

113TH CONGRESS
1ST SESSION

S. 1529

To provide benefits to domestic partners of Federal employees.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2013

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

A BILL

To provide benefits to domestic partners of Federal employees.

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

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

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Domestic Partnership Benefits and Obligations Act of
7 2013”.

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

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

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

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

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

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

TITLE II—CIVIL SERVICE RETIREMENT SYSTEM

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

TITLE III—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Subtitle A—General Provisions

Sec. 301. Definitions.

Subtitle B—Creditable Service

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

Subtitle C—Thrift Savings Plan

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

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

Subtitle D—Survivor Annuities

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

Subtitle E—General Administrative Provisions

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

Subtitle F—Federal Retirement Thrift Investment Management System

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

TITLE IV—INSURANCE BENEFITS

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

TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

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

TITLE VI—COMPENSATION FOR WORK INJURIES

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

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

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

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

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

1 SEC. 2. PURPOSE.

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

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

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

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

16 “CHAPTER 25—FEDERAL EMPLOYEES IN
17 DOMESTIC PARTNERSHIPS

“Sec.

“2501. Definitions.

“2502. Establishment and termination of domestic partnerships.

1 **“§ 2501. Definitions**

2 “In this chapter—

3 “(1) the term ‘annuitant’ means—

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

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

12 “(2) the term ‘covered state’ means a State,
13 foreign country, or political subdivision of a foreign
14 country in which a marriage between 2 individuals
15 of the same sex is recognized under the law of that
16 State, country, or political subdivision;

17 “(3) the term ‘Director’ means the Director of
18 the Office of Personnel Management;

19 “(4) the term ‘domestic partner’ means either
20 of the individuals in a domestic partnership;

21 “(5) the term ‘domestic partnership’ means a
22 relationship between 2 individuals of the same sex,
23 at least 1 of whom is an employee, former employee,
24 or annuitant, that has been established under sec-

1 tion 2502(a) and not terminated under section
2 2502(b);

3 “(6) the term ‘employee’ means—

4 “(A) an employee as defined under section
5 2105, including an employee referred to in sub-
6 section (c) or (e) of that section;

7 “(B) a Member of Congress;

8 “(C) the President;

9 “(D) an individual who is an employee, as
10 defined under section 8331, 8401, 8701, 8901,
11 or 9001; or

12 “(E) any other individual who is employed
13 by the Government and is included within this
14 definition under regulations prescribed by the
15 President or a designee of the President; and

16 “(7) the term ‘State’ means each of the several
17 States, the District of Columbia, the Commonwealth
18 of Puerto Rico, or any other territory or possession
19 of the United States.

20 **“§ 2502. Establishment and termination of domestic**
21 **partnerships**

22 “(a) ESTABLISHMENT OF DOMESTIC PARTNER-
23 SHIP.—

24 “(1) An employee, former employee, or annu-
25 itant and another individual (who may also be an

1 employee, former employee, or annuitant) may es-
2 tablish a domestic partnership as provided in this
3 section for the purposes of the provisions of law to
4 which this chapter applies.

5 “(2) To establish a domestic partnership, the 2
6 individuals referred to in paragraph (1) shall jointly
7 execute, and the employee, former employee, or an-
8 nuitant shall file, an affidavit in such form and filed
9 in such manner as the Director shall by regulation
10 prescribe.

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

14 “(A)(i) The individuals are of the same
15 sex; and

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

18 “(B)(i) The individuals are in a committed
19 domestic-partnership relationship with each
20 other satisfying the conditions in clauses (ii),
21 (iii), and (iv) and intend to remain so indefi-
22 nitely.

23 “(ii) The individuals have a common resi-
24 dence and intend to continue to do so (or would
25 have a common residence, but are prevented

1 from doing so because of an assignment abroad
2 or other employment-related factors, financial
3 considerations, family responsibilities, or other
4 similar reason (which shall be specifically iden-
5 tified in the affidavit)).

6 “(iii) The individuals share responsibility
7 for a significant measure of each other’s welfare
8 and financial obligations.

9 “(iv) Neither individual is married to or in
10 a domestic partnership with anyone except each
11 other.

12 “(C) Each individual is at least 18 years
13 of age and mentally competent to consent to a
14 contract.

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

21 “(E) Neither individual reside in a covered
22 state.

23 “(F) Each of the individuals understands
24 that—

1 “(i) as a domestic partner, each indi-
2 vidual not only gains certain benefits, but
3 also assumes certain obligations, as set
4 forth in the provision of law to which this
5 chapter applies, the violation of which may
6 lead to disciplinary action against an em-
7 ployee and to criminal and other penalties;

8 “(ii) either or both of the domestic
9 partners are required to file notification
10 under subsection (b)(2) terminating the
11 domestic partnership within 30 days after
12 any condition under clause (ii), (iii), or (iv)
13 of subparagraph (B) ceases to be satisfied,
14 or the condition under subparagraph (E)
15 ceases to be satisfied for not less than 6
16 months, and, if 1 domestic partner dies,
17 the other is required to file a notification
18 under subsection (b)(3) within 30 days
19 after the death; and

20 “(iii) willful falsification of informa-
21 tion in the affidavit, or willful failure to
22 file notification as required under sub-
23 section (b)(2) or (3), may lead to recovery
24 of amounts obtained as a result of such
25 falsification or failure, disciplinary action

1 against an employee, and criminal or other
2 penalties.

3 “(b) TERMINATION OF DOMESTIC PARTNERSHIP.—

4 “(1) A domestic partnership is terminated
5 upon—

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

7 “(B) the filing of a notification under
8 paragraph (2) by either or both domestic part-
9 ners; or

10 “(C) the satisfaction of such other condi-
11 tions as the Director may by regulation pre-
12 scribe.

13 “(2)(A) If any condition referred to under
14 clause (ii), (iii), or (iv) of subsection (a)(3)(B)
15 ceases to be satisfied, or if the condition referred to
16 under subsection (a)(3)(E) has ceased to exist for
17 not less than 6 months, either or both of the domes-
18 tic partners shall, within 30 days after the condition
19 ceases to be satisfied, execute and file a notification,
20 in such form and in such manner as prescribed by
21 the Director in regulation, stating that the condition
22 is no longer satisfied and that the domestic partner-
23 ship is terminated.

24 “(B) Each domestic partner has a duty that the
25 notification under subparagraph (A) be timely filed,

1 but the duty of 1 domestic partner shall be satisfied
2 if the other domestic partner timely executes and
3 files the required notification.

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

8 “(3) When one domestic partner dies, the other
9 domestic partner shall, within 30 days after the
10 death, execute and file a notification of the death, in
11 such form and in such manner as prescribed by the
12 Director in regulation.

13 “(c) EFFECTIVENESS OF THE FILING OF AN AFFI-
14 DAVIT.—

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

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

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

1 “(B) after the earlier of—

2 “(i) the date of the death of either in-
3 dividual; or

4 “(ii) the date as of which the domestic
5 partnership is otherwise terminated, as de-
6 termined under regulations prescribed by
7 the Director.

