintain the portion of the employee's or
3 Member's account to which the spouse (or domestic
4 partner) is entitled in accordance with the following
5 terms:

6 “(A) Subject to the limitations of subparagraph (B), the spouse (or domestic partner)
7 shall have the same withdrawal options under
8 subsection (b) as the employee or Member were
9 the employee or Member living.

10 “(B) The spouse (or domestic partner)
11 may not make withdrawals under subsection (g)
12 or (h).

13 “(C) The spouse (or domestic partner)
14 may not make contributions or transfers to the
15 account.

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

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

3 Section 8434(a)(2) is amended—

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

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

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

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

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

16 (2) in subsection (a)—

17 (A) in paragraph (1)—

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

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

4 (5) in subsection (e)(1)—

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

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

12 and

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

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

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
20 The table of sections for chapter 84 is amended by strik-
21 ing the item relating to section 8435 and inserting the
22 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
25 paragraphs (1)(B) and (2)(B) of this section;
26 and”; and

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

3 (A) in subparagraph (A)—

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

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

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

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

23 **SEC. 332. RIGHTS OF A WIDOW, WIDOWER, OR SURVIVING
24 PARTNER.**

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

- 1 (1) in the section heading, by inserting “**(or**
- 2 **surviving partner)**” after “**widow or wid-**
- 3 **ower**”;
- 4 (2) in subsection (a)—
 - 5 (A) by inserting “(or surviving partner)”
 - 6 after “widow or widower” each place it appears;
 - 7 (B) by inserting “(or entry into a domestic
 - 8 partnership)” after “marriage”; and
 - 9 (C) by inserting “(or domestic partner)”
 - 10 after “spouse” each place it appears;
- 11 (3) in subsection (b), by inserting “(or sur-
- 12 viving partner)” after “widow or widower” each
- 13 place it appears;
- 14 (4) in subsection (c)—
 - 15 (A) in the matter in paragraph (1) before
 - 16 subparagraph (A) thereof, by inserting “(or a
 - 17 surviving partner with whom in a domestic
 - 18 partnership)” after “widow or widower to whom
 - 19 married”; and
 - 20 (B) by striking “widow or widower” each
 - 21 place it appears (other than where amended by
 - 22 subparagraph (A)) and inserting “widow or
 - 23 widower (or surviving partner)”;
- 24 (5) in subsection (d)—

- 1 (A) by striking “widow or widower” each
2 place it appears and inserting “widow or wid-
3 ower (or surviving partner);
- 4 (B) in paragraph (1)(B), by inserting “(or
5 enters into a domestic partnership) (or in the
6 case of a surviving partner, enters into a subse-
7 quent domestic partnership or marries)” after
8 “remarries”;
- 9 (C) in paragraph (2)—
 - 10 (i) by striking “remarriage before”
11 and inserting “subsequent entry into a
12 marriage (or domestic partnership) be-
13 fore”;
 - 14 (ii) by striking “remarriage is dis-
15 solved by death, divorce, or annulment,”
16 and inserting “subsequent marriage is dis-
17 solved by death, divorce, annulment (or
18 subsequent domestic partnership is termi-
19 nated);” and
 - 20 (iii) in subparagraph (A), by striking
21 “remarriage;” and inserting “subsequent
22 marriage (or domestic partnership);” and
- 23 (D) in paragraph (3)—

1 (i) by striking “remarriage” and in-
2 serting “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(e) is amended—

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

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

3 (j) FEDERAL COURT JURISDICTION OVER THE FED-
4 ERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—

5 (1) CONTRACTS FOR HEALTH BENEFITS
6 PLANS.—Section 8902 is amended—

7 (A) in subsection (j), as amended by sub-
8 section (b) of this section—

9 (i) by inserting “(1)” after “(j)”; and
10 (ii) by adding at the end the fol-
11 lowing:

12 “(2) Each contract under this chapter may re-
13 quire the carrier to obtain recovery of funds through
14 reimbursement of subrogation with respect to bene-
15 fits provided to or for an individual covered under
16 this chapter.”; and

17 (B) in subsection (m)(1), by striking the
18 sentence after “(1)” and inserting “The provi-
19 sions of this chapter and, by operation of this
20 chapter, the terms of any contract established
21 under this chapter shall supersede and preempt
22 any State or local law, or any regulation issued
23 thereunder, insofar as those provisions or terms
24 relate to health insurance or any plan. This

1 paragraph does not apply with respect to State
2 tax or statutory reserves.”.

