

# Union Calendar No. 239

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

# H. R. 2517

**[Report No. 111–400, Part I]**

To provide certain benefits to domestic partners of Federal employees.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2009

Ms. BALDWIN (for herself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. CAPUANO, Mr. ELLISON, Mr. ENGEL, Ms. HARMAN, Mr. HOLT, Mr. KENNEDY, Mr. LANGEVIN, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. McDERMOTT, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER of New York, Ms. NORTON, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SUTTON, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Mr. WU, Mr. CUMMINGS, Mr. KUCINICH, Ms. VELÁZQUEZ, Mr. WAXMAN, Ms. BERKLEY, Mrs. CAPPES, Mr. MOORE of Kansas, Mr. WEINER, Mr. CONNOLLY of Virginia, Mr. HASTINGS of Florida, Mr. PASTOR of Arizona, Mr. WELCH, Ms. WOOLSEY, Mr. MCGOVERN, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mr. STARK, Mr. DINGELL, Mr. GEORGE MILLER of California, Mr. SARBANES, Mr. ROTHMAN of New Jersey, Mr. CROWLEY, Mr. WEXLER, Mr. FARR, Ms. LINDA T. SÁNCHEZ of California, Mr. CARSON of Indiana, Ms. DEGETTE, Mr. DELAHUNT, Mr. JACKSON of Illinois, Mr. MICHAUD, Mrs. LOWEY, Ms. ESHOO, Mr. GUTIERREZ, Mr. POLIS of Colorado, Mr. ACKERMAN, Mr. FILNER, Mr. CLYBURN, and Mr. QUIGLEY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JANUARY 22, 2010

Reported from the Committee on Oversight and Government Reform with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

JANUARY 22, 2010

Referral to the Committees on House Administration and the Judiciary  
extended for a period ending not later than January 29, 2010

JANUARY 29, 2010

Additional sponsors: Ms. CLARKE, Mr. HINCHEY, Mr. ISRAEL, Mr. MEEK of Florida, Mr. LARSON of Connecticut, Mr. SESTAK, Mr. DEFazio, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. PALLONE, Ms. KILROY, Mr. JOHNSON of Georgia, Mr. HARE, Ms. SCHWARTZ, Mr. BLUMENAUER, Mr. VAN HOLLEN, Ms. DELAURO, Mr. BAIRD, Mr. COHEN, Mr. ADLER of New Jersey, Ms. EDWARDS of Maryland, Mr. BISHOP of New York, Mr. GONZALEZ, Mr. DOGGETT, Mr. HODES, Mr. LARSEN of Washington, Ms. HIRONO, Mr. INSLEE, Ms. WATSON, Mr. HONDA, Mr. YARMUTH, Mr. ANDREWS, Ms. FUDGE, Mr. LEVIN, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. WALZ, Mr. MASSA, Mr. SIRES, Ms. LEE of California, Mr. McMAHON, Mr. MURPHY of Connecticut, Mr. SCOTT of Virginia, Mr. MAFFEI, Ms. GIFFORDS, Ms. PINGREE of Maine, Mr. PETERS, Ms. TSONGAS, Mr. OLVER, Ms. SPEIER, Mr. LEWIS of Georgia, Mr. TONKO, Mr. DOYLE, Ms. CHU, Ms. JACKSON LEE of Texas, Mr. PRICE of North Carolina, Mr. RYAN of Ohio, Mr. COURTNEY, Mrs. NAPOLITANO, Mr. CLAY, Mr. PIERLUISI, Mr. BACA, Mr. RUSH, Mr. SMITH of Washington, Mr. HALL of New York, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. LUJÁN, Ms. TITUS, Ms. WATERS, Mr. SCHIFF, Mr. PERLMUTTER, Ms. SHEA-PORTER, and Ms. ROYBAL-ALLARD

JANUARY 29, 2010

The Committees on House Administration and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 20, 2009]

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## A BILL

To provide certain benefits to domestic partners of Federal employees.

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

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

5 (a) *SHORT TITLE.*—*This Act may be cited as the “Do-*  
 6 *mestic Partnership Benefits and Obligations Act of 2009”.*

7 (b) *REFERENCES.*—*Except as otherwise expressly pro-*  
 8 *vided, whenever in this Act an amendment or repeal is ex-*  
 9 *pressed in terms of an amendment to, or a repeal of, a sec-*  
 10 *tion or other provision, the reference shall be considered to*  
 11 *be made to a section or other provision of title 5, United*  
 12 *States Code.*

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

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

**TITLE I—DOMESTIC PARTNERSHIPS**

*Sec. 101. Domestic partnerships.*

**TITLE II—CIVIL SERVICE RETIREMENT SYSTEM**

*Sec. 201. Definitions.*

*Sec. 202. Creditable service.*

*Sec. 203. Computation of annuity.*

*Sec. 204. Cost-of-living adjustment of annuities.*

*Sec. 205. Survivor annuities.*

*Sec. 206. Lump-sum benefits; designation of beneficiary; order of precedence.*

*Sec. 207. Alternative forms of annuities.*

*Sec. 208. Administration; regulations.*

*Sec. 209. Participation in the Thrift Savings Plan.*

**TITLE III—FEDERAL EMPLOYEES’ RETIREMENT SYSTEM**

*Sec. 301. Definitions.*

*Sec. 302. Creditable service.*

*Sec. 303. Survivor reduction for a current spouse or a current domestic partner.*

*Sec. 304. Survivor reduction for a former spouse or former domestic partner.*

*Sec. 305. Survivor elections; deposit; offsets.*

*Sec. 306. Survivor reductions; computation.*

- Sec. 307. Insurable interest reductions.*  
*Sec. 308. Alternative forms of annuities.*  
*Sec. 309. Lump-sum benefits; designation of beneficiary; order of precedence.*  
*Sec. 310. Annuities: methods of payment; election; purchase.*  
*Sec. 311. Protections for spouses, domestic partners, former spouses, and former domestic partners.*  
*Sec. 312. Justices and judges.*  
*Sec. 313. Survivor annuities: definitions.*  
*Sec. 314. Rights of a widow, widower, or surviving partner.*  
*Sec. 315. Rights of a former spouse or former domestic partner.*  
*Sec. 316. Authority of the Office of Personnel Management.*  
*Sec. 317. Cost-of-living adjustments.*  
*Sec. 318. Fiduciary responsibilities; liability and penalties.*

#### TITLE IV—INSURANCE BENEFITS

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

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

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

#### TITLE VI—COMPENSATION FOR WORK INJURIES

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

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

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

#### TITLE VIII—ADDITIONAL PROVISIONS

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

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

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

*TITLE X—REPORTING REQUIREMENTS*

*Sec. 1001. Report of the president.*

*Sec. 1002. GAO report.*

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

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

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

6 ***“§2110. Domestic partnerships***

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

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

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

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

1        *their partnership satisfies the requirements of this*  
2        *subsection.*

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

6            *“(5) Such individuals—*

7            *“(A) have a common residence; or*

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

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

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

17          *“(8) The 2 individuals are not related in a way*  
18       *that, if they were of the opposite sex, would prohibit*  
19       *legal marriage in the jurisdiction in which either in-*  
20       *dividual resides.*

21          *“(9) The filing employee, former employee, or*  
22       *annuitant (as the case may be) understands that will-*  
23       *ful falsification of information set forth in the affi-*  
24       *davit or failure to provide appropriate notification of*  
25       *the termination of the domestic partnership may lead*

1       to the recovery of amounts obtained as a result of  
2       such falsification or failure (as the case may be),  
3       criminal or other penalties, and (in appropriate  
4       cases) disciplinary action.

5       An affidavit shall not be effective for purposes of this section  
6       unless the filing individual is an employee, former em-  
7       ployee, or annuitant as of the time of filing. No 2 individ-  
8       uals shall, for purposes of the provisions of law to which  
9       this section applies, be treated as being in a domestic part-  
10      nership with one another unless there is in effect, in accord-  
11      ance with regulations prescribed by the Office, an affidavit  
12      filed in accordance with the preceding provisions of this  
13      subsection. An affidavit so filed shall remain in effect until  
14      the earlier of the date of the death of either individual or  
15      the date as of which the domestic partnership is otherwise  
16      terminated, as determined under such regulations.