8 “(d) ADDITIONAL NOTIFICATIONS TO GOVERNMENT
9 EMPLOYER.—A domestic partner employed by an entity
10 of the United States shall provide such notifications to the
11 employing entity of the formation, existence, or termi-
12 nation of the domestic partnership, in addition to the fil-
13 ings required under subsections (a) and (b), as may be
14 required, and in such form and in such manner as pre-
15 scribed, by the Director in regulation.

16 “(e) APPLICABILITY.—

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

19 “(2) Two individuals determined under section
20 8101(21) or 8171(e)(1)(A) to be domestic partners
21 for purposes of chapter 81 shall be deemed to be do-
22 mestic partners in a domestic partnership, as de-
23 fined under section 2501, for purposes of any provi-
24 sion of law to which that definition applies.

1 “(3) Under regulations prescribed by the Presi-
2 dent, the Secretary of Labor shall inform the Direc-
3 tor of any individuals determined under section
4 8101(21) or 8171(e)(1)(A) to be domestic partners.

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

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

 “25. Federal Employees in Domestic Partnerships 2501”.

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

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

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

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

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

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

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

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

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

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

18 (2) updated as necessary.

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

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

24 (a) DEFINITIONS.—In this section—

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

4 (2) the term “covered state” means a State,
5 foreign country, or political subdivision of a foreign
6 country in which a marriage between 2 individuals
7 of the same sex is recognized under the law of that
8 State, country, or political subdivision;

9 (3) the term “domestic partner” means either
10 of the individuals in a domestic partnership;

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

13 (A) who are of the same sex;

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

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

19 (ii) who have a common residence and in-
20 tend to continue to do so (or would have a com-
21 mon residence, but are prevented from doing so
22 because of such reasons as an assignment
23 abroad or other employment-related factors, fi-
24 nancial considerations, family responsibilities,
25 or other such reasons);

1 (iii) who share responsibility for a signifi-
2 cant measure of each other's welfare and finan-
3 cial obligations; and

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

7 (D) each of whom are at least 18 years of
8 age and mentally competent to consent to a
9 contract;

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

16 (F) neither of whom reside in a covered
17 state;

18 (5) the term "employee" means—

19 (A) an employee as defined under section
20 2501 of title 5, United States Code, as added
21 by section 101 of this Act;

22 (B) a member of the commissioned corps
23 of the Public Health Service or of the commis-
24 sioned corps of the National Oceanic and At-
25 mospheric Administration; or

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

9 (6) the term “obligation” includes any duty,
10 disability, or liability, whether substantive, proce-
11 dural, remedial, or otherwise; and

12 (7) the term “State” means each of the several
13 States, the District of Columbia, the Commonwealth
14 of Puerto Rico, or any other territory or possession
15 of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **SEC. 201. DEFINITIONS.**

14 Section 8331 is amended—

15 (1) in paragraph (23), by striking subpara-
16 graph (B) and inserting the following:

17 “(B) if the former spouse—

18 “(i) was married to the individual for
19 not less than 9 months; or

20 “(ii) was in a domestic partnership
21 with the individual immediately before a
22 marriage to such individual, and the com-
23 bined duration of the domestic partnership
24 and marriage was not less than 9
25 months;”;

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

3 (3) in paragraph (31), by striking the period
4 and inserting a semicolon; and

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

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

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

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

14 “(B) if the former domestic partner—

15 “(i) was in a domestic partnership
16 with the individual for not less than 9
17 months; or

18 “(ii) was married to the individual im-
19 mediately before entering into a domestic
20 partnership with such individual, and the
21 combined duration of the marriage and do-
22 mestic partnership was not less than 9
23 months.”.

24 **SEC. 202. CREDITABLE SERVICE.**

25 Section 8332 is amended—

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

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

7 **SEC. 203. COMPUTATION OF ANNUITY.**

8 Section 8339 is amended—

9 (1) in subsection (j)—

10 (A) in paragraph (1)—

11 (i) by inserting “(or domestic part-
12 ner)” after “the spouse” each place it ap-
13 pears;

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

16 (iii) by inserting “(or domestic part-
17 ner’s)” after “the spouse’s” each place it
18 appears;

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

22 (C) in paragraph (3)—

23 (i) in the first sentence—

1 (I) by inserting “(or former do-
2 mestic partner)” after “former
3 spouse” each place it appears; and

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

7 (ii) in the second sentence—

8 (I) by inserting “(or the domestic
9 partnership of the former domestic
10 partner with)” after “the marriage of
11 the former spouse to”; and

12 (II) by striking “is dissolved,”
13 and inserting “is dissolved (or termi-
14 nated),”;

15 (iii) in the sixth sentence, by striking
16 “former spouse.” and inserting “former
17 spouse (or former domestic partner).”;

18 (iv) in subparagraph (B)—

19 (I) by striking “is then married,”
20 and inserting “is then married (or is
21 then in a domestic partnership),”; and

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

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

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

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

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

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

5 “(ii) after the dissolution of the marriage of the
6 spouse (or the termination of the domestic partner-
7 ship of the domestic partner) to the employee or
8 Member,

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

13 “(B) Any reduction in an annuity for the purpose of
14 providing a survivor annuity for a former spouse (or a
15 former domestic partner) of a retired employee or Member
16 shall be terminated for each full month after the former
17 spouse remarries (or enters into a domestic partnership)
18 (or the former domestic partner enters into a subsequent
19 domestic partnership or marries) before reaching age 55
20 or dies. This reduction shall be replaced by an appropriate
21 reduction or reductions under paragraph (4) if the retired
22 employee or Member has (i) another former spouse (or an-
23 other former domestic partner) who is entitled to a sur-
24 vivor annuity under section 8341(h), (ii) a current spouse
25 to whom the employee or Member was married (or a cur-

1 rent domestic partner with whom the employee or Member
2 was in a domestic partnership) at the time of retirement
3 and with respect to whom a survivor annuity was not
4 jointly waived under paragraph (1), or (iii) a current
5 spouse whom the employee or Member married (or a cur-
6 rent domestic partner with whom the employee or Member
7 entered into domestic partnership) after retirement and
8 with respect to whom an election has been made under
9 subparagraph (C) or subsection (k)(2).

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

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

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

23 “(aa) the death of or entry into a subse-
24 quent marriage (or domestic partnership) by
25 any former spouse (or former domestic partner)

1 of such employee or Member who was entitled
2 to a survivor annuity under section 8341(h); or

3 “(bb) if there was more than 1 surviving
4 former spouse (or surviving former domestic
5 partner), the death of or entry into a subse-
6 quent marriage (or domestic partnership) by
7 the last such surviving former spouse (or sur-
8 viving former domestic partner),

9 a reduction in the employee’s or Member’s annuity
10 under paragraph (4) for the purpose of providing an
11 annuity for such employee’s or Member’s spouse (or
12 domestic partner) in the event such spouse (or do-
13 mestic partner) survives the employee or Member.