3 (2) JURISDICTION OF COURTS.—Chapter 89 is
4 amended by striking section 8912 and inserting the
5 following:

6 **“§ 8912. Jurisdiction of courts**

7 “The district courts of the United States shall have
8 exclusive jurisdiction of any civil action or claim founded
9 on this chapter, except for a civil action or claim against
10 the United States within the exclusive jurisdiction of the
11 United States Court of Federal Claims under section 1491
12 of title 28 or chapter 71 of title 41.”.

13 (k) EFFECTIVE DATE.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the amendments made by this section
16 shall apply with respect to contract years beginning
17 after the end of the 6-month period beginning on the
18 date of enactment of this Act.

19 (2) FEDERAL COURT JURISDICTION OVER THE
20 FEDERAL EMPLOYEES HEALTH BENEFITS PRO-
21 GRAM.—The amendments made by subsection (j)
22 shall—

23 (A) take effect on the date of enactment of
24 this Act; and

6 SEC. 403. ENHANCED DENTAL BENEFITS.

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

8 (1) in section 8956(a)—

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

(B) by striking “either spouse,” and inserting “either spouse (or either domestic partner, as the case may be);” and

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

21 SEC. 404. ENHANCED VISION BENEFITS.

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

23 (1) in section 8986(a)—

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

(B) by striking “either spouse,” and inserting “either spouse (or either domestic partner, as the case may be);” and

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

11 SEC. 405. LONG-TERM CARE INSURANCE.

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

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

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

“(iii) a parent of a domestic partner of an individual referred to in paragraph (1) or (3).”;

(2) in section 9002(e)(2)—

1 (A) in the heading, by striking “SPOUSAL
2 PARITY” and inserting the following: “PARITY
3 FOR SPOUSE (OR DOMESTIC PARTNER)”; and
4 (B) by inserting “(or domestic partner)”
5 after “spouse”.

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

10 **TITLE V—TRAVEL, TRANSPOR- 11 TATION, AND SUBSISTENCE**

12 **SEC. 501. REIMBURSEMENT FOR TAXES INCURRED ON 13 MONEY RECEIVED FOR TRAVEL EXPENSES.**

14 (a) IN GENERAL.—Section 5706c is amended—
15 (1) in subsection (a), by striking “(if filing
16 jointly),” and inserting “(if filing jointly) (or by an
17 employee and such employee’s domestic partner (as
18 that term is defined under section 2501), if joint fil-
19 ing is allowed and they file jointly);” and

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

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

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

3 **SEC. 502. DEFINITION.**

4 Section 5721 is amended—

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

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

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

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

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

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

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

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

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

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

14 SEC. 505. RELOCATION EXPENSES OF AN EMPLOYEE WHO
15 IS PERFORMING AN EXTENDED ASSIGNMENT.

16 (a) IN GENERAL.—Section 5737(a)(4) is amended by
17 inserting “(or domestic partner)” after “employee and
18 spouse”.

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

1 **SEC. 506. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO REPATRIATION OF EMPLOYEES 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 PARTNERS.**

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 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).”;

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”; and

21 (3) by striking paragraph (6) and inserting the
22 following:

23 “(6) If a person covered by this section has a
24 spouse (or a domestic partner), but designates a per-
25 son other than the spouse (or domestic partner) to

1 receive all or a portion of the amount payable under
2 this section, the head of the agency, or other entity,
3 in which that person is employed shall provide notice
4 of the designation to the spouse (or the domestic
5 partner).”.

6 **SEC. 603. BENEFICIARIES OF AWARDS UNPAID AT DEATH;**

7 **ORDER OF PRECEDENCE.**

8 Section 8109(a)(3)(D) is amended—

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

12 (2) in clause (ii)—

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

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

17 (3) in clause (iii), by striking “no widow or wid-
18 ower,” and inserting “no widow or widower (and no
19 surviving partner).”.

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

21 Section 8110(a) is amended—

22 (1) in paragraph (3)—

23 (A) by striking “an unmarried child” and
24 inserting “a child who is unmarried (and not in
25 a domestic partnership)”; and

1 (B) by striking “and” at the end;

2 (2) in paragraph (4), by striking the period and

3 inserting “; and”;

4 (3) by inserting after paragraph (4) the fol-

5 lowing:

6 “(5) a domestic partner, if—

7 “(A) he or she is a member of the same

8 household as the employee;

9 “(B) he or she is receiving regular con-

10 tributions from the employee for his or her sup-

11 port; or

12 “(C) the employee has been ordered by a

13 court to contribute to his or her support.”; and

14 (4) in the last sentence, by striking “he mar-

15 ries.” and inserting “he marries (or enters into a do-

16 mestic partnership).”.