17       “(b) *DOMESTIC PARTNER*.—For purposes of the provi-  
18      sions of law to which this section applies, the term ‘domestic  
19      partner’ means an individual who is in a domestic partner-  
20      ship, as described in subsection (a).

21       “(c) *EMPLOYEE DEFINED*.—For purposes of this sec-  
22      tion, the term ‘employee’ means an employee as defined by  
23      section 2105, an employee of a nonappropriated fund in-  
24      strumentality of the Department of Defense or the Coast  
25      Guard (as described in section 2105(c)), an employee of the

1 *United States Postal Service or of the Postal Regulatory*  
2 *Commission (as described in section 2105(e)), a Member of*  
3 *Congress, a member of the commissioned corps of the Public*  
4 *Health Service, a member of the commissioned corps of the*  
5 *National Oceanic and Atmospheric Administration, and*  
6 *any other individual who is employed by the Government*  
7 *(as determined under regulations of the President or a des-*  
8 *ignee thereof), but does not include a technician (within the*  
9 *meaning of section 8337(h) or, notwithstanding any provi-*  
10 *sion of chapter 43 of title 38, a member of the armed forces.*

11       “(d) *ANNUITANT DEFINED.*—*For purposes of this sec-*  
12 *tion, the term ‘annuitant’ means—*

13               “(1) *an annuitant within the meaning of section*  
14               *8331 or 8401; and*

15               “(2) *as determined under regulations prescribed*  
16 *by the President or a designee thereof, any other indi-*  
17 *vidual who is entitled to benefits (based on the service*  
18 *of such individual) under a retirement system for em-*  
19 *ployees of the Government.*

20       “(e) *CONFIDENTIALITY.*—*No individual may—*

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

1           “(2) furnish any information obtained under  
2 subsection (a) to anyone, or permit anyone to exam-  
3 ine or otherwise gain access to any such information,  
4 except for—

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

8           “(B) a member of the domestic partnership  
9 to which the information pertains or an author-  
10 ized representative thereof.

11           “(f) *APPLICABILITY.*—This section applies for pur-  
12 poses of the provisions of this title (excluding chapter 81)  
13 and any provision of law identified in or under title VIII  
14 of the Domestic Partnership Benefits and Obligations Act  
15 of 2009.”.

16           (b) *CLERICAL AMENDMENT.*—The table of sections for  
17 chapter 21 is amended by adding at the end the following:  
“2110. Domestic partnerships.”.

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

20           **SEC. 201. DEFINITIONS.**

21           Section 8331 is amended—

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

24           (2) in paragraph (31), by striking the period  
25 and inserting “; and”; and

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

2           “(32) ‘former domestic partner’ means a former  
3 domestic partner of an individual—

4                   “(A) if such individual performed at least  
5 18 months of civilian service as an employee or  
6 Member; and

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

10 **SEC. 202. CREDITABLE SERVICE.**

11       Section 8332 is amended—

12           (1) in subsection (c)(3)(C)(ii), by striking  
13 “former spouse.” and inserting “former spouse or  
14 former domestic partner.”; and

15           (2) in paragraphs (4) and (5) of subsection (o),  
16 by striking “spouse” each place it appears and insert-  
17 ing “spouse, domestic partner,”.

18 **SEC. 203. COMPUTATION OF ANNUITY.**

19       Section 8339 is amended—

20           (1) in subsection (j)—

21                   (A) in paragraph (1)—

22                           (i) by inserting “(or domestic part-  
23 ner)” after “the spouse” each place it ap-  
24 pears;

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

3           (iii) by inserting “(or domestic part-  
4 ner’s)” after “the spouse’s” each place it ap-  
5 pears;

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

9           (C) in paragraph (3)—

10           (i) in the first sentence—

11           (I) by inserting “(or former do-  
12 mestic partner)” after “former spouse”  
13 each place it appears; and

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

17           (ii) in the second sentence—

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

22           (II) by striking “is dissolved,”  
23 and inserting “is dissolved (or termi-  
24 nated),”;

1           (iii) *in the sixth sentence, by striking*  
2           *“former spouse.” and inserting “former*  
3           *spouse (or former domestic partner).”;*

4           (iiv) *in subparagraph (B)—*

5                 (I) *by striking “is then married,”*  
6                 *and inserting “is then married (or is*  
7                 *then in a domestic partnership),”;* and

8                 (II) *by striking “the spouse’s*  
9                 *written consent.” and inserting “the*  
10                 *written consent of the spouse (or do-*  
11                 *mestic partner).”;* and

12           (v) *by amending the next to last sen-*  
13           *tence to read as follows: “In the case of a*  
14           *retired employee or Member whose annuity*  
15           *is being reduced in order to provide a sur-*  
16           *ivor annuity for a former spouse (or*  
17           *former domestic partner), an election to*  
18           *provide or increase a survivor annuity for*  
19           *any other former spouse (or any other*  
20           *former domestic partner), and to continue*  
21           *an appropriate reduction for that purpose,*  
22           *may be made within the same period that,*  
23           *and subject to the same conditions under*  
24           *which, an election could be made under*  
25           *paragraph (5)(B) for a current spouse (or a*

1           *current domestic partner), subject to the*  
2           *provisions of this paragraph relating to*  
3           *consent of a current spouse (or of a current*  
4           *domestic partner), if the retired employee or*  
5           *Member is then married (or in a domestic*  
6           *partnership).”; and*

7           *(D) by amending paragraph (5) to read as*  
8           *follows:*

9           “(5)(A) *Any reduction in an annuity for the purpose*  
10          *of providing a survivor annuity for the current spouse (or*  
11          *the current domestic partner) of a retired employee or Mem-*  
12          *ber shall be terminated for each full month—*

13                 *“(i) after the death of the spouse (or domestic*  
14                 *partner), or*

15                 *“(ii) after the dissolution of the marriage of the*  
16                 *spouse (or the termination of the domestic partner-*  
17                 *ship of the domestic partner) to the employee or Mem-*  
18                 *ber,*

19          *except that an appropriate reduction shall be made there-*  
20          *after if the spouse (or domestic partner) is entitled, as a*  
21          *former spouse (or former domestic partner), to a survivor*  
22          *annuity under section 8341(h).*

23                 “(B) *Any reduction in an annuity for the purpose of*  
24          *providing a survivor annuity for a former spouse (or a*  
25          *former domestic partner) of a retired employee or Member*

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

19       “(C)(i) Upon remarriage (or entry into a subsequent  
20 domestic partnership), a retired employee or Member who  
21 was married (or in a domestic partnership) at the time of  
22 retirement, including an employee or Member whose annu-  
23 ity was not reduced to provide a survivor annuity for the  
24 employee’s or Member’s spouse or former spouse (or domes-  
25 tic partner or former domestic partner) as of the time of

1 *retirement, may irrevocably elect during such marriage (or*  
2 *domestic partnership), in a signed writing received by the*  
3 *Office—*

4           “(I) *within 2 years after such remarriage (or*  
5 *such subsequent domestic partnership), or*

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

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

13                   “(bb) *if there was more than 1, the death or*  
14 *remarriage of the last such surviving former*  
15 *spouse (or the death of or entry into a subsequent*  
16 *domestic partnership by the last such surviving*  
17 *former domestic partner),*

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

23           “(ii) *Such 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 of*