14 “(ii) Such election and reduction shall be effective the
15 first day of the second month after the election is received
16 by the Office, but not less than 9 months after the date
17 of the subsequent marriage (or entry into the subsequent
18 domestic partnership), and the retired employee or Mem-
19 ber shall deposit in the Fund an amount determined by
20 the Office of Personnel Management, as nearly as may
21 be administratively feasible, to reflect the amount by
22 which the annuity of such retired employee or Member
23 would have been reduced if the election had been in effect
24 since the date of retirement or, if later, the date the pre-
25 vious reduction in such retired employee’s or Member’s an-

1 nuity was terminated under subparagraph (A) or (B), plus
2 interest. For the purposes of the preceding sentence, the
3 annual rate of interest for each year during which an an-
4 nuity would have been reduced if the election had been
5 in effect on and after the applicable date referred to in
6 such sentence shall be 6 percent.

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

24 “(iv) Notwithstanding any other provision of this sub-
25 paragraph, an election under this subparagraph may not

1 be made for the purpose of providing an annuity in the
2 case of a spouse by remarriage (or a domestic partner by
3 a subsequent domestic partnership) if such spouse was
4 married to (or if such domestic partner was in a domestic
5 partnership with) the employee or Member at the time of
6 such employee's or Member's retirement, and all rights to
7 survivor benefits for such spouse (or domestic partner)
8 under this subchapter based on marriage (or domestic
9 partnership) to such employee or Member were then
10 waived under paragraph (1) or a similar prior provision
11 of law.

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

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

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

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

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

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

6 (2) in subsection (k)—

7 (A) in paragraph (1)—

8 (i) by striking “a married employee or
9 Member” and inserting “an employee or
10 Member who is married (or in a domestic
11 partnership)”; and

12 (ii) by inserting “(or domestic part-
13 ner)” after “spouse” each place it appears;
14 and

15 (B) in paragraph (2)—

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

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

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

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

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

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

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

18 (ii) in subparagraph (B)(i) (in the
19 matter before subclause (I)), by striking
20 “marriage.” and inserting “marriage (or
21 entry into a domestic partnership).”;

22 (iii) in subparagraph (B)(ii), by in-
23 serting “(or in a domestic partnership)”
24 after “married”; and

1 (iv) in subparagraph (C), by striking
2 “marriage.” and inserting “marriage (or
3 domestic partnership).”; and

4 (3) in subsection (o)(1)—

5 (A) in subparagraphs (A)(i) and (B)(i), by
6 striking “is married,” and inserting “is married
7 (or is in a domestic partnership).”; and

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

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

12 Section 8340 is amended—

13 (1) in subsection (a)—

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

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

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

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

22 (2) in subsection (c)(1)—

23 (A) in the matter before subparagraph (A),
24 by striking all after “who retires,” and before
25 “of a deceased annuitant” and inserting “to the

1 widow, widower, or former spouse (or the sur-
 2 viving partner or former domestic partner) of a
 3 deceased employee or Member, or to the widow,
 4 widower, or former spouse (or the surviving
 5 partner or former domestic partner), or insur-
 6 able interest designee”; and

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

13 **SEC. 205. SURVIVOR ANNUITIES.**

14 Section 8341 is amended—

15 (1) in subsection (a)—

16 (A) by striking paragraphs (1) and (2) and
 17 inserting the following:

18 “(1) ‘widow’ means the surviving wife of an em-
 19 ployee or Member who—

20 “(A) was married to such employee or
 21 Member for not less than 9 months immediately
 22 before the death of such employee or Member;

23 “(B) was married to such employee or
 24 Member immediately before the death of such
 25 employee or Member, was in a domestic part-

1 nership with such employee or Member imme-
2 diately before the marriage to such employee or
3 Member, and the combined duration of the do-
4 mestic partnership and marriage was not less
5 than 9 months; or

6 “(C) is the mother of issue by that mar-
7 riage;

8 “(2) ‘widower’ means the surviving husband of
9 an employee or Member who—

10 “(A) was married to the employee or Mem-
11 ber for not less than 9 months immediately be-
12 fore the death of the employee or Member;

13 “(B) was married to such employee or
14 Member immediately before the death of such
15 employee or Member, was in a domestic part-
16 nership with the employee or Member imme-
17 diately before the marriage to such employee or
18 Member, and the combined duration of the do-
19 mestic partnership and marriage was not less
20 than 9 months; or

21 “(C) is the father of issue in that mar-
22 riage;”;

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

1 (C) by inserting after paragraph (2) the
2 following:

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

5 “(A) was in a domestic partnership with
6 such employee or Member for not less than 9
7 months immediately before the death of such
8 employee or Member; or

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

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

18 (i) in subparagraph (A)—

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

23 (II) in clause (ii), by striking
24 “stepchild but only if the stepchild”
25 and inserting “stepchild (or child of

1 the domestic partner not adopted by
2 or otherwise the child of the employee
3 or Member) but only if the stepchild
4 (or the child of the domestic part-
5 ner)”; and

6 (III) in clause (iv), by inserting
7 “(or surviving domestic partner)”
8 after “the surviving spouse”; and

9 (ii) in subparagraphs (B) and (C), by
10 striking “unmarried dependent child” and
11 inserting “dependent child who is unmar-
12 ried (and not in a domestic partnership)”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by striking “widow or widower”
16 each place it appears and inserting “widow
17 or widower (or surviving partner)”;

18 (ii) by striking “remarriage,” and in-
19 sserting “remarriage (or entry into a subse-
20 quent domestic partnership)”;

21 (B) in paragraph (2)—

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

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

3 (C) in paragraph (3)—

4 (i) in the matter before subparagraph
5 (A), by inserting “(or domestic partner)”
6 after “spouse”;

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

10 (iii) in subparagraph (B), by inserting
11 “(or, in the case of a widow or widower,
12 enters into a domestic partnership) (or, in
13 the case of a surviving partner, enters into
14 a subsequent domestic partnership or mar-
15 ries)” after “remarries”; and

16 (D) in paragraph (4)—

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

20 (ii) in subparagraph (B), by inserting
21 “(or former domestic partner)” after
22 “former spouse”;

23 (3) in subsection (d)—

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

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

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

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

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

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

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

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

3 (B) in paragraph (2), by striking “a
4 spouse or a former spouse” each place it ap-
5 pears and inserting “a spouse or former spouse
6 (or a domestic partner or former domestic part-
7 ner)”;

8 (C) in paragraph (3)—

9 (i) in subparagraph (E), by striking
10 “dies or marries;” and inserting “dies or
11 marries (or enters into a domestic partner-
12 ship);”; and

13 (ii) in the matter following subpara-
14 graph (E)—

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

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

23 (D) in paragraph (4), by striking “mar-
24 riage, then, if such marriage” and inserting
25 “marriage, then, if such marriage (or a domes-

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

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

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

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

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

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

5 “(A) the annuity which would otherwise be
6 payable to such surviving spouse (or such sur-
7 viving domestic partner) under this subsection;
8 and

9 “(B) the amount of the survivor annuity
10 payable to any former spouse (or any former
11 domestic partner) of such Member under sub-
12 section (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 a subsequent entry into a marriage
18 (or domestic partnership) before becoming 55 years of
19 age, annuity at the same rate shall be restored com-
20 mencing on the day the remarriage (or subsequent domes-
21 tic partnership) is dissolved by death, annulment, or di-
22 vorce (or terminated), 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
2 Government employees, by reason of the subsequent
3 entry into a marriage (or 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 pro-
14 vided for in an election under section 8339(j)(3), or in
15 the terms of any decree of divorce or annulment or any
16 court order or court-approved property settlement agree-
17 ment incident to such decree.