17 **SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSA-**

18 **TION.**

19 Section 8116(c) is amended by striking “spouse,”

20 and inserting “spouse (or domestic partner),”.

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

22 Section 8133 is amended—

23 (1) in subsection (a)—

24 (A) in paragraphs (1) and (2), by striking

25 “the widow or widower,” and inserting “the

1 widow or widower (or the surviving partner);”;

2 and

3 (B) in paragraph (2), by inserting “(or the
4 surviving partner)” after “for the widow or wid-
5 ower”;

6 (C) in paragraph (3), by striking “no
7 widow or widower,” and inserting “no widow or
8 widower (and no surviving partner);” and

9 (D) in paragraphs (4) and (5), by striking
10 “widower,” and inserting “widower (or sur-
11 viving partner),” each place it appears; and

12 (2) in subsection (b)—

13 (A) by amending paragraph (1) to read as
14 follows:

15 “(1) a widow or widower dies or remarries (or
16 enters into a domestic partnership) (or a surviving
17 partner dies or enters into a subsequent domestic
18 partnership or marries) before reaching age 55;”;
19 and

20 (B) in paragraphs (2) and (3), by striking
21 “marries,” each place that term appears and
22 inserting “marries (or enters into a domestic
23 partnership),”; and

24 (C) in the matter following paragraph
25 (3)—

10 SEC. 607. LUMP-SUM PAYMENT.

11 Section 8135 is amended—

12 (1) in subsection (a), by inserting “(or sur-
13 viving partner)” after “widow or widower”; and
14 (2) by striking subsection (b) and inserting the
15 following:

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

1 diately before entry into the subsequent domestic partner-
2 ship or the marriage).”.

3 **SEC. 608. EMPLOYEES OF NONAPPROPRIATED FUND IN-**
4 **STRUMENTALITIES.**

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

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

8 “(A) the term ‘domestic partner’ means an in-
9 dividual who is in a domestic partnership with an-
10 other individual, as determined by the Secretary of
11 Labor for purposes of this subchapter under regula-
12 tions issued by the Secretary, in consultation with
13 the Director of the Office of Personnel Manage-
14 ment—

15 “(i) who are of the same sex;

16 “(ii) at least 1 of whom is an employee or
17 an individual otherwise eligible for coverage
18 under this subchapter (or any application or ex-
19 tension thereof) based on such individual’s em-
20 ployment or other service;

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

1 “(II) who have a common residence and
2 intend to continue to do so (or would have a
3 common residence, but are prevented from
4 doing so because of such reasons as an assign-
5 ment abroad or other employment-related fac-
6 tors, financial considerations, family responsibil-
7 ties or other such reasons);

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

11 “(IV) neither of whom is married to or in
12 a domestic partnership with anyone except each
13 other;

14 “(iv) who are at least 18 years of age and
15 mentally competent to consent to a contract;
16 and

17 “(v) who are not related to each other by
18 blood in a way that would prohibit legal mar-
19 riage between individuals otherwise eligible to
20 marry in the jurisdiction (or, if applicable, in
21 any jurisdiction) in which the individuals have
22 a common residence; and

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

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

3 “(A) section 2(14) of that Act shall apply as
4 though—

5 “(i) ‘(or child of the domestic partner of
6 an employee or volunteer referred to in section
7 8171(a) of title 5, United States Code)’ were
8 inserted after ‘stepchild’; and

9 “(ii) ‘(or children in domestic partner-
10 ships)’ were inserted after ‘married children’
11 and ‘(or brothers or sisters in domestic partner-
12 ships)’ were inserted after ‘married sisters’;

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

14 “(i) subparagraphs (A), (C), and (D) shall
15 apply as though ‘(or surviving partner)’ were
16 inserted after ‘widow or widower’ each place it
17 appears; and

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

22 “(C) in section 9 of that Act—

23 “(i) subsection (b) shall apply as though
24 the portion of the first sentence up to and in-
25 cluding the sixth comma reads as follows: ‘If