1 *the remarriage (or entry into the subsequent domestic part-*  
2 *nership), and the retired employee or Member shall deposit*  
3 *in the Fund an amount determined by the Office of Per-*  
4 *sonnel Management, as nearly as may be administratively*  
5 *feasible, to reflect the amount by which the annuity of such*  
6 *retired employee or Member would have been reduced if the*  
7 *election had been in effect since the date of retirement or,*  
8 *if later, the date the previous reduction in such retired em-*  
9 *ployee's or Member's annuity was terminated under sub-*  
10 *paragraph (A) or (B), plus interest. For the purposes of*  
11 *the preceding sentence, the annual rate of interest for each*  
12 *year during which an annuity would have been reduced if*  
13 *the election had been in effect on and after the applicable*  
14 *date referred to in 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 reduction*  
17 *in the annuity of the employee or Member. The reduction*  
18 *shall, to the extent practicable, be designed so that the*  
19 *present value of the future reduction is actuarially equiva-*  
20 *lent to the deposit required under clause (ii), except that*  
21 *total reductions in the annuity of an employee or Member*  
22 *to pay deposits required by the provisions of this paragraph*  
23 *or paragraph (3) shall not exceed 25 percent of the annuity*  
24 *computed under subsections (a) through (i), (n), (q), and*  
25 *(r), including adjustments under section 8340. The reduc-*

1 *tion required by this clause, which shall be effective on the*  
2 *same date as the election under clause (i), shall be perma-*  
3 *nent and unaffected by any future dissolution of the mar-*  
4 *riage (or termination of the domestic partnership). Such*  
5 *reduction shall be independent of and in addition to the*  
6 *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 mar-*  
12 *ried to (or if such domestic partner was in a domestic part-*  
13 *nership with) the employee or Member at the time of such*  
14 *employee’s or Member’s retirement, and all rights to sur-*  
15 *vivor benefits for such spouse (or domestic partner) under*  
16 *this subchapter based on marriage (or domestic partner-*  
17 *ship) to such employee or Member were then waived under*  
18 *paragraph (1) or a similar prior provision of law.*

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

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

24               “(II) *shall, if an election was made by the em-*  
25 *ployee or Member under such subsection (k)(1) with*

1       *respect to a different person, prospectively void such*  
2       *election if appropriate written application is made by*  
3       *such employee or Member at the time of making the*  
4       *election under this subparagraph.*

5       *“(vi) The deposit provisions of clauses (ii) and (iii)*  
6       *shall not apply if—*

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

10              *“(II) the election under subsection (k)(1) becomes*  
11       *void under clause (v).”;*

12              *(2) in subsection (k)—*

13                      *(A) in paragraph (1)—*

14                              *(i) by striking “a married employee or*  
15                              *Member” and inserting “an employee or*  
16                              *Member who is married (or in a domestic*  
17                              *partnership)”;* and

18                              *(ii) by inserting “(or domestic part-*  
19                              *ner)” after “spouse” each place it appears;*

20                      *(B) in paragraph (2)—*

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

23                      *“(2)(A) An employee or Member, who is unmarried*  
24       *(and not in a domestic partnership) at the time of retiring*  
25       *under a provision of law which permits election of a re-*

1 *duced annuity with a survivor annuity payable to such em-*  
2 *ployee’s or Member’s spouse (or domestic partner) and who*  
3 *later marries (or enters into a domestic partnership), may*  
4 *irrevocably elect, in a signed writing received in the Of-*  
5 *fice—*

6           “(i) *within 2 years after such employee or Mem-*  
7 *ber marries (or enters into a domestic partnership),*  
8 *or*

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

10           “(I) *the death or remarriage of any former*  
11 *spouse (or the death of or entry into a subsequent*  
12 *domestic partnership by any former domestic*  
13 *partner) of such employee or Member who was*  
14 *entitled to a survivor annuity under section*  
15 *8341(h), or*

16           “(II) *if there was more than 1, the death (or*  
17 *entry into a subsequent domestic partnership) by*  
18 *the last such surviving former spouse (or sur-*  
19 *living former domestic partner),*  
20 *a reduction in the retired employee or Member’s current an-*  
21 *nuity as provided in subsection (j).”;*

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

1                   (iii) in subparagraph (B)(ii), by in-  
2                   serting “(or in a domestic partnership)”  
3                   after “married”; and

4                   (iv) in subparagraph (C), by striking  
5                   “marriage.” and inserting “marriage (or  
6                   domestic partnership).”; and

7                   (3) in subsection (o)(1)—

8                   (A) in subparagraphs (A)(i) and (B)(i), by  
9                   striking “is married,” and inserting “is married  
10                  (or is in a domestic partnership),”; and

11                  (B) in subparagraph (A) (in the matter fol-  
12                  lowing clause (ii)), by inserting “(or domestic  
13                  partner)” after “spouse”.

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

15                  Section 8340 is amended—

16                  (1) in subsection (a)—

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

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

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

22                                 “(3) the terms ‘widow’, ‘widower’, and ‘surviving  
23                                 partner’ have the respective meanings given them  
24                                 under section 8341.”; and

25                  (2) in subsection (c)(1)—

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

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

16 **SEC. 205. SURVIVOR ANNUITIES.**

17       *Section 8341 is amended—*

18           (1) *in subsection (a)—*

19                   (A) *by redesignating paragraphs (3) and*  
20                   (4) *as paragraphs (4) and (5), respectively;*

21                   (B) *by inserting after paragraph (2) the fol-*  
22                   *lowing:*

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

1           “(A) was in a domestic partnership with  
2 such employee or Member for at least 9 months  
3 immediately before the death of such employee or  
4 Member; or

5           “(B) satisfies such other requirement, based  
6 on parenthood, as the Office of Personnel Man-  
7 agement shall by regulation prescribe based on  
8 the definition of a widow or widower under this  
9 section;” and

10           (C) in paragraph (5) (as so redesignated by  
11 subparagraph (A))—

12           (i) in subparagraph (A), by inserting  
13 “(or surviving domestic partner)” after “the  
14 surviving spouse”; and

15           (ii) by adding at the end the following:  
16 “The Office shall prescribe regulations to  
17 provide that, for purposes of applying the  
18 provisions of paragraph (5)(A)(ii) (relating  
19 to the treatment of a stepchild) in the case  
20 of a domestic partnership, rules similar to  
21 those prescribed to carry out section  
22 8901(5)(B) in similar circumstances shall  
23 apply.”;

24           (2) in subsection (b)—

25           (A) in paragraph (1)—

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

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

7 (B) in paragraph (2)—

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

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

13 (C) in paragraph (3)—

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

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

20           (iii) in subparagraph (B), by inserting  
21 “(or enters into a subsequent domestic part-  
22 nership)” after “remarries”; and

23 (D) in paragraph (4)—

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

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

7           (3) in subsection (d)—

8           (A) by striking “widow or widower” each  
9           place it appears and inserting “widow or wid-  
10          ower (or surviving partner)”;

11          (B) in subparagraph (B), by inserting “(or  
12          former domestic partner)” after “former spouse”;  
13          and

14          (C) in clause (ii), by inserting “(or enters  
15          into a subsequent domestic partnership)” after  
16          “remarries”;

17          (4) in subsection (e)—

18               (A) by striking the matter before paragraph  
19               (2) and inserting the following:

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

21                       “(A) the term ‘former spouse’ includes a former  
22                       spouse who was married to an employee or Member  
23                       for less than 9 months and a former spouse of an em-  
24                       ployee or Member who completed less than 18 months  
25                       of service covered by this subchapter; and

1           “(B) the term ‘former domestic partner’ includes  
2 a former domestic partner who was in a domestic  
3 partnership with an employee or Member for less than  
4 9 months and a former domestic partner of an em-  
5 ployee or Member who completed less than 18 months  
6 of service covered by this subchapter.”;

7           (B) in paragraph (2), by striking “a spouse  
8 or a former spouse” each place it appears and  
9 inserting “a spouse or former spouse (or a do-  
10 mestic partner or former domestic partner)”;

11           (C) in paragraph (3)—

12           (i) in subparagraph (E), by striking  
13 “dies or marries;” and inserting “dies, mar-  
14 ries, or enters into a domestic partner-  
15 ship;”; and