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

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

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

1 former domestic partner) of the employee, Member,
2 or annuitant, based on an election previously made
3 under section 8339(j)(3), or a court order previously
4 issued.

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

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

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

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

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

25 “(A) shall not commence before—

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

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

9 whichever is later, and

10 “(B) shall terminate—

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

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

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

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

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

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

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

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

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

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

3 “(i) The requirement in subsections (a)(1), (a)(2),
4 and (a)(3) that the surviving spouse (or surviving domes-
5 tic partner) of an employee or Member have been married
6 to (or in a domestic partnership with, or a combination
7 thereof) such employee or Member for not less than 9
8 months immediately before the death of the employee or
9 Member in order to qualify as the widow or widower (or
10 surviving partner) of such employee or Member shall be
11 deemed satisfied in any case in which the employee or
12 Member dies within the applicable 9-month period, if—

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

15 “(2) the surviving spouse (or surviving domestic
16 partner) of such individual had been previously mar-
17 ried to (or in a domestic partnership with) the indi-
18 vidual that was subsequently dissolved (or termi-
19 nated), and the aggregate time married (or in a do-
20 mestic partnership) is not less than 9 months.”; and

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

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

1 nation of a survivor annuity because of a subsequent entry
2 into a marriage (or domestic partnership) before age 55,
3 shall not apply if—

4 “(A) the widow, widower, or former spouse—

5 “(i) was married to the individual on
6 whose service the survivor annuity is based for
7 not less than 30 years; or

8 “(ii) was in a domestic partnership with
9 the individual on whose service the survivor an-
10 nuity is based immediately before marriage to
11 such individual, and the combined duration of
12 the domestic partnership and marriage was not
13 less than 30 years; or

14 “(B) the surviving partner or former domestic
15 partner—

16 “(i) was in a domestic partnership with the
17 individual on whose service the survivor annuity
18 is based for not less than 30 years; or

19 “(ii) was married to the individual on
20 whose service the survivor annuity is based im-
21 mediately before entering into a domestic part-
22 nership with such individual, and the combined
23 duration of the marriage and the domestic part-
24 nership was not less than 30 years.

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

8 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
9 **FICIARY; ORDER OF PRECEDENCE.**

10 Section 8342 is amended—

11 (1) in subsection (c)—

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

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

18 (2) in subsection (j)—

19 (A) in paragraph (1)(A), by inserting “(or
20 the domestic partner, if any)” after “the
21 spouse, if any”;

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

1 (C) by inserting “(or former domestic part-
 2 ner)” after “former spouse” each place it ap-
 3 pears.

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

5 Section 8343a is amended—

6 (1) in subsection (b)(2)—

7 (A) (in the material before subparagraph
 8 (A)), by inserting “(or in a domestic partner-
 9 ship)” after “married”; and

10 (B) in subparagraph (B), by inserting “(or
 11 surviving domestic partner)” after “surviving
 12 spouse”;

13 (2) in subsection (d)—

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

17 (B) in paragraph (2), by striking “former
 18 spouse,” and inserting “former spouse (or
 19 former domestic partner),”; and

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

22 **SEC. 208. ADMINISTRATION; REGULATIONS.**

23 Section 8347(n)(1)(D) is amended by striking “their
 24 spouses, and their former spouses” and inserting “their

1 spouses (and domestic partners), and their former spouses
 2 (and former domestic partners)”.

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

4 Section 8351(b)(5) is amended—

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

8 (2) in subparagraph (B), by striking “a married
 9 employee or Member” and inserting “an employee or
 10 Member who is married (or in a domestic partner-
 11 ship)”;

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

15 **TITLE III—FEDERAL EMPLOY-**
 16 **EES’ RETIREMENT SYSTEM**
 17 **Subtitle A—General Provisions**

18 **SEC. 301. DEFINITIONS.**

19 Section 8401 is amended—

20 (1) in paragraph (12), by striking subpara-
 21 graph (B) and inserting the following:

22 “(B) if the former spouse—

23 “(i) was married to such individual
 24 for not less than 9 months; or

1 “(ii) was in a domestic partnership
2 with the individual immediately before a
3 marriage to such individual, and the com-
4 bined duration of the domestic partnership
5 and marriage was not less than 9
6 months;”;

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

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

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

12 “(38) ‘domestic partner’ and ‘domestic partner-
13 ship’ have the meanings given under section 2501;
14 and

15 “(39) ‘former domestic partner’ means a former
16 domestic partner of an individual—

17 “(A) if such individual performed not less
18 than 18 months of civilian service creditable
19 under section 8411 as an employee or Member;
20 and

21 “(B) if the former domestic partner—

22 “(i) was in a domestic partnership
23 with such individual for not less than 9
24 months; or

1 “(ii) was married to the individual im-
 2 mediately before entering into a domestic
 3 partnership with such individual, and the
 4 combined duration of the marriage and do-
 5 mestic partnership was not less than 9
 6 months.”.

7 **Subtitle B—Creditable Service**

8 **SEC. 311. CREDITABLE SERVICE.**

9 Section 8411 is amended—

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

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

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

17 **SEC. 312. SURVIVOR REDUCTION FOR A CURRENT SPOUSE** 18 **OR A CURRENT DOMESTIC PARTNER.**

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

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

22 (2) in subsection (a)—

23 (A) by inserting “(or in a domestic part-
 24 nership)” after “married” each place it ap-
 25 pears;

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

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

5 (3) by striking subsection (b) and inserting the
6 following:

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

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

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

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

1 “(ii) if there was more than 1 surviving
2 former spouse (or surviving former domestic
3 partner), the death of or entry into a subse-
4 quent marriage (or domestic partnership) by
5 the last such surviving former spouse (or sur-
6 viving former domestic partner),
7 a reduction in the employee’s or Member’s annuity
8 under section 8419(a) for the purpose of providing
9 an annuity for such employee’s or Member’s spouse
10 (or domestic partner) in the event such spouse (or
11 domestic partner) survives the employee or Member.

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

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

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

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

1 such employee or Member at the time of making the
2 election under this subsection.