1 there be a widow or widower (or surviving part-
2 ner) and no child of the deceased, to such
3 widow or widower (or surviving partner) 50 per
4 centum of the average wages of the deceased,
5 during widowhood, or dependent widowerhood
6 (or during the life of the surviving partner, as
7 the case may be), with 2 years' compensation in
8 1 sum upon remarriage (or entry into a domes-
9 tic partnership) of such widow or widower (or
10 entry into another domestic partnership or mar-
11 riage of such surviving partner); and if there be
12 a surviving child or children of the deceased,
13 the additional amount of 16 $\frac{2}{3}$ per centum of
14 such wages for each such child; in case of the
15 death or remarriage (or entry into a domestic
16 partnership) of such widow or widower (or
17 entry into another domestic partnership or a
18 marriage of such surviving partner);

19 “(ii) subsection (c) shall apply as though
20 the portion of the subsection up to and includ-
21 ing the fourth comma reads as follows: ‘If there
22 be 1 surviving child of the deceased, but no
23 widow or widower (or surviving partner), then
24 for the support of such child 50 per centum of
25 the wages of the deceased; and if there be more

1 than 1 surviving child of the deceased, but no
2 widow or dependent husband (or surviving part-
3 ner);;

4 “(iii) subsection (d) shall apply as
5 though—

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

13 “(II) the second sentence reads as fol-
14 lows: ‘But in no case shall the aggregate
15 amount payable under this subsection ex-
16 ceed the difference between 66½ per cen-
17 tum of such wages and the amount payable
18 as hereinbefore provided to widow or wid-
19 ower (or surviving partner) and for the
20 support of surviving child or children.’;

21 “(iv) subsection (g) shall apply as though
22 the term ‘(or surviving domestic partner)’ were
23 inserted after ‘surviving wife’ each place it ap-
24 pears; and

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

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

7 **SEC. 609. EFFECTIVE DATE.**

8 (a) IN GENERAL.—Subject to succeeding provisions
9 of this section, this title and the amendments made by
10 this title—

11 (1) shall take effect on the date of enactment
12 of this Act; and

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

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

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

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

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

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

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

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

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

22 (d) PAYMENTS FOR PRIOR PERIODS NOT AF-
23 FECTED.—No recovery shall be made of compensation
24 paid to any individual whose entitlement to compensation

1 is terminated or reduced as a result of the enactment of
2 this title.

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

7 **SEC. 701. VOLUNTARY TRANSFERS OF LEAVE; VOLUNTARY**
8 **LEAVE BANK PROGRAM.**

9 (a) VOLUNTARY TRANSFERS OF LEAVE.—Section
10 6333 is amended by adding at the end the following:

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

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

18 (1) by inserting “(a)” before “Notwith-
19 standing”; and

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

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

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

2 (a) IN GENERAL.—

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

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

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

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

13 (D) by adding after paragraph (12) the
14 following:

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

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

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

1 (b) CONGRESSIONAL ACCOUNTABILITY.—Section 202
2 of the Congressional Accountability Act of 1995 (2 U.S.C.
3 1312) is amended by adding at the end the following:

4 “(f) 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, United
9 States Code.

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

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

19 “(B) section 101(12) of that Act shall
20 apply as though a child of the domestic partner
21 of a covered employee, which child meets the
22 conditions of subparagraphs (A) and (B) of
23 that section, were included in the term ‘son or
24 daughter’ as defined in that 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 “(3) APPLICATION TO EMPLOYEES OF THE
8 GOVERNMENT ACCOUNTABILITY OFFICE.—In the ap-
9 plication of the Family and Medical Leave Act of
10 1993 (29 U.S.C. 2601 et seq.) as to an employee of
11 the Government Accountability Office who has a do-
12 mestic partner—

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

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

23 “(C) in any case in which the employee
24 and the domestic partner of the employee are
25 both employed by the Government Account-

1 ability Office, the limit on the aggregate num-
2 ber of workweeks of leave to which both may be
3 entitled, as stated in section 102(f) of that Act,
4 shall apply.”.