16           (ii) in the matter following subpara-  
17 graph (E)—

18           (I) by inserting “(or domestic  
19 partner or former domestic partner)”  
20 after “spouse or former spouse”; and

21           (II) by striking “spouse, former  
22 spouse, or child” and inserting “spouse  
23 or former spouse (or domestic partner  
24 or former domestic partner) or child,”;  
25 and

1           (D) in paragraph (4), by striking “mar-  
2           riage, then, if such marriage” and inserting  
3           “marriage, then, if such marriage (or a domestic  
4           partnership, then, if such domestic partner-  
5           ship)”;

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

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

15           “(1) is entitled to an annuity equal to 55 per-  
16           cent of the deferred annuity of the Member com-  
17           mencing on the day after the Member dies and termi-  
18           nating on the last day of the month before the sur-  
19           viving spouse dies or remarries (or the surviving do-  
20           mestic partner dies or enters into a subsequent domes-  
21           tic partnership); or

22           “(2) may elect to receive the lump-sum credit in-  
23           stead of annuity if the spouse (or domestic partner)  
24           is the individual who would be entitled to the lump-

1        *sum credit and files application therefor with the Of-*  
2        *fice before the award of the annuity.*

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

7                *“(A) the annuity which would otherwise be pay-*  
8                *able to such surviving spouse (or such surviving do-*  
9                *mestic partner) under this subsection, and*

10                *“(B) the amount of the survivor annuity payable*  
11                *to any former spouse (or any former domestic part-*  
12                *ner) of such Member under subsection (h).”;*

13                *(6) by striking subsection (g) and inserting the*  
14                *following:*

15                *“(g) In the case of a surviving spouse (or surviving*  
16                *domestic partner) whose annuity under this section is ter-*  
17                *minated because of remarriage (or entry into a subsequent*  
18                *domestic partnership) before becoming 55 years of age, an-*  
19                *nuity at the same rate shall be restored commencing on the*  
20                *day the remarriage (or subsequent domestic partnership) is*  
21                *dissolved by death, annulment, or divorce (or terminated),*  
22                *if—*

23                *“(1) the surviving spouse (or surviving domestic*  
24                *partner) elects to receive this annuity instead of a*  
25                *survivor benefit to which he may be entitled, under*

1        *this subchapter or another retirement system for Gov-*  
2        *ernment employees, by reason of the remarriage (or*  
3        *subsequent domestic partnership); and*

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

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

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

18                *“(2)(A) The annuity payable to a former spouse (or*  
19        *former domestic partner) under this subsection may not ex-*  
20        *ceed the difference between—*

21                *“(i) the amount applicable in the case of such*  
22        *former spouse (or former domestic partner), as deter-*  
23        *mined under subparagraph (B), and*

24                *“(ii) the amount of any annuity payable under*  
25        *this subsection to any other former spouse (or former*

1       *domestic partner) of the employee, Member, or annu-*  
2       *itant, based on an election previously made under sec-*  
3       *tion 8339(j)(3), or a court order previously issued.*

4       “(B) *The applicable amount, for purposes of subpara-*  
5       *graph (A)(i) in the case of a former spouse (or former do-*  
6       *mestic partner), is the amount which would be applicable—*

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

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

15               “(iii) *under subparagraph (A) of subsection (f)*  
16       *in the case of a surviving spouse (or surviving domes-*  
17       *tic partner), if the deceased was a Member described*  
18       *in the first sentence of such subsection.*

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

23               “(A) *shall not commence before—*

24                       “(i) *the day after the employee, Member, or*  
25                       *annuitant dies, or*

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

7           whichever is later, and

8           “(B) shall terminate—

9           “(i) except as provided in subsection (k), in  
10          the case of an annuity computed by reference to  
11          clause (i) or (ii) of paragraph (2)(B), no later  
12          than the last day of the month before the former  
13          spouse remarries (or former domestic partner en-  
14          ters into a subsequent domestic partnership) be-  
15          fore becoming 55 years of age or dies; or

16          “(ii) in the case of an annuity computed by  
17          reference to clause (iii) of such paragraph, no  
18          later than the last day of the month before the  
19          former spouse remarries or dies (or the former  
20          domestic partner enters into a subsequent domes-  
21          tic partnership or dies).

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

1           “(A) if such modification is made after the re-  
2           tirement or death of the employee or Member con-  
3           cerned, and

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

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

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

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

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

21          “(i) The requirement in subsections (a)(1)(A),  
22          (a)(2)(A), and (a)(5)(A) that the surviving spouse (or sur-  
23          viving domestic partner) of an employee or Member have  
24          been married to (or in a domestic partnership with) such  
25          employee or Member for at least 9 months immediately be-

1 *fore the employee’s or Member’s death in order to qualify*  
2 *as the widow or widower (or surviving partner) of such em-*  
3 *ployee or Member shall be deemed satisfied in any case in*  
4 *which the employee or Member dies within the applicable*  
5 *9-month period, if—*

6           “(1) *the death of the employee or Member was*  
7 *accidental; or*

8           “(2) *the surviving spouse (or surviving domestic*  
9 *partner) of such individual had been previously mar-*  
10 *ried to (or in a domestic partnership with) the indi-*  
11 *vidual that was subsequently dissolved (or termi-*  
12 *nated), and the aggregate time married (or in a do-*  
13 *mestic partnership) is at least 9 months.”; and*

14           (9) *by redesignating subsection (k) as subsection*  
15 *(j) and amending such subsection to read as follows:*

16           “(j)(1) *Subsections (b)(3)(B), (d)(ii), and (h)(3)(B)(i),*  
17 *to the extent that they provide for termination of a survivor*  
18 *annuity because of a remarriage (or entry into a subsequent*  
19 *domestic partnership) before age 55, shall not apply if the*  
20 *widow, widower or former spouse was married to (or the*  
21 *surviving partner or former domestic partner was in a do-*  
22 *mestic partnership with) the individual on whose service*  
23 *the survivor annuity is based for at least 30 years.*

24           “(2) *A remarriage (or entry into a subsequent domestic*  
25 *partnership) described in paragraph (1) shall not be taken*

1 *into account for purposes of subparagraph (B) or (C) of*  
 2 *section 8339(j)(5) or any other provision of this chapter*  
 3 *which the Director of the Office of Personnel Management*  
 4 *may by regulation identify in order to carry out the pur-*  
 5 *poses of this subsection.”.*

6 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**  
 7 **FICIARY; ORDER OF PRECEDENCE.**

8 *Section 8342 is amended—*

9 *(1) in subsection (c), by inserting “(or surviving*  
 10 *partner)” after “widow or widower” ; and*

11 *(2) in subsection (j)—*

12 *(A) in paragraph (1)(A), by inserting “(or*  
 13 *the domestic partner, if any, and any former do-*  
 14 *mestic partner)” after “the spouse, if any, and*  
 15 *any former spouse”; and*

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

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

20 *Section 8343a is amended—*

21 *(1) in subsection (b)(2), by inserting “(or in a*  
 22 *domestic partnership)” after “married”;*

23 *(2) in subsection (b)(2)(B), by inserting “(or*  
 24 *surviving domestic partner)” after “surviving*  
 25 *spouse”; 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, domestic partners, former spouses, and former do-  
7 mestic 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 **SEC. 301. DEFINITIONS.**

23           Section 8401 is amended—

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

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

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

4           “(37) ‘former domestic partner’ means a former  
 5 *domestic partner of an individual—*

6           “(A) *if such individual performed at least*  
 7 *18 months of civilian service creditable under*  
 8 *section 8411 as an employee or Member; and*

9           “(B) *if the former domestic partner was in*  
 10 *a domestic partnership with such individual for*  
 11 *at least 9 months.”.*

12 **SEC. 302. CREDITABLE SERVICE.**

13 *Section 8411 is amended—*

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

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

18           (3) *in subsection (l)(5), by inserting “(or domes-*  
 19 *tic partner)” after “spouse” each place it appears.*