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

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

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

13 (4) in subsection (c)—

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

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

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

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

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

8 “(ii) if more than 1 surviving former
9 spouse (or surviving former domestic partner),
10 the death of or entry into a subsequent mar-
11 riage (or domestic partnership) by the last such
12 surviving former spouse (or surviving former
13 domestic partner),

14 a reduction in the current annuity of the retired em-
15 ployee or Member, in accordance with section
16 8419(a).”; and

17 (B) in paragraph (2), by striking “mar-
18 riage.” and inserting “marriage (or domestic
19 partnership).”; and

20 (5) in subsection (d)(1)—

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

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

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 The table of sections for chapter 84 of title 5, United
 3 States Code, is amended by striking the item relating to
 4 section 8416 and inserting the following:

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

5 **SEC. 313. SURVIVOR REDUCTION FOR A FORMER SPOUSE**
 6 **OR FORMER DOMESTIC PARTNER.**

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

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

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

13 (3) in subsection (b)—

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

17 (B) by amending paragraph (2) to read as
 18 follows:

19 “(2) An election under this subsection shall be made
 20 at the time of retirement or, if the marriage is dissolved
 21 (or the domestic partnership is terminated) after the date
 22 of retirement, within 2 years after the date on which the
 23 marriage of the former spouse to the employee or Member
 24 is so dissolved (or the domestic partnership of the former

1 domestic partner with the employee or Member is so ter-
 2 minated).”; and

3 (C) in paragraph (3)—

4 (i) in subparagraph (A)(ii), by insert-
 5 ing “(or a surviving partner)” after “a
 6 widow or widower”; and

7 (ii) by amending subparagraph (B) to
 8 read as follows:

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

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

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

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

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

18 Section 8418(b) is amended—

19 (1) by inserting “(or domestic partnership)”
 20 after “marriage”; and

21 (2) by striking “former spouse.” inserting
 22 “former spouse (or former domestic partner).”.

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

24 Section 8419 is amended—

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

3 (2) by amending subsection (b) to read as fol-
4 lows:

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

9 “(A) after the death of the spouse (or domestic
10 partner); or

11 “(B) after the dissolution of the spouse’s mar-
12 riage to (or the termination of the domestic part-
13 ner’s domestic partnership with) the employee or
14 Member, except that an appropriate reduction shall
15 be made thereafter if the spouse (or domestic part-
16 ner) is entitled, as a former spouse (or former do-
17 mestic partner), to a survivor annuity under section
18 8445.

19 “(2) Any reduction in an annuity for the purpose of
20 providing a survivor annuity for a former spouse (or
21 former domestic partner) of a retired employee or Member
22 shall be terminated for each full month after the former
23 spouse remarries (or enters into a domestic partnership)
24 (or the former domestic partner enters into a subsequent
25 domestic partnership or marries) before reaching age 55

1 or dies. This reduction shall be replaced by appropriate
 2 reductions under subsection (a) if the retired employee or
 3 Member has—

4 “(A) another former spouse (or former domestic
 5 partner) who is entitled to a survivor annuity under
 6 section 8445;

7 “(B) a current spouse to whom the employee or
 8 Member was married (or a current domestic partner
 9 with whom the employee or Member was in a domes-
 10 tic partnership) at the time of retirement and with
 11 respect to whom a survivor annuity was not waived
 12 under section 8416(a) or, if waived, with respect to
 13 whom an election under section 8416(d) has been
 14 made; or

15 “(C) a current spouse whom the employee or
 16 Member married (or current domestic partner with
 17 whom the employee or Member entered into a do-
 18 mestic partnership) after retirement and with re-
 19 spect to whom an election has been made under sub-
 20 section (b) or (c) of section 8416.”.

21 **SEC. 316. INSURABLE INTEREST REDUCTIONS.**

22 Section 8420 is amended—

23 (1) in subsection (b)(1)—

24 (A) by striking “married employee or
 25 Member” and inserting “employee or Member

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

3 (B) by inserting “(or domestic partner)”
4 after “spouse” each place it appears; and
5 (2) in subsection (b)(2), by inserting “(or
6 former domestic partner)” after “former spouse”.

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

8 Section 8420a is amended—

9 (1) in subsection (b)(2)—

10 (A) in the matter before subparagraph (A),
11 by inserting “(or in a domestic partnership)”
12 after “married”; and

13 (B) in subparagraph (B), by striking “sur-
14 viving spouse.” inserting “surviving spouse (or
15 surviving domestic partner).”;

16 (2) in subsection (d)—

17 (A) in paragraph (1), by striking “mar-
18 ried,” inserting “married (or in a domestic
19 partnership),” and

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

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

1 **SEC. 318. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
2 **FICIARY; ORDER OF PRECEDENCE.**

3 Section 8424 is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (A), by striking
7 “the spouse, if any, and any former
8 spouse” and inserting “any spouse or
9 former spouse (and any domestic partner
10 or former domestic partner)”; and

11 (ii) in subparagraph (B), by striking
12 “spouse or former spouse” each place it
13 appears and inserting “spouse or former
14 spouse (or domestic partner or former do-
15 mestic partner)”; and

16 (B) in paragraph (2), by striking “spouse
17 or former spouse” each place it appears and in-
18 serting “spouse or former spouse (or domestic
19 partner or former domestic partner)”; and

20 (2) in subsection (d)—

21 (A) by striking “widow or widower” and
22 inserting “widow or widower (or surviving part-
23 ner)”; and

24 (B) by striking “stepchild.” and inserting
25 “stepchild (or a child of a domestic partner

1 which child is not adopted by or otherwise a
2 child of the employee or Member).”.

3 **Subtitle C—Thrift Savings Plan**

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

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

7 “(2) Notwithstanding section 8424(d), if an
8 employee, Member, former employee, or former
9 Member dies and has designated as sole or partial
10 beneficiary his or her spouse (or domestic partner)
11 at the time of death, or, if an employee, Member,
12 former employee, or former Member, dies with no
13 designated beneficiary and is survived by a spouse
14 (or domestic partner), the spouse (or domestic part-
15 ner) may maintain the portion of the employee’s or
16 Member’s account to which the spouse (or domestic
17 partner) is entitled in accordance with the following
18 terms:

19 “(A) Subject to the limitations of subpara-
20 graph (B), the spouse (or domestic partner)
21 shall have the same withdrawal options under
22 subsection (b) as the employee or Member were
23 the employee or Member living.

1 “(B) The spouse (or domestic partner)
2 may not make withdrawals under subsection (g)
3 or (h).

4 “(C) The spouse (or domestic partner)
5 may not make contributions or transfers to the
6 account.

7 “(D) The account shall be disbursed upon
8 the death of the surviving spouse (or surviving
9 domestic partner). A beneficiary or surviving
10 spouse (or surviving domestic partner) of a de-
11 ceased spouse (or domestic partner) who has in-
12 herited an account is ineligible to maintain the
13 inherited spousal account.”.

