

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3955

To provide benefits to domestic partners of Federal employees.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2006

Mr. LIEBERMAN (for himself, Mr. SMITH, Mr. AKAKA, Ms. CANTWELL, Mr. CHAFEE, Mrs. CLINTON, Mr. DAYTON, Mr. FEINGOLD, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To provide benefits to domestic partners of Federal employees.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Domestic Partnership  
5 Benefits and Obligations Act of 2006”.

6 **SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL**  
7 **EMPLOYEES.**

8 (a) IN GENERAL.—An employee who has a domestic  
9 partner and the domestic partner of the employee shall

1 be entitled to benefits available to and obligations imposed  
2 upon a married employee and the spouse of the employee.

3 (b) CERTIFICATION OF ELIGIBILITY.—In order to ob-  
4 tain benefits and assume obligations under this Act, an  
5 employee shall file an affidavit of eligibility for benefits  
6 and obligations with the Office of Personnel Management  
7 identifying the domestic partner of the employee and certi-  
8 fying that the employee and the domestic partner of the  
9 employee—

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

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

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

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

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

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

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

5           (c) DISSOLUTION OF PARTNERSHIP.—

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

13          (2) DEATH OF EMPLOYEE.—In a case in which  
14          an employee dies, the domestic partner of the em-  
15          ployee at the time of death shall receive under this  
16          Act such benefits as would be received by the spouse  
17          of an employee.

18          (3) OTHER DISSOLUTION OF PARTNERSHIP.—

19                (A) IN GENERAL.—In a case in which a  
20                domestic partnership dissolves by a method  
21                other than death of the employee or domestic  
22                partner of the employee, any benefits received  
23                by the domestic partner as a result of this Act  
24                shall terminate.

1           (B) EXCEPTION.—In a case in which a do-  
2           mestic partnership dissolves by a method other  
3           than death of the employee or domestic partner  
4           of the employee, any health benefits received by  
5           the domestic partner as a result of this Act  
6           shall continue for a period of 60 days after the  
7           date of the dissolution of the partnership. The  
8           domestic partner shall pay for such benefits in  
9           the same manner that a former spouse would  
10          pay for such benefits under applicable provi-  
11          sions of chapter 89 of title 5, United States  
12          Code.

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

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

18               (1) DOMESTIC PARTNER.—The term “domestic  
19               partner” means an adult person living with, but not  
20               married to, another adult person of the same sex in  
21               a committed, intimate relationship.

22               (2) BENEFITS.—The term “benefits” means—  
23                       (A) civil service retirement, as provided in  
24                       chapter 83 of title 5, of the United States Code;

1 (B) Federal Employees' Retirement, as  
2 provided in chapter 84 of title 5, United States  
3 Code;

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

6 (D) health insurance, as provided in chap-  
7 ter 89 of title 5, United States Code;

8 (E) compensation for work injuries, as pro-  
9 vided in chapter 81 of title 5, United States  
10 Code;

11 (F) family and medical leave, as provided  
12 in subchapter V of chapter 63 of title 5, United  
13 States Code;

14 (G) long-term care insurance, as provided  
15 in chapter 90 of title 5, United States Code;

16 (H) enhanced dental benefits, as provided  
17 in chapter 89A of title 5, United States Code;  
18 and

19 (I) enhanced vision benefits, as provided in  
20 chapter 89B of title 5, United States Code.

21 (3) EMPLOYEE.—

22 (A) With respect to civil service retirement,  
23 the term “employee” shall have the meaning  
24 given such term in section 8331(1) of title 5,  
25 United States Code.

1           (B) With respect to Federal employees' re-  
2           tirement, the term "employee" shall have the  
3           meaning given such term in section 8401(11) of  
4           title 5, United States Code.

5           (C) With respect to life insurance, the  
6           term "employee" shall have the meaning given  
7           such term in section 8701(a) of title 5, United  
8           States Code.

9           (D) With respect to health insurance, the  
10          term "employee" shall have the meaning given  
11          such term in section 8901 of title 5, United  
12          States Code.

13          (E) With respect to compensation for work  
14          injuries, the term "employee" shall have the  
15          meaning given such term in section 8101(1) of  
16          title 5, United States Code.

17          (F) With respect to family and medical  
18          leave, the term "employee" shall have the  
19          meaning given such term in section 6381(1) of  
20          title 5, United States Code.

21          (G) With respect to long-term care insur-  
22          ance, the term "employee" shall have the mean-  
23          ing given such term in section 9001(1) of title  
24          5, United States Code.

1           (H) With respect to enhanced dental bene-  
2           fits, the term “employee” shall have the mean-  
3           ing given such term in section 8951(1) of title  
4           5, United States Code.

5           (I) With respect to enhanced vision bene-  
6           fits, the term “employee” shall have the mean-  
7           ing given such term in section 8981(1) of title  
8           5 United States Code.

9           (4) OBLIGATIONS.—The term “obligations”  
10          means any duties or responsibilities with respect to  
11          Federal employment that would be incurred by a  
12          married employee or by the spouse of an employee.

13 **SEC. 3. EFFECTIVE DATE.**

14          This Act including the amendments made by this Act  
15          shall apply to any individual who is employed as an em-  
16          ployee on or after the date of enactment of this Act.

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