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

22 *(a) IN GENERAL.— Section 8416 is amended—*

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

25           (2) *in subsection (a)—*

1           (A) by inserting “(or in a domestic partner-  
2           ship)” after “married” each place it appears;

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

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

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

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

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

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

22                         “(i) the death or remarriage of any former  
23                         spouse (or the death of or entry into a subsequent  
24                         domestic partnership by any former domestic  
25                         partner) of such employee or Member who was

1           *entitled to a survivor annuity under section*  
2           *8445, or*

3                   *“(i) if there was more than 1, the death or*  
4           *remarriage of the last such surviving former*  
5           *spouse (or the death of or entry into a subsequent*  
6           *domestic partnership by the last such surviving*  
7           *former domestic partner),*

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

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

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

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

23                   *“(B) shall, if an election was made by the em-*  
24          *ployee or Member under section 8420 with respect to*  
25          *a different individual, prospectively void such election*

1       *if appropriate written application is made by such*  
2       *employee or Member at the time of making the elec-*  
3       *tion under this subsection.*

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

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

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

14              (4) *in subsection (c)—*

15                      (A) *by striking the matter before paragraph*  
16                      (2) *and inserting the following:*

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

22                      “(A) *within 2 years after such employee or Mem-*  
23                      *ber marries (or enters into a domestic partnership),*  
24                      *or*

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

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

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

11 a reduction in the current annuity of the retired em-  
12 ployee or Member, in accordance with section  
13 8419(a).”; and

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

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

18           (A) by inserting “(or in a domestic partner-  
19 ship)” after “married”; and

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

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

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

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

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

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

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

8 (3) *in subsection (b)—*

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

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

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

22 (C) *in paragraph (3)—*

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

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

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

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

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

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

12                  Section 8418(b) is amended—

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

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

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

18                  Section 8419 is amended—

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

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

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

1 *current domestic partner) of a retired employee or Member*  
2 *shall be terminated for each full month—*

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

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

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

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

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

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

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

13 **SEC. 307. INSURABLE INTEREST REDUCTIONS.**

14 *Section 8420 is amended—*

15 *(1) in subsection (b)(1)—*

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

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

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

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

24 *Section 8420a is amended—*

25 *(1) in subsection (b)(2)—*

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

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

7           (2) in subsection (d)—

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

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

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

16 **SEC. 309. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**  
17 **FICIARY; ORDER OF PRECEDENCE.**

18           Section 8424 is amended—

19           (1) in subsection (b)—

20           (A) in paragraph (1)—

21           (i) in subparagraph (A), by striking  
22           “the spouse, if any, and any former spouse”  
23           and inserting “any spouse or former spouse  
24           (and any domestic partner or former do-  
25           mestic partner)”;

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

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

10                  (2) in subsection (d), by striking “widow or wid-  
11                  ower” and inserting “widow or widower (or surviving  
12                  partner)”.

13 **SEC. 310. ANNUITIES: METHODS OF PAYMENT; ELECTION;**  
14                   **PURCHASE.**

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

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

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

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

23                  (a) *IN GENERAL.*— Section 8435 is amended—

24                  (1) in the catchline, by striking “**spouses and**  
25                  **former spouses**” and inserting “**spouses, do-**

1 ***mestic partners, former spouses, and***  
2 ***former domestic partners***”;

3 (2) *in subsection (a)—*

4 (A) *in paragraph (1)—*

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

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

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

18 (3) *in subsection (b)—*

19 (A) *in paragraph (1)—*

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

23 (ii) *by inserting “(or in a domestic*  
24 *partnership)” after “married”; and*

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

3           (4) in subsection (d)—

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

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

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

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

16          (5) in subsection (e)(1)—

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

19               “(e)(1)(A) A loan or withdrawal under subsection (g)  
20               or (h) of section 8433 may be made to an employee or Mem-  
21               ber who is married (or in a domestic partnership) only if  
22               the employee’s or Member’s spouse (or domestic partner)  
23               consents to such loan or withdrawal in writing.”; and

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

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

7           (b) *CLERICAL AMENDMENT.*—The table of sections for  
8           chapter 84 is amended by striking the item relating to sec-  
9           tion 8435 and inserting the following:

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

10       **SEC. 312. JUSTICES AND JUDGES.**

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

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

14           Section 8441 is amended—

15           (1) by redesignating paragraphs (3) and (4) as  
16           paragraphs (4) and (5), respectively, and by inserting  
17           after paragraph (2) the following:

18           “(3) the term ‘surviving partner’ means the sur-  
19           viving domestic partner of an employee, Member, or  
20           annuitant, or of a former employee or Member, who—

21           “(A) was in a domestic partnership with  
22           such employee, Member, or annuitant, or former  
23           employee or Member, for at least 9 months im-  
24           mediately before the death of such employee,

1           Member, or annuitant, or former employee or  
2           Member; or

3                   “(B) satisfies such other requirement, based  
4           on parenthood, as the Office of Personnel Man-  
5           agement shall by regulation prescribe based on  
6           the definition of a widow or widower under this  
7           section;”;

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

10                   (A) in subparagraph (A), by inserting “(or  
11           surviving partner)” after “widow or widower”;  
12           and

13           (3) by adding at the end the following:  
14           “The Office shall prescribe regulations to provide that, for  
15           purposes of applying the provisions of paragraph (5)(A)(ii)  
16           (relating to the treatment of a stepchild) in the case of a  
17           domestic partnership, rules similar to those prescribed to  
18           carry out section 8901(5)(B) in similar circumstances shall  
19           apply.”.

20   **SEC. 314. RIGHTS OF A WIDOW, WIDOWER, OR SURVIVING**  
21                   **PARTNER.**

22           (a) *IN GENERAL.*—Section 8442 is amended—

23                   (1) in the catchline, by striking “**widow or**  
24           **widower**” and inserting “**widow, widower, or**  
25           **surviving partner**”;

1           (2) *in subsection (a)—*

2                 (A) *by inserting “(or surviving partner)”*  
3 *after “widow or widower” each place it appears;*

4                 (B) *in paragraph (1)(B), by inserting “(or*  
5 *entry into a domestic partnership)” after “mar-*  
6 *riage”; and*

7                 (C) *in paragraph (2), by inserting “(or do-*  
8 *mestic partner)” after “spouse” each place it ap-*  
9 *pears;*

10           (3) *in subsection (b), by inserting “(or surviving*  
11 *partner)” after “widow or widower” each place it ap-*  
12 *pears;*

13           (4) *in subsection (c)—*

14                 (A) *in paragraph (1), (in the matter before*  
15 *subparagraph (A)), by inserting “(or a surviving*  
16 *partner with whom in a domestic partnership)”*  
17 *after “widow or widower to whom married”; and*

18                 (B) *by striking “widow or widower” each*  
19 *place it appears (other than where amended by*  
20 *subparagraph (A)) and inserting “widow or*  
21 *widower (or surviving partner)”;*

22           (5) *in subsection (d)—*

23                 (A) *by striking “widow or widower” each*  
24 *place it appears and inserting “widow or wid-*  
25 *ower (or surviving partner)”;*

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

4           (C) in paragraph (2)—

5                 (i) by striking “remarriage before” and  
6 inserting “remarriage (or entry into a sub-  
7 sequent domestic partnership) before”;

8                 (ii) by striking “remarriage is dis-  
9 solved by death, divorce, or annulment,”  
10 and inserting “remarriage is dissolved by  
11 death, divorce, annulment (or subsequent  
12 domestic partnership is terminated),”;

13                 (iii) in subparagraph (A), by striking  
14 “remarriage;” and inserting “remarriage  
15 (or entry into a subsequent domestic part-  
16 nership);”; and

17           (D) in paragraph (3)—

18                 (i) by inserting “or entry into a subse-  
19 quent domestic partnership” after “remar-  
20 riage”; and

21                 (ii) by inserting “(or in a domestic  
22 partnership for at least 30 years with)”  
23 after “married for at least 30 years to”;

24           (6) in subsection (e)—

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

3           (B) by inserting “(or in a domestic partner-  
4 ship with)” after “been married to”; and

5           (C) by amending paragraph (2) to read as  
6 follows:

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

13           (7) in subsection (g), by striking “widow or wid-  
14 ower” and inserting “widow, widower, or surviving  
15 partner” each place it appears; and

16           (8) in subsection (h)—

17           (A) by striking “widow or widower” each  
18 place it appears and inserting “widow or wid-  
19 ower (or surviving partner)”; and

20           (B) by inserting “(or former domestic part-  
21 ner)” after “former spouse” each place it ap-  
22 pears.