14 **SEC. 322. ANNUITIES: METHODS OF PAYMENT; ELECTION;**
15 **PURCHASE.**

16 Section 8434(a)(2) is amended—

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

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

21 **SEC. 323. PROTECTIONS FOR SPOUSES, DOMESTIC PART-**
22 **NERS, FORMER SPOUSES, AND FORMER DO-**
23 **MESTIC PARTNERS.**

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

1 (1) in the section heading, by inserting “**(and**
2 **domestic partners and former domestic**
3 **partners)**” after “**spouses and former**
4 **spouses**”;

5 (2) in subsection (a)—

6 (A) in paragraph (1)—

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

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

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

20 (3) in subsection (b)—

21 (A) in paragraph (1)—

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

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

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

5 (4) in subsection (d)—

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

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

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

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

18 (5) in subsection (e)(1)—

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

21 “(e)(1)(A) A loan or withdrawal under subsection (g)
22 or (h) of section 8433 may be made to an employee or
23 Member who is married (or in a domestic partnership)
24 only if the employee’s or Member’s spouse (or domestic

1 partner) consents to such loan or withdrawal in writing.”;
 2 and

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

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

9 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
 10 The table of sections for chapter 84 is amended by strik-
 11 ing the item relating to section 8435 and inserting the
 12 following:

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

13 **SEC. 324. JUSTICES AND JUDGES.**

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

16 **Subtitle D—Survivor Annuities**

17 **SEC. 331. DEFINITIONS.**

18 Section 8441 is amended—

19 (1) by striking paragraphs (1) and (2) and in-
 20 serting the following:

21 “(1) ‘widow’ means the surviving wife of an em-
 22 ployee or Member who—

1 “(A) was married to such employee or
2 Member for not less than 9 months immediately
3 before the death of such employee or Member;

4 “(B) was married to such employee or
5 Member immediately before the death of such
6 employee or Member, was in a domestic part-
7 nership with such employee or Member imme-
8 diately before the marriage to such employee or
9 Member, and the combined duration of the do-
10 mestic partnership and marriage was not less
11 than 9 months; or

12 “(C) is the mother of issue by that mar-
13 riage;

14 “(2) ‘widower’ means the surviving husband of
15 an employee or Member who—

16 “(A) was married to the employee or Mem-
17 ber for not less than 9 months immediately be-
18 fore the death of the employee or Member;

19 “(B) was married to such employee or
20 Member immediately before the death of such
21 employee or Member, was in a domestic part-
22 nership with the employee or Member imme-
23 diately before the marriage to such employee or
24 Member, and the combined duration of the do-

1 mestic partnership and marriage was not less
2 than 9 months; or

3 “(C) is the father of issue in that mar-
4 riage;”;

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

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

12 “(A) was in a domestic partnership with
13 such employee, Member, or annuitant, or
14 former employee or Member, for not less than
15 9 months immediately before the death of such
16 employee, Member, or annuitant, or former em-
17 ployee or Member; or

18 “(B) satisfies such other requirements,
19 based on parenthood and the domestic partner-
20 ship, as the Director of the Office of Personnel
21 Management shall by regulation prescribe based
22 on the definition of a widow or widower under
23 paragraphs (1)(B) and (2)(B) of this section;
24 and”;

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

3 (A) in subparagraph (A)—

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

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

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

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

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

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

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

4 (2) in subsection (a)—

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

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

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

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

14 (4) in subsection (c)—

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

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

24 (5) in subsection (d)—

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

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

9 (C) in paragraph (2)—

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

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

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

23 (D) in paragraph (3)—

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

4 (ii) by inserting “(or in a domestic
5 partnership for not less than 30 years
6 with)” after “married for at least 30 years
7 to”;

8 (6) in subsection (e)—

9 (A) in the matter preceding paragraph
10 (1)—

11 (i) by striking “paragraphs (1)(A)
12 and (2)(A)” and inserting “paragraphs
13 (1), (2), and (3)”;

14 (ii) by inserting “(or surviving part-
15 ner)” after “widow or widower” each place
16 it appears; and

17 (iii) by inserting “(or in a domestic
18 partnership with)” after “been married
19 to”; and

20 (B) by amending paragraph (2) to read as
21 follows:

22 “(2) the surviving spouse of such individual had
23 been previously married to such individual and sub-
24 sequently divorced (or the surviving partner of such
25 individual had been previously in a domestic partner-

1 ship with such individual which domestic partnership
 2 was subsequently terminated), and the time married
 3 (or in a domestic partnership, or combination there-
 4 of) is not less than 9 months.”;

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

8 (8) in subsection (h)—

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

12 (B) by inserting “(or former domestic
 13 partner)” after “former spouse” each place it
 14 appears.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—

16 The table of sections for chapter 84 is amended by strik-
 17 ing the item relating to section 8442 and inserting the
 18 following:

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

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

20 Section 8443(b) is amended by striking subparagraph
 21 (E) and the matter following that subparagraph and in-
 22 serting the following:

23 “(E) dies or marries (or enters into a do-
 24 mestic partnership);

1 whichever occurs first. On the death of the surviving
 2 wife or husband (or surviving domestic partner), or
 3 former wife or husband (or former domestic part-
 4 ner), or termination of the annuity of a child, the
 5 annuity of any other child or children shall be re-
 6 computed and paid as though the wife or husband
 7 (or domestic partner), former wife or husband (or
 8 former domestic partner), or child had not survived
 9 the annuitant, employee, or Member. If the annuity
 10 of a child under this subchapter terminates under
 11 subparagraph (E) because of marriage (or domestic
 12 partnership), then, if such marriage (or domestic
 13 partnership) ends, such annuity shall resume on the
 14 first day of the month in which it ends, but only if
 15 any lump sum paid is returned to the Fund, and
 16 that individual is not otherwise ineligible for such
 17 annuity.”.

18 **SEC. 334. RIGHTS OF A FORMER SPOUSE OR FORMER DO-**
 19 **MESTIC PARTNER.**

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

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

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

1 (3) in subsection (b)—

2 (A) by inserting “(or former domestic part-
3 ner)” after “former spouse” each place it ap-
4 pears; and

5 (B) by inserting “(or surviving partner)”
6 after “widow or widower”;

7 (4) in subsection (c)(2), by inserting “(or enters
8 into a domestic partnership) (or the former domestic
9 partner enters into a subsequent domestic partner-
10 ship or marries)” after “remarries”;

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

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

16 “(h)(1) Subsection (c)(2), to the extent that it pro-
17 vides for termination of a survivor annuity because of a
18 subsequent entry into a marriage (or domestic partner-
19 ship) before age 55, shall not apply if—

20 “(A) the former spouse—

21 “(i) was married to the individual on
22 whose service the survivor annuity is based for
23 not less than 30 years; or

24 “(ii) was in a domestic partnership with
25 the individual on whose service the survivor an-

1 nuity is based immediately before marriage to
2 such individual, and the combined duration of
3 the domestic partnership and marriage was not
4 less than 30 years; or

5 “(B) the former domestic partner—

6 “(i) was in a domestic partnership with the
7 individual on whose service the survivor annuity
8 is based for not less than 30 years; or

9 “(ii) was married the individual on whose
10 service the survivor annuity is based imme-
11 diately before entering into a domestic partner-
12 ship with such individual, and the combined du-
13 ration of the marriage and the domestic part-
14 nership was not less than 30 years.