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

8 “(e) COVERAGE OF EMPLOYEES WITH DOMESTIC
9 PARTNERS.—

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

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

18 “(A) sections 102 through 105 of that Act
19 shall apply as though ‘domestic partner’ were
20 inserted after ‘spouse’ each place it appears in
21 those sections;

22 “(B) section 101(12) of that Act shall
23 apply as though a child of the domestic partner
24 of a covered employee, which child meets the
25 conditions of subparagraphs (A) and (B) of

1 that section, shall be deemed to be included in
2 the term ‘son or daughter’ as defined in that
3 section; and

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

10 **SEC. 703. SETTLEMENT OF ACCOUNTS.**

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

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

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

16 (1) in paragraph (3)—

17 (A) in subparagraph (A), by striking
18 “wife” and inserting “spouse (or domestic part-
19 ner)”; and

20 (B) by striking subparagraph (B) and in-
21 serting—

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

1 “(i) unmarried (and not in a domestic
2 partnership); and

3 “(ii) under 21 years of age;”;

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

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

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

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

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

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

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

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

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

22 (1) in the matter preceding paragraph (1), by
23 striking “subchapter—” and inserting “sub-
24 chapter:”;

25 (2) in paragraph (1)—

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

2 and

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

7 and

8 (3) by striking paragraphs (2) and (3) and in-
9 serting the following:

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

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

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

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

23 “(4) The term ‘surviving partner’ means a sur-
24 viving domestic partner of an individual who was a

1 Comptroller General or retired Comptroller General
2 and the domestic partner—

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

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

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

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

20 (b) ELECTION OF SURVIVOR BENEFITS.—Section
21 773 of title 31, United States Code, is amended—

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

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

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

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

5 (1) in subsection (c)—

6 (A) by striking paragraph (1) and insert-
7 ing the following:

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

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

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

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

- 1 (3) in subsection (e)—
2 (A) by inserting “(or surviving domestic
3 partner’s)” after “A surviving spouse’s”;
4 (B) by inserting “(or surviving domestic
5 partner’s)” after “a surviving spouse’s”; and
6 (C) by inserting “(or domestic partner)”
7 after “unless the spouse”.

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

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

15 (e) PAYMENT OF SURVIVOR BENEFITS.—Section
16 776(b) of title 31, United States Code, is amended—

- 17 (1) in paragraph (1), by striking “A surviving
18 spouse’s annuity ends when the spouse remarries”
19 and inserting “A surviving spouse’s (or surviving do-
20 mestic partner’s) annuity ends when the spouse re-
21 marries (or enters into a domestic partnership) (or
22 when the surviving domestic partner enters into an-
23 other domestic partnership or marries)”;
24 (2) in paragraph (2), by striking “marries, or
25 dies, whichever is earliest. However, if a child is not

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

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

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

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

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

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

24 (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 rent, brother, sister, or child of the report-
16 ing individual or of the reporting individ-
17 ual’s spouse” and inserting “spouse (or do-
18 mestic partner), or a parent, brother, sis-
19 ter, or child of the reporting individual or
20 of the reporting individual’s spouse (or of
21 the reporting individual’s domestic part-
22 ner); and
23 (ii) in subparagraph (A), by inserting
24 “(or domestic partner)” after “spouse”;
25 and

(D) in paragraph (5), by inserting “(or domestic partner)” after “spouse” each place that term appears;

4 (2) in subsection (e)—

5 (A) in paragraph (1)—

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 subparagraph-
19 graph (F), by inserting “(or domestic part-
20 ner)” after “spouse”; and

(B) in paragraph (2), by inserting “(or the termination of the reporting individual’s domestic 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 subparagraph (A), by inserting “(or who is a son or daughter of the reporting individual’s domestic partner)” after “stepdaughter”;
- 11 (ii) in subparagraph (A), by striking “unmarried” and inserting “not married (and not in a domestic partnership)”; and
- 12 (iii) in subparagraph (B), by inserting “(or, in the case of a son or daughter of the reporting individual’s domestic partner, would be a dependent within the meaning of such section if the requirements of subsections (c)(1)(A) and (d)(1)(A) of such section were disregarded)” before the semi-colon;

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

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

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

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

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

14 (i) in section 101(f)—

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

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

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

1 (IV) in paragraph (12), by strik-
2 ing “section 109(8)” and inserting
3 “section 109(9)”; and
4 (ii) in section 105(b)(3)(A), by strik-
5 ing “section 109(8) or 109(10)” and in-
6 serting “section 109(9) or (11)”.

7 (B) OTHER PROVISIONS.—

(c) OUTSIDE EARNED INCOME LIMITATION.—Section 501(c) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “spouse, child, or dependent relative of such individual” and inserting “spouse (or domestic partner), child, or dependent relative of such 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”.