23           (b) *CLERICAL AMENDMENT.*—*The table of sections for*  
24 *chapter 84 is amended by striking the item relating to sec-*  
25 *tion 8442 and inserting the following:*

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

1 **SEC. 315. RIGHTS OF A FORMER SPOUSE OR FORMER DO-**  
2 **MESTIC PARTNER.**

3 (a) *IN GENERAL.*—Section 8445 is amended—

4 (1) *in the catchline, by striking “former*  
5 ***spouse*” and inserting “former spouse or**  
6 ***former domestic partner*”;**

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

9 (3) *in subsection (b)—*

10 (A) *by inserting “(or former domestic part-*  
11 *ner)” after “former spouse” each place it ap-*  
12 *pears; and*

13 (B) *in paragraph (2), by inserting “(or sur-*  
14 *viving partner)” after “widow or widower”;*

15 (4) *in subsection (c)(2), by inserting “(or the*  
16 *former domestic partner enters into a subsequent do-*  
17 *mestic partnership)” after “former spouse remarries”;*

18 (5) *in subsection (e), by inserting “(or former*  
19 *domestic partner)” after “former spouse” each place*  
20 *it appears; and*

21 (6) *by amending subsection (h) to read as fol-*  
22 *lows:*

23 “(h)(1) *Subsection (c)(2), to the extent that it provides*  
24 *for termination of a survivor annuity because of a remar-*  
25 *riage (or entry into a subsequent domestic partnership) be-*  
26 *fore age 55, shall not apply if the former spouse (or former*

1 *domestic partner) was married to (or in a domestic part-*  
 2 *nership with) the individual on whose service the survivor*  
 3 *annuity is based for at least 30 years.*

4 “(2) A remarriage (or entry into a subsequent domestic  
 5 partnership) described in paragraph (1) shall not be taken  
 6 into account for purposes of section 8419(b)(1)(B) or any  
 7 other provision of this chapter which the Director may by  
 8 regulation identify in order to carry out the purposes of  
 9 this subsection.”.

10 (b) *CLERICAL AMENDMENT.*—*The table of sections for*  
 11 *chapter 84 is amended by striking the item relating to sec-*  
 12 *tion 8445 and inserting the following:*

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

13 **SEC. 316. AUTHORITY OF THE OFFICE OF PERSONNEL MAN-**  
 14 **AGEMENT.**

15 *Section 8461(j)(1)(D) is amended by striking “such*  
 16 *employees, their spouses, their former spouses, and their*  
 17 *survivors” and inserting “such employees and their spouses,*  
 18 *domestic partners, former spouses, former domestic part-*  
 19 *ners, and survivors”.*

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

21 *Section 8462(c) is amended—*

22 (1) *in paragraph (2), by striking “survivor*  
 23 *(other than a widow or widower whose annuity is*  
 24 *computed under section 8442(g) or a child under sec-*  
 25 *tion 8443)” and inserting the following: “survivor,*

1     *other than a widow or widower (or surviving part-*  
 2     *ner) whose annuity is computed under section*  
 3     *8442(g) or a child under section 8443,”;*

4             *(2) in paragraph (4) (in the matter before sub-*  
 5     *paragraph (A)), by inserting “(or surviving partner)”*  
 6     *after “widow or widower”; and*

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

9     **SEC. 318. FIDUCIARY RESPONSIBILITIES; LIABILITY AND**  
 10            **PENALTIES.**

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

12             *“(F) a spouse (or domestic partner), sibling,*  
 13             *ancestor, lineal descendant, or spouse (or domes-*  
 14             *tic partner) of a lineal descendant of a person*  
 15             *described in subparagraph (A), (B), or (D);”.*

16     **TITLE IV—INSURANCE BENEFITS**

17     **SEC. 401. LIFE INSURANCE.**

18             *(a) IN GENERAL.—Chapter 87 is amended—*

19             *(1) in section 8701(d)—*

20                     *(A) in paragraph (1)(A), by inserting “or*  
 21                     *domestic partner” after “spouse”; and*

22                     *(B) by adding at the end the following:*

23             *“(3) In the case of an individual whose domestic part-*  
 24     *ner has a child by a previous marriage, domestic partner-*  
 25     *ship (as defined under regulations of the Office of Personnel*

1 *Management), or otherwise, such child shall, unless adopted*  
2 *by such individual, be treated as a stepchild of such indi-*  
3 *vidual.”;*

4 (2) *in section 8705(a), by inserting “or sur-*  
5 *ving domestic partner” after “widow or widower”;*  
6 *and*

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

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

14 **SEC. 402. HEALTH INSURANCE.**

15 (a) *DEFINITIONS.—Section 8901 is amended—*

16 (1) *in paragraph (5) (in the matter before sub-*  
17 *paragraph (A)), by inserting “or domestic partner”*  
18 *after “the spouse”;*

19 (2) *in paragraph (8)(B), by striking “or former*  
20 *spouses,” and inserting “former spouses, or former do-*  
21 *mestic partners,”;*

22 (3) *by striking “and” at the end of paragraph*  
23 *(10), by redesignating paragraph (11) as paragraph*  
24 *(12), and by inserting after paragraph (10) the fol-*  
25 *lowing:*

1           “(11) ‘former domestic partner’ means a domes-  
2       tic partner—

3           “(A) whose domestic partnership with an  
4       employee, former employee, or annuitant has ter-  
5       minated,

6           “(B) who has not entered into another do-  
7       mestic partnership before age 55 after the domes-  
8       tic partnership to the employee, former employee,  
9       or annuitant was terminated,

10          “(C) who was enrolled in an approved  
11       health benefits plan under this chapter as a fam-  
12       ily member at any time during the 18-month pe-  
13       riod before the date of the termination of the do-  
14       mestic partnership to the employee, former em-  
15       ployee, or annuitant, and

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

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

1           “(iii) who is otherwise entitled to an annu-  
2           ity or any portion of an annuity as a former do-  
3           mestic partner under a retirement system for  
4           Government employees,  
5           except that such term shall not include any such  
6           former domestic partner, who has not entered into an-  
7           other domestic partnership, of a former employee  
8           whose domestic partnership was terminated after the  
9           former employee’s separation from the service (other  
10          than by retirement); and”;

11           (4) by adding after paragraph (12) (as so redes-  
12          ignated by paragraph (3)), as a flush left sentence,  
13          the following:

14          “*For purposes of paragraph (5), in the case of an employee*  
15          *or annuitant whose domestic partner has a child by a pre-*  
16          *vious marriage, domestic partnership (as defined under reg-*  
17          *ulations of the Office of Personnel Management), or other-*  
18          *wise, such child shall, unless adopted by such individual,*  
19          *be treated as a stepchild of such individual.”.*

20          (b) *CONTRACTING AUTHORITY.*—Section 8902 is  
21          amended in subsections (g), (j), and (k)(1), by inserting  
22          “former domestic partner,” after “former spouse,” each  
23          place it appears.

1       (c) *DEBARMENT AND OTHER SANCTIONS.*—Section  
2 8902a(a)(1)(B) is amended by striking “or former spouse”  
3 and inserting “former spouse, or former domestic partner”.

4       (d) *HEALTH BENEFITS PLANS.*—Section 8903(1) is  
5 amended—

6           (1) by inserting “former domestic partners,”  
7 after “former spouses,”; and

8           (2) by inserting “former domestic partner,” after  
9 “former spouse,”.