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

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

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

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

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

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

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

11 Section 8462(c) is amended—

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

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

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

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

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

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

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

12 **TITLE IV—INSURANCE BENEFITS**

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

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

15 (1) in section 8701(d)—

16 (A) in paragraph (1)—

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

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

19 and

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

21 “stepchild or foster child (but only if the

22 stepchild” and inserting “stepchild (or

23 child of the domestic partner of the indi-

24 vidual not adopted by or otherwise the

25 child of the individual) or foster child (but

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

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

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

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

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

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

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

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

19 (1) in paragraph (5)—

20 (A) in the matter before subparagraph

21 (A)—

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

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

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

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

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

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

15 (3) in paragraph (10)—

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

19 (B) by striking “and” at the end;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) in subsection (e)—

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

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

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

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

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

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

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

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

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

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

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

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

3 (j) CONTRACT REQUIREMENTS; FEDERAL COURT
4 JURISDICTION.—

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

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

9 (i) by inserting “(1)” after “(j)”; and

10 (ii) by adding at the end the fol-
11 lowing:

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

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

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

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

6 **“§ 8912. Jurisdiction of courts**

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

13 (k) EFFECTIVE DATE.—

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

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

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

1 (B) apply with respect to any civil action
2 or claim pending or filed on or after the date
3 of enactment of this Act that relates to any in-
4 jury or illness occurring before, on, or after the
5 date of enactment of this Act.

6 **SEC. 403. ENHANCED DENTAL BENEFITS.**

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

8 (1) in section 8956(a)—

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

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

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

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

21 **SEC. 404. ENHANCED VISION BENEFITS.**

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

23 (1) in section 8986(a)—

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

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

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

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

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

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

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

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

19 “(ii) a child (including an adopted child, a
20 stepchild, or, to the extent the Office of Per-
21 sonnel Management by regulation provides, a
22 foster child) of a domestic partner referred to
23 in clause (i), if such child is not less than 18
24 years of age; and

1 ployee and spouse (or domestic partner), as the case
2 may be”.

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

7 **SEC. 502. DEFINITION.**

8 Section 5721 is amended—

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

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

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

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

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

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

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

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

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

5 (1) by striking “(if filing jointly),” and insert-
6 ing “(if filing jointly) (or by an employee and the
7 employee’s domestic partner, if joint filing by them
8 is allowed and if they file jointly),”; and

9 (2) by striking “employee and spouse, as the
10 case may be,” and inserting “employee and spouse
11 (or domestic partner), as the case may be”.

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

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

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

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

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

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

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

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

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

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

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

“5762. Regulations to include domestic partners.”.

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

22 **SEC. 601. DEFINITIONS.**

23 Section 8101 is amended—

24 (1) by striking paragraph (6) and inserting the
 25 following:

1 “(6) ‘widow’ means the wife living with or de-
2 pendent for support on the decedent at the time of
3 the death of the decedent, or living apart for reason-
4 able cause or because of desertion by the decedent;”;

5 (2) in paragraph (8), by striking “married
6 brothers or married sisters;” and inserting “any
7 brother or sister who is married (or is in a domestic
8 partnership);”;

9 (3) in paragraph (9)—

10 (A) by inserting “(or children of the em-
11 ployee’s domestic partner not adopted by or
12 otherwise the children of the employee)” after
13 “stepchildren”; and

14 (B) by striking “married children” and in-
15 serting “any child who is married (or in a do-
16 mestic partnership)”;

17 (4) by striking paragraph (11) and inserting
18 the following:

19 “(11) ‘widower’ means the husband living with
20 or dependent for support on the decedent at the
21 time of the death of the decedent, or living apart for
22 reasonable cause or because of desertion by the dece-
23 dent;”;

24 (5) in paragraph (18), by striking “and” at the
25 end;

1 (6) in paragraph (19), by striking “and” at the
2 end;

3 (7) in paragraph (20), by striking the period
4 and inserting a semicolon; and

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

6 “(21) the term ‘covered state’ means a State,
7 foreign country, or political subdivision of a foreign
8 country in which a marriage between 2 individuals
9 of the same sex is recognized under the law of that
10 State, country, or political subdivision; and

11 “(22) ‘domestic partner’ means an individual
12 who is in a domestic partnership with another indi-
13 vidual, as determined by the Secretary of Labor for
14 purposes of this subchapter under regulations issued
15 by the Secretary, in consultation with the Director
16 of the Office of Personnel Management—

17 “(A) who are of the same sex;

18 “(B) not less than 1 of whom is an em-
19 ployee or an individual otherwise eligible for
20 coverage under this subchapter (or any applica-
21 tion or extension thereof) based on such individ-
22 ual’s employment or other service;

23 “(C)(i) who are in a committed domestic-
24 partnership relationship with each other satis-

1 fying the conditions in clauses (ii), (iii), and (iv)
2 and intend to remain so indefinitely;

3 “(ii) who have a common residence and in-
4 tend to continue to do so (or would have a com-
5 mon residence, but are prevented from doing so
6 because of such reasons as an assignment
7 abroad or other employment-related factors, fi-
8 nancial considerations, family responsibilities or
9 other such reasons);

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

13 “(iv) neither of whom is married to or in
14 a domestic partnership with anyone except each
15 other;

16 “(D) who are not less than 18 years of age
17 and mentally competent to consent to a con-
18 tract;

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

1 “(F) on the date on which the employee is
 2 injured or dies, or, for purposes of section
 3 8110, the date on which the augmented com-
 4 pensation is to be provided, neither of whom
 5 has resided in a covered state for more than 6
 6 months;

7 “(23) the term ‘State’ means each of the sev-
 8 eral States, the District of Columbia, the Common-
 9 wealth of Puerto Rico, or any other territory or pos-
 10 session of the United States; and

11 “(24) ‘surviving partner’ means the domestic
 12 partner in a domestic partnership with the decedent
 13 at the time of his or her death.”.

14 **SEC. 602. DEATH GRATUITY FOR INJURIES INCURRED IN**
 15 **CONNECTION WITH EMPLOYEE’S SERVICE**
 16 **WITH AN ARMED FORCE.**

17 Section 8102a(d) is amended—

18 (1) in paragraph (1)(A), by striking “surviving
 19 spouse.” and inserting “surviving spouse (or sur-
 20 viving partner).”;

21 (2) in paragraph (2)(C), by inserting “(or chil-
 22 dren of the employee’s domestic partner not adopted
 23 by or otherwise the children of the employee)” after
 24 “stepchildren”; and

1 (3) by striking paragraph (6) and inserting the
2 following:

3 “(6) If a person covered by this section has a
4 spouse (or a domestic partner), but designates a per-
5 son other than the spouse (or domestic partner) to
6 receive all or a portion of the amount payable under
7 this section, the head of the agency, or other entity,
8 in which that person is employed shall provide notice
9 of the designation to the spouse (or the domestic
10 partner).”.

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

12 **ORDER OF PRECEDENCE.**

13 Section 8109(a)(3)(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 wid-
23 ower,” and inserting “no widow or widower (and no
24 surviving partner),”.

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

2 Section 8110(a) is amended—

3 (1) in paragraph (3)—

4 (A) by striking “an unmarried child” and
5 inserting “a child who is unmarried (and not in
6 a domestic partnership)”; and

7 (B) by striking “and” at the end;

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

10 (3) by inserting after paragraph (4) the fol-
11 lowing:

12 “(5) a domestic partner, if—

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

15 “(B) he or she is receiving regular con-
16 tributions from the employee for his or her sup-
17 port; or

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

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

23 **SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSA-**
24 **TION.**

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

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

2 Section 8133 is amended—

3 (1) in subsection (a)—

4 (A) in paragraphs (1) and (2), by striking
5 “the widow or widower,” and inserting “the
6 widow or widower (or the surviving partner),”;

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

10 (C) in paragraph (3), by striking “no
11 widow or widower,” and inserting “no widow or
12 widower (and no surviving partner),”;

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

16 (2) in subsection (b)—

17 (A) by amending paragraph (1) to read as
18 follows:

19 “(1) a widow or widower dies or remarries (or
20 enters into a domestic partnership) (or a surviving
21 partner dies or enters into a subsequent domestic
22 partnership or marries) before reaching age 55;”;

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

1 (C) in the matter following paragraph

2 (3)—

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

6 (ii) in the second sentence, by insert-
7 ing “(or domestic partner) (or a surviving
8 partner who has entitlements to benefits
9 under this title derived from more than 1
10 domestic partner or spouse)” after “hus-
11 band or wife”.

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

13 Section 8135 is amended—

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

16 (2) by striking subsection (b) and inserting the
17 following:

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

1 mediately before the remarriage (or entry into a domestic
 2 partnership) (or, in the case of a surviving partner, imme-
 3 diately before entry into the subsequent domestic partner-
 4 ship or the marriage).”.

5 **SEC. 608. EMPLOYEES OF NONAPPROPRIATED FUND IN-**
 6 **STRUMENTALITIES.**

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

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

10 “(A) the term ‘covered state’ means a State,
 11 foreign country, or political subdivision of a foreign
 12 country in which a marriage between 2 individuals
 13 of the same sex is recognized under the law of that
 14 State, country, or political subdivision;

15 “(B) the term ‘domestic partner’ means an in-
 16 dividual who is in a domestic partnership with an-
 17 other individual, as determined by the Secretary of
 18 Labor for purposes of this subchapter under regula-
 19 tions issued by the Secretary, in consultation with
 20 the Director of the Office of Personnel Manage-
 21 ment—

22 “(i) who are of the same sex;

23 “(ii) not less than 1 of whom is an em-
 24 ployee or an individual otherwise eligible for
 25 coverage under this subchapter (or any applica-

1 tion or extension thereof) based on such individ-
2 ual's employment or other service;

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

7 “(II) who have a common residence and
8 intend to continue to do so (or would have a
9 common residence, but are prevented from
10 doing so because of such reasons as an assign-
11 ment abroad or other employment-related fac-
12 tors, financial considerations, family responsibil-
13 ities or other such reasons);

14 “(III) who share responsibility for a sig-
15 nificant measure of each other's welfare and fi-
16 nancial obligations; and

17 “(IV) neither of whom is married to or in
18 a domestic partnership with anyone except each
19 other;

20 “(iv) who are not less than 18 years of age
21 and mentally competent to consent to a con-
22 tract;

23 “(v) who are not related to each other by
24 blood in a way that would prohibit legal mar-
25 riage between individuals otherwise eligible to

1 marry in the jurisdiction (or, if applicable, in
2 any jurisdiction) in which the individuals have
3 a common residence; and

4 “(vi) on the date of the death or injury of
5 the employee or individual otherwise eligible for
6 coverage under this subchapter (or any applica-
7 tion or extension thereof) or, for the purpose of
8 applying section 31(b)(2)(C) of the Longshore
9 and Harbor Workers’ Compensation Act under
10 this subchapter, the date of the representation,
11 neither of whom has resided in a covered state
12 for more than 6 months;

13 “(C) the term ‘State’ means each of the several
14 States, the District of Columbia, the Commonwealth
15 of Puerto Rico, or any other territory or possession
16 of the United States; and

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

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

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

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

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

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

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

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

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

16 “(C) in section 9 of that Act—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(C) if the covered employee and the do-
25 mestic partner of the covered employee are em-

1 employed by the same employing office, the limit
 2 on the aggregate number of workweeks of leave
 3 to which both may be entitled, as stated in sec-
 4 tion 102(f) of that Act, shall apply.”.

5 **SEC. 703. SETTLEMENT OF ACCOUNTS.**

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

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

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

11 (1) in paragraph (3)—

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

15 (B) by striking subparagraph (B) and in-
 16 serting—

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

21 “(i) unmarried (and not in a domestic
 22 partnership); and

23 “(ii) under 21 years of age;”;

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

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

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

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

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

9 **SEC. 705. ANNUITY OF THE COMPTROLLER GENERAL.**

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

12 (1) in the matter preceding paragraph (1), by
13 striking “subchapter—” and inserting “sub-
14 chapter:”;

15 (2) in paragraph (1)—

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

17 and

18 (B) by inserting “(or the child of a report-
19 ing Comptroller General’s domestic partner not
20 adopted by or otherwise the child of the Comp-
21 troller General)” after “including a stepchild”;

22 and

23 (3) by striking paragraphs (2) and (3) and in-
24 serting the following:

1 “(2) The terms ‘domestic partner’ and ‘domestic
2 partnership’ have the meanings given under section
3 2501 of title 5.

4 “(3) The term ‘surviving spouse’ means a surviving
5 spouse of an individual who was a Comptroller General or retired Comptroller General and
6 the spouse—
7 the spouse—

8 “(A) was married to the individual for not
9 less than 1 year immediately before the individual
10 died;

11 “(B) was married to the individual immediately
12 before the individual died, was in a domestic partnership with the individual immediately
13 before the marriage to such individual,
14 and the combined duration of the domestic
15 partnership and marriage was not less than 1
16 year; or
17 year; or

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

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

1 “(A) was in a domestic partnership for not
2 less than 1 year immediately before the indi-
3 vidual died;

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

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

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

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

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

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

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

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

3 (1) in subsection (c)—

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

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

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

18 and

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

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

24 and

25 (3) in subsection (e)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) in subsection (a)—

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

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

12 (C) in paragraph (4)—

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

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

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

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

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

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

9 (A) in paragraph (2)—

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

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

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

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

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

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

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

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

14 (i) in section 101(f)—

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

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

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

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

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

7 (B) OTHER PROVISIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

6 Section 3110 is amended—

7 (1) in subsection (a)—

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

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

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

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

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

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

25 Section 7342(a)(1) is amended—

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

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

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

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

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

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

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

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

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

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

○