10       (e) *ELECTION OF COVERAGE.*—Section 8905 is amend-  
11 ed—

12           (1) in subsection (c), by adding at the end the  
13 following:

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

17                   “(A) to former spouses and former domestic  
18 partners; and

19                   “(B) to the children of a marriage that has been  
20 dissolved and the children of a domestic partnership  
21 that has been terminated.”;

22           (2) in subsection (e)—

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

1                   (B) by striking “either spouse,” and insert-  
2                   ing “either spouse or domestic partner,”; and

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

6                   (f) *CONTINUED COVERAGE*.—Section 8905a is amend-  
7                   ed by adding at the end the following:

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

11                  “(1) to former spouses and former domestic part-  
12                  ners; and

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

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

19                  (1) by inserting “or surviving domestic partner”  
20                  after “surviving spouse”; and

21                  (2) by inserting “or a subsequent domestic part-  
22                  nership” after “because of remarriage”.

23                  (h) *REGULATIONS*.—Section 8913(c) is amended—

1           (1) by striking “and former spouses” and insert-  
2           ing “former spouses, and former domestic partners”;  
3           and

4           (2) by striking “annuitant or former spouse”  
5           and inserting “annuitant, former spouse, or former  
6           domestic partner”.

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

11       **SEC. 403. ENHANCED DENTAL BENEFITS.**

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

13               (1) in section 8956(a)—

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

16                       (B) by striking “either spouse,” and insert-  
17                       ing “either spouse or either domestic partner (as  
18                       the case may be),”; and

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

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

1 **SEC. 404. ENHANCED VISION BENEFITS.**

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

3 (1) in section 8986(a)—

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

6 (B) by striking “either spouse,” and insert-  
7 ing “either spouse or either domestic partner (as  
8 the case may be),”; and

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

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

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

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

17 (1) in section 9001(5)—

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







1           (3) *in paragraph (20), by striking the period*  
2           *and inserting a semicolon; and*

3           (4) *by adding after paragraph (20) the fol-*  
4           *lowing:*

5           “(21) ‘domestic partner’ means an individual  
6           *who is in a domestic partnership with another indi-*  
7           *vidual of the same sex, as determined by the Secretary*  
8           *of Labor for purposes of this subchapter pursuant to*  
9           *regulations issued by the Secretary, in consultation*  
10           *with the Director of the Office of Personnel Manage-*  
11           *ment, consistent with the requirements that—*

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

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

16                   “(C) *such individuals—*

17                           “(i) *have a common residence; or*

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

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

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

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

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

12           “(H) both individuals understand that will-  
13 ful falsification of information within the affi-  
14 davit or failure to provide appropriate notifica-  
15 tion of the termination of the domestic partner-  
16 ship may lead to the recovery of the amounts ob-  
17 tained as a result of such falsification or failure  
18 (as the case may be), criminal or other penalties,  
19 and (in appropriate circumstances) disciplinary  
20 action; and

21           “(22) ‘surviving partner’ means the domestic  
22 partner living with or dependent for support on the  
23 decedent at the time of his or her death, or living  
24 apart for reasonable cause or because of his or her de-  
25 sertion.”.

1 **SEC. 602. DEATH GRATUITY FOR INJURIES INCURRED IN**  
2 **CONNECTION WITH EMPLOYEE'S SERVICE**  
3 **WITH AN ARMED FORCE.**

4 *Section 8102a(d) is amended—*

5 *(1) in paragraph (1)(A), by striking “surviving*  
6 *spouse.” and inserting “surviving spouse (or sur-*  
7 *viving partner).”; and*

8 *(2) in paragraph (2)(C), by inserting “(includ-*  
9 *ing children of a domestic partner)” after “step-*  
10 *children”.*

11 **SEC. 603. BENEFICIARIES OF AWARDS UNPAID AT DEATH;**  
12 **ORDER OF PRECEDENCE.**

13 *Section 8109(a)(D) is amended—*

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

17 *(2) in clause (ii)—*

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

20 *(B) by inserting “(or the surviving part-*  
21 *ner)” after “the widow or widower”; and*

22 *(3) in clause (iii), by striking “no widow or*  
23 *widower,” and inserting “no widow or widower (and*  
24 *no surviving partner).”.*

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

26 *Section 8110(a) is amended—*

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

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

5           (3) *by inserting after paragraph (4) the fol-*  
6 *lowing:*

7           “(5) *a domestic partner, if—*

8                   “(A) *he or she is a member of the same*  
9 *household as the employee;*

10                   “(B) *he or she is receiving regular contribu-*  
11 *tions from the employee for his or her support;*  
12 *or*

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

15 **SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSA-**  
16 **TION.**

17           *Section 8116(c) is amended by striking “spouse,” and*  
18 *inserting “spouse (or domestic partner).”.*

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

20           *Section 8133 is amended—*

21           (1) *in subsection (a)—*

22                   (A) *in paragraphs (1) and (2), by striking*  
23 *“the widow or widower,” and inserting “the*  
24 *widow or widower (or the surviving partner).”;*  
25 *and*

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

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

7           (D) in paragraphs (4) and (5), by inserting  
8           “surviving partner,” after “widow, widower,”  
9           each place it appears; and  
10          (2) in subsection (b)—

11           (A) by amending paragraph (1) to read as  
12          follows:

13           “(1) a widow or widower dies or remarries (or  
14          a surviving partner dies or enters into a subsequent  
15          domestic partnership) before reaching age 55;” and

16           (B) in the last sentence—

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

19           (ii) by inserting “(or more than one  
20          domestic partner)” after “husband or wife”.

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

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

23          “(b) On remarriage (or entry into a subsequent domes-  
24          tic partnership) before reaching age 55 a widow or widower  
25          (or surviving partner) entitled to compensation under sec-

1 *tion 8133 of this title, shall be paid a lump sum equal to*  
2 *twenty-four times the monthly compensation payment (ex-*  
3 *cluding compensation on account of another individual) to*  
4 *which that individual was entitled immediately before the*  
5 *remarriage (or subsequent domestic partnership).”.*

6 **SEC. 608. REGULATIONS.**

7 *(a) IN GENERAL.—The Secretary of Labor may pre-*  
8 *scribe regulations to carry out this title and the amend-*  
9 *ments made by this title.*

10 *(b) CONSULTATION.—The Secretary of Labor shall con-*  
11 *sult with the Director of the Office of Personnel Manage-*  
12 *ment and the heads of any other agencies whose programs*  
13 *are affected by this Act in order to standardize, to the extent*  
14 *possible, the process for establishing the existence of a do-*  
15 *mestic partnership under each such program.*

16 **SEC. 609. EFFECTIVE DATE.**

17 *(a) IN GENERAL.—Subject to succeeding provisions of*  
18 *this section, this title and the amendments made by this*  
19 *title—*

20 *(1) shall take effect on the date of enactment of*  
21 *this Act; and*

22 *(2) shall apply with respect to any injury or*  
23 *death occurring before, on, or after such date of enact-*  
24 *ment.*

1           (b) *TIMELY CLAIM REQUIRED; LIMITATION ON PAY-*  
2 *MENTS.*—No compensation shall be payable, by virtue of the  
3 *enactment of this title—*

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

8           (2) *with respect to any period commencing before*  
9 *the date of enactment of this Act.*

10          (c) *ALLOWABILITY OF CLAIMS.*—*In the case of an*  
11 *original claim for compensation for a disability or death*  
12 *that occurred before the date of enactment of this Act (and*  
13 *which would not otherwise be payable, but for the enactment*  
14 *of the amendments made by this title)—*

15           (1) *such claim shall not be allowed if, as of such*  
16 *date of enactment, a claim based on such disability*  
17 *or death would no longer be timely (determined in ac-*  
18 *cordance with such section 8122 or 8193 (as applica-*  
19 *ble), before the application of paragraph (2)); and*

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

22           (A) *by applying the provisions of such sec-*  
23 *tion 8122 or 8193 (as applicable); and*

24           (B) *as if the time limitations of such section*  
25 *8122 or 8193 (as applicable) did not begin to*

1           run until the date on which implementing regu-  
2           lations under section 608 become effective.

3           (d) *PAYMENTS FOR PRIOR PERIODS NOT AF-*  
4 *FECTED.*—No recovery shall be made of compensation paid  
5 to any individual whose entitlement to compensation is ter-  
6 minated or reduced as a result of the enactment of this title.

7 **TITLE VII—PROVISIONS RELAT-**  
8 **ING TO EMPLOYMENT OF REL-**  
9 **ATIVES AND OTHER MATTERS**

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

11           Section 3110(a)(3) is amended by inserting “domestic  
12 partner,” after “husband, wife,”.

13 **SEC. 702. SETTLEMENT OF ACCOUNTS.**

14           (a) *DEFINITION.*—Section 5581 is amended—

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

17               (2) in paragraph (2), by striking “by Federal  
18 statute.” at the end and inserting “by Federal statute;  
19 and”; and

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

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

23           (b) *ORDER OF PRECEDENCE.*—Section 5582(b) is  
24 amended by inserting “(or surviving partner)” after  
25 “widow or widower”.

1 **SEC. 703. BENEFITS FOR CAPTIVES.**

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

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

7 *Section 5570 is amended by adding at the end the fol-*  
8 *lowing:*

9 *“(h) Regulations to carry out this section shall include*  
10 *provisions to ensure that, in the administration of this sec-*  
11 *tion, a domestic partner shall be afforded the same status*  
12 *as a spouse.”.*

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

14 *(a) DEFINITION.—Section 6381(6) is amended (in the*  
15 *matter before subparagraph (A)), by inserting “or a biologi-*  
16 *cal, adopted, or foster child of the domestic partner of the*  
17 *employee,” before “who is”.*

18 *(b) LEAVE REQUIREMENT.—Section 6382 is amended*  
19 *in subsections (a)(1)(C) and (e)(2)(A) by striking “spouse,”*  
20 *and inserting “spouse (or domestic partner),”.*

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

1                   **TITLE VIII—ADDITIONAL**  
2                   **PROVISIONS**

3 **SEC. 801. APPLICABILITY.**

4           *This title applies with respect to—*

5                   (1) *benefits in the nature of family, medical, and*  
6           *emergency leave, as provided for under—*

7                           (A) *the Family and Medical Leave Act of*  
8                           *1993 (29 U.S.C. 2601 et seq.), insofar as that*  
9                           *Act applies to the Government Accountability*  
10                           *Office and the Library of Congress;*

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

13                           (C) *section 412 of title 3, United States*  
14                           *Code;*

15                   (2) *travel, transportation, and related payments*  
16           *and benefits, as provided for under—*

17                           (A) *chapter 9 of title I of the Foreign Serv-*  
18                           *ice Act of 1980 (22 U.S.C. 4081 et seq.); or*

19                           (B) *section 1599b of title 10, United States*  
20                           *Code;*

21                   (3) *benefits for members of the commissioned of-*  
22           *ficer corps of the National Oceanic and Atmospheric*  
23           *Administration, as provided for under—*

1           (A) section 261 of the National Oceanic and  
2           Atmospheric Administration Commissioned Offi-  
3           cer Corps Act of 2002 (33 U.S.C. 3071); or

4           (B) any other provisions of title 10, United  
5           States Code (apart from those made applicable  
6           by the provision of law cited in subparagraph  
7           (A)); and

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

11           (A) relate to employees or annuitants (as  
12           those terms are defined by section 2110 of title  
13           5, United States Code); and

14           (B) are necessary to carry out the purposes  
15           of this Act with respect to benefits.

16 **SEC. 802. REGULATIONS.**

17          *The President (or designee) shall prescribe any regula-*  
18          *tions necessary to ensure that the provisions of law identi-*  
19          *fied in or under section 801 are administered in a manner*  
20          *consistent with the purposes of this Act.*

1 **TITLE IX—AMENDMENT TO THE**  
2 **ETHICS IN GOVERNMENT ACT**  
3 **OF 1978**

4 **SEC. 901. AMENDMENT TO THE ETHICS IN GOVERNMENT**  
5 **ACT OF 1978.**

6 *The Ethics in Government Act of 1978 (5 U.S.C. App.)*  
7 *is amended by adding at the end of title I the following:*

8 *“DOMESTIC PARTNERS*

9 *“SEC. 112. (a) An employee, former employee, or an-*  
10 *nuitant and the domestic partner of such employee, former*  
11 *employee, or annuitant (as the case may be) shall be subject*  
12 *to the provisions of law cited in subsection (b) to the same*  
13 *extent and in the same manner as in the case of a married*  
14 *employee, former employee, or annuitant and the spouse of*  
15 *such employee, former employee, or annuitant (as the case*  
16 *may be).*

17 *“(b) The provisions of law cited in this subsection are*  
18 *as follows:*

19 *“(1) The preceding provisions of this title (relat-*  
20 *ing to financial disclosure requirements of Federal*  
21 *personnel) and the provisions of title V (relating to*  
22 *Government-wide limitations on outside earned in-*  
23 *come and employment).*

1           “(2) *Regulations prescribed under section 7301*  
2           *of title 5, United States Code (relating to regulations*  
3           *for the conduct of employees in the executive branch).*

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

6           “(4) *Section 7353 of title 5, United States Code*  
7           *(relating to gifts to Federal employees).*

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

10          “(6) *Section 7342 of title 5, United States Code*  
11          *(relating to receipt and disposition of foreign gifts*  
12          *and decorations).*

13          “(7) *Section 1353 of title 31, United States Code*  
14          *(relating to acceptance of travel and related expenses*  
15          *from non-Federal sources).*

16          “(8) *Sections 4941 and 4946 of the Internal Rev-*  
17          *enue Code of 1986 (relating to taxes on self-dealing*  
18          *and definitions and special rules).*

19          “(9) *Section 455 of title 28, United States Code*  
20          *(relating to disqualification of justice, judge, or mag-*  
21          *istrate judge).*

22          “(c) *For purposes of this section, the term ‘domestic*  
23          *partner’ has the meaning given such term by section 2110*  
24          *of title 5, United States Code.’.*

1                   **TITLE X—REPORTING**  
2                   **REQUIREMENTS**

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

4           *Not later than 6 months after the date of the enactment*  
5 *of this Act, the President shall transmit to the Committee*  
6 *on Oversight and Government Reform of the House of Rep-*  
7 *resentatives and the Committee on Homeland Security and*  
8 *Governmental Affairs of the Senate—*

9                   (1) *a report on the implementation of this Act,*  
10                   *including the amendments made by this Act; and*

11                   (2) *a description of any further measures that*  
12                   *should be taken in order to carry out the purposes of*  
13                   *this Act, including recommendations for any legisla-*  
14                   *tion or administrative action that may be necessary.*

15   **SEC. 1002. GAO REPORT.**

16           *Not later than 2 years after the date of the enactment*  
17 *of this Act, the Government Accountability Office shall*  
18 *transmit to the Committee on Oversight and Government*  
19 *Reform of the House of Representatives and the Committee*  
20 *on Homeland Security and Governmental Affairs of the*  
21 *Senate a report on the effect that this Act and any amend-*  
22 *ments made by this Act have had on premiums or any other*  
23 *periodic charges payable by enrollees under chapter 89 of*  
24 *title 5, United States Code (relating to the Federal employ-*  
25 *ees health benefits program), and the impact of extending*

- 1 *benefits to domestic partners on the employee retention and*
- 2 *recruitment efforts by the Federal government.*



Union Calendar No. 239

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

**H. R. 2517**

[Report No. 111-400, Part I]

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## **A BILL**

To provide certain benefits to domestic partners of  
Federal employees.

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JANUARY 29, 2010

The Committees on House Administration and the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed