

112TH CONGRESS
1ST SESSION

S. 1910

To provide benefits to domestic partners of Federal employees.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2011

Mr. LIEBERMAN (for himself 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 2011”.

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. Compensation for disability or death.
- Sec. 706. Annuity of the Comptroller General.

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

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

1 **SEC. 2. PURPOSE.**

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

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

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

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

16 **“CHAPTER 25—FEDERAL EMPLOYEES IN**
17 **DOMESTIC PARTNERSHIPS**

“Sec.

“2501. Definitions.

“2502. Establishment and termination of domestic partnerships.

1 **“§ 2501. Definitions**

2 “In this chapter—

3 “(1) the term ‘annuitant’ means—

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

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

12 “(2) the term ‘Director’ means the Director of
13 the Office of Personnel Management;

14 “(3) the term ‘domestic partner’ means either
15 of the individuals in a domestic partnership;

16 “(4) the term ‘domestic partnership’ means a
17 relationship between 2 individuals of the same sex,
18 at least 1 of whom is an employee, former employee,
19 or annuitant, that has been established under sec-
20 tion 2502(a) and not terminated under section
21 2502(b); and

22 “(5) the term ‘employee’ means—

1 “(A) an employee as defined under section
2 2105, including an employee referred to in sub-
3 section (c) or (e) of that section;

4 “(B) a Member of Congress;

5 “(C) the President;

6 “(D) an individual who is an employee, as
7 defined under section 8331, 8401, 8701, 8901,
8 or 9001; or

9 “(E) any other individual who is employed
10 by the Government and is included within this
11 definition under regulations prescribed by the
12 President or a designee of the President.

13 **“§ 2502. Establishment and termination of domestic**
14 **partnerships**

15 “(a) ESTABLISHMENT OF DOMESTIC PARTNER-
16 SHIP.—

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

23 “(2) To establish a domestic partnership, the 2
24 individuals referred to in paragraph (1) shall jointly
25 execute, and the employee, former employee, or an-

1 nuitant shall file, an affidavit in such form and filed
2 in such manner as the Director shall by regulation
3 prescribe.

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

7 “(A)(i) The individuals are of the same
8 sex; and

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

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

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

1 “(iii) The individuals share responsibility
2 for a significant measure of each other’s welfare
3 and financial obligations.

4 “(iv) Neither individual is married to or in
5 a domestic partnership with anyone except each
6 other.

7 “(C) Each individual is at least 18 years
8 of age and mentally competent to consent to a
9 contract.

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

16 “(E) Each of the individuals understands
17 that—

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

1 “(ii) either or both of the domestic
 2 partners are required to file notification
 3 under subsection (b)(2) terminating the
 4 domestic partnership within 30 days after
 5 any condition under clause (ii), (iii), or (iv)
 6 of subparagraph (B) ceases to be satisfied,
 7 and, if 1 domestic partner dies, the other
 8 is required to file a notification under sub-
 9 section (b)(3) within 30 days after the
 10 death; and

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

19 “(b) **TERMINATION OF DOMESTIC PARTNERSHIP.—**

20 “(1) A domestic partnership is terminated
 21 upon—

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

23 “(B) the filing of a notification under
 24 paragraph (2) by either or both domestic part-
 25 ners; or

1 “(C) the satisfaction of such other condi-
2 tions as the Director may by regulation pre-
3 scribe.

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

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

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

22 “(3) When one domestic partner dies, the other
23 domestic partner shall, within 30 days after the
24 death, execute and file a notification of the death, in

1 such form and in such manner as prescribed by the
2 Director in regulation.

3 “(c) EFFECTIVENESS OF THE FILING OF AN AFFI-
4 DAVIT.—

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

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

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

16 “(B) after the earlier of—

17 “(i) the date of the death of either in-
18 dividual; or

19 “(ii) the date as of which the domestic
20 partnership is otherwise terminated, as de-
21 termined under regulations prescribed by
22 the Director.

23 “(d) ADDITIONAL NOTIFICATIONS TO GOVERNMENT
24 EMPLOYER.—A domestic partner employed by an entity
25 of the United States shall provide such notifications to the

1 employing entity of the formation, existence, or termi-
2 nation of the domestic partnership, in addition to the fil-
3 ings required under subsections (a) and (b), as may be
4 required, and in such form and in such manner as pre-
5 scribed, by the Director in regulation.

6 “(e) APPLICABILITY.—

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

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

15 “(3) Under regulations prescribed by the Presi-
16 dent—

17 “(A) the Secretary of Labor shall inform
18 the Director of any individual determined under
19 section 8101(21) or 8171(e)(1)(A) to be domes-
20 tic partners; and

21 “(B) if an individual who is an employee
22 or annuitant is determined under section
23 8101(21) or 8171(e)(1)(A) to be a domestic
24 partner with another individual for purposes of
25 chapter 81, the individual shall promptly estab-

1 lish a domestic partnership under subsection (a)
 2 and shall be subject to the requirements of sub-
 3 sections (b), (c), and (d).

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

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

 “25. Federal Employees in Domestic Partnerships 2501”.

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

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

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

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

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

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

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

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

11 (c) **TIMELINESS.**—To the maximum extent prac-
12 ticable, the materials shall be—

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

16 (2) updated as necessary.

17 (d) **EFFECTIVE DATE.**—This section shall take effect
18 on the date of enactment of this Act.

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

22 (a) **DEFINITIONS.**—In this section—

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

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

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

5 (A) who are of the same sex;

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

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

11 (ii) who have a common residence and in-
12 tend to continue to do so (or would have a com-
13 mon residence, but are prevented from doing so
14 because of such reasons as an assignment
15 abroad or other employment-related factors, fi-
16 nancial considerations, family responsibilities,
17 or other such reasons);

18 (iii) who share responsibility for a signifi-
19 cant measure of each other’s welfare and finan-
20 cial obligations; and

21 (iv) neither of whom is married to or in a
22 domestic partnership with anyone except each
23 other;

1 (D) each of whom are at least 18 years of
2 age and mentally competent to consent to a
3 contract; and

4 (E) who are not related to each other by
5 blood in a way that would prohibit legal mar-
6 riage between individuals otherwise eligible to
7 marry in the jurisdiction (or, if applicable, in
8 any jurisdiction) in which the individuals have
9 a common residence; and

10 (4) the term “employee” means—

11 (A) an employee as defined under section
12 2501 of title 5, United States Code, as added
13 by section 101 of this Act;

14 (B) a member of the commissioned corps
15 of the Public Health Service or of the commis-
16 sioned corps of the National Oceanic and At-
17 mospheric Administration; or

18 (C) any other individual performing per-
19 sonal service to the Government (including an
20 instrumentality wholly owned by the United
21 States), whether for pay, for nominal pay, or as
22 a volunteer, who is not performing such service
23 as an employee of any employer other than the
24 Government or as a member of the Armed
25 Forces; and

1 (5) the term “obligation” includes any duty,
2 disability, or liability, whether substantive, proce-
3 dural, remedial, or otherwise.

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

9 (1) conduct a review of the employment benefits
10 and of the employment obligations applied to mar-
11 ried employees and their spouses to determine what
12 authority exists for the President and designees of
13 the President to apply such benefits and obligations
14 to employees who have domestic partners and the
15 domestic partners of those employees;

16 (2) include within the review under paragraph
17 (1) all employment benefits and obligations under
18 regulations prescribed by the President or a designee
19 of the President, or promulgated by the head of any
20 agency or department of the executive branch;

21 (3) take any additional measures that can be
22 taken, to the greatest extent practicable and con-
23 sistent with law, to apply such benefits and obliga-
24 tions to employees with domestic partners and the
25 domestic partners of those employees;

1 (4) develop recommendations for any legislation
2 to further apply such benefits and obligations to em-
3 ployees with domestic partners and the domestic
4 partners of those employees; and

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

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

10 **SEC. 104. EFFECTIVE DATE.**

11 (a) **IN GENERAL.**—Except as otherwise specifically
12 provided, this Act and amendments made by this Act shall
13 take effect 180 days after the date of enactment of this
14 Act.

15 (b) **APPLICATION TO CURRENT AND FUTURE EM-**
16 **PLOYEES.**—An employee, former employee, or annuitant
17 shall be eligible to establish a domestic partnership by fil-
18 ing an affidavit under section 2502(a)(2) of title 5, United
19 States Code, as added by section 101 of this Act, only
20 if the employee, former employee, or annuitant is or has
21 been employed as an employee on or after the effective
22 date of this Act.

1 **TITLE II—CIVIL SERVICE**
2 **RETIREMENT SYSTEM**

3 **SEC. 201. DEFINITIONS.**

4 Section 8331 is amended—

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

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

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

10 “(32) ‘domestic partner’ and ‘domestic partner-
11 ship’ have the meanings given under section 2501;
12 and

13 “(33) ‘former domestic partner’ means a former
14 domestic partner of an individual—

15 “(A) if such individual performed at least
16 18 months of civilian service covered under this
17 subchapter as an employee or Member; and

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

21 **SEC. 202. CREDITABLE SERVICE.**

22 Section 8332 is amended—

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

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

4 **SEC. 203. COMPUTATION OF ANNUITY.**

5 Section 8339 is amended—

6 (1) in subsection (j)—

7 (A) in paragraph (1)—

8 (i) by inserting “(or domestic part-
9 ner)” after “the spouse” each place it ap-
10 pears;

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

13 (iii) by inserting “(or domestic part-
14 ner’s)” after “the spouse’s” each place it
15 appears;

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

19 (C) in paragraph (3)—

20 (i) in the first sentence—

21 (I) by inserting “(or former do-
22 mestic partner)” after “former
23 spouse” each place it appears; and

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

4 (ii) in the second sentence—

5 (I) by inserting “(or the domestic
6 partnership of the former domestic
7 partner with)” after “the marriage of
8 the former spouse to”; and

9 (II) by striking “is dissolved,”
10 and inserting “is dissolved (or termi-
11 nated),”;

12 (iii) in the sixth sentence, by striking
13 “former spouse.” and inserting “former
14 spouse (or former domestic partner).”;

15 (iv) in subparagraph (B)—

16 (I) by striking “is then married,”
17 and inserting “is then married (or is
18 then in a domestic partnership),”; and

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

23 (v) by amending the next to last sen-
24 tence to read as follows: “In the case of a
25 retired employee or Member whose annuity

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

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

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

24 “(i) after the death of the spouse (or domestic
25 partner); or

1 “(ii) after the dissolution of the marriage of the
2 spouse (or the termination of the domestic partner-
3 ship of the domestic partner) to the employee or
4 Member,

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

9 “(B) Any reduction in an annuity for the purpose of
10 providing a survivor annuity for a former spouse (or a
11 former domestic partner) of a retired employee or Member
12 shall be terminated for each full month after the former
13 spouse remarries (or enters into a domestic partnership)
14 (or the former domestic partner enters into a subsequent
15 domestic partnership or marries) before reaching age 55
16 or dies. This reduction shall be replaced by an appropriate
17 reduction or reductions under paragraph (4) if the retired
18 employee or Member has (i) another former spouse (or an-
19 other former domestic partner) who is entitled to a sur-
20 vivor annuity under section 8341(h), (ii) a current spouse
21 to whom the employee or Member was married (or a cur-
22 rent domestic partner with whom the employee or Member
23 was in a domestic partnership) at the time of retirement
24 and with respect to whom a survivor annuity was not
25 jointly waived under paragraph (1), or (iii) a current

1 spouse whom the employee or Member married (or a cur-
2 rent domestic partner with whom the employee or Member
3 entered into domestic partnership) after retirement and
4 with respect to whom an election has been made under
5 subparagraph (C) or subsection (k)(2).

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

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

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

19 “(aa) the death of or entry into a subse-
20 quent marriage (or domestic partnership) by
21 any former spouse (or former domestic partner)
22 of such employee or Member who was entitled
23 to a survivor annuity under section 8341(h); or

24 “(bb) if there was more than 1 surviving
25 former spouse (or surviving former domestic

1 partner), the death of or entry into a subse-
2 quent marriage (or domestic partnership) by
3 the last such surviving former spouse (or sur-
4 viving former domestic partner),

5 a reduction in the employee's or Member's annuity
6 under paragraph (4) for the purpose of providing an
7 annuity for such employee's or Member's spouse (or
8 domestic partner) in the event such spouse (or do-
9 mestic partner) survives the employee or Member.

10 “(ii) Such election and reduction shall be effective the
11 first day of the second month after the election is received
12 by the Office, but not less than 9 months after the date
13 of the subsequent marriage (or entry into the subsequent
14 domestic partnership), and the retired employee or Mem-
15 ber shall deposit in the Fund an amount determined by
16 the Office of Personnel Management, as nearly as may
17 be administratively feasible, to reflect the amount by
18 which the annuity of such retired employee or Member
19 would have been reduced if the election had been in effect
20 since the date of retirement or, if later, the date the pre-
21 vious reduction in such retired employee's or Member's an-
22 nuity was terminated under subparagraph (A) or (B), plus
23 interest. For the purposes of the preceding sentence, the
24 annual rate of interest for each year during which an an-
25 nuity would have been reduced if the election had been

1 in effect on and after the applicable date referred to in
2 such sentence shall be 6 percent.

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

20 “(iv) Notwithstanding any other provision of this sub-
21 paragraph, an election under this subparagraph may not
22 be made for the purpose of providing an annuity in the
23 case of a spouse by remarriage (or a domestic partner by
24 a subsequent domestic partnership) if such spouse was
25 married to (or if such domestic partner was in a domestic

1 partnership with) the employee or Member at the time of
2 such employee's or Member's retirement, and all rights to
3 survivor benefits for such spouse (or domestic partner)
4 under this subchapter based on marriage (or domestic
5 partnership) to such employee or Member were then
6 waived under paragraph (1) or a similar prior provision
7 of law.

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

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

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

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

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

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

1 (2) in subsection (k)—

2 (A) in paragraph (1)—

3 (i) by striking “a married employee or
4 Member” and inserting “an employee or
5 Member who is married (or in a domestic
6 partnership)”; and

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

9 (B) in paragraph (2)—

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

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

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

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

24 “(I) the death of, or entry into a subse-
25 quent marriage (or domestic partnership) by,

1 any former spouse (or former domestic partner)
 2 of such employee or Member who was entitled
 3 to a survivor annuity under section 8341(h); or
 4 “(II) if there was more than 1 surviving
 5 former spouse (or surviving former domestic
 6 partner), the death of or entry into a subse-
 7 quent marriage (or domestic partnership) by
 8 the last such surviving former spouse (or sur-
 9 viving former domestic partner),
 10 a reduction in the retired employee or Member’s current
 11 annuity as provided in subsection (j).”;

12 (ii) in subparagraph (B)(i) (in the
 13 matter before subclause (I)), by striking
 14 “marriage.” and inserting “marriage (or
 15 entry into a domestic partnership).”;

16 (iii) in subparagraph (B)(ii), by in-
 17 serting “(or in a domestic partnership)”
 18 after “married”; and

19 (iv) in subparagraph (C), by striking
 20 “marriage.” and inserting “marriage (or
 21 domestic partnership).”; and

22 (3) in subsection (o)(1)—

23 (A) in subparagraphs (A)(i) and (B)(i), by
 24 striking “is married,” and inserting “is married
 25 (or is in a domestic partnership),”; and

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

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

5 Section 8340 is amended—

6 (1) in subsection (a)—

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

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

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

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

15 (2) in subsection (c)(1)—

16 (A) in the matter before subparagraph (A),
17 by striking all after “who retires,” and before
18 “of a deceased annuitant” and inserting “to the
19 widow, widower, or former spouse (or the sur-
20 viving partner or former domestic partner) of a
21 deceased employee or Member, or to the widow,
22 widower, or former spouse (or the surviving
23 partner or former domestic partner), or insur-
24 able interest designee”; and

1 (B) in subparagraph (B)(ii), by striking “a
2 widow, widower, former spouse, or insurable in-
3 terest designee” and inserting “a widow, wid-
4 ower, or former spouse (or surviving partner or
5 former domestic partner) or insurable interest
6 designee”.

7 **SEC. 205. SURVIVOR ANNUITIES.**

8 Section 8341 is amended—

9 (1) in subsection (a)—

10 (A) by redesignating paragraphs (3) and
11 (4) as paragraphs (4) and (5), respectively;

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

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

16 “(A) was in a domestic partnership with
17 such employee or Member for at least 9 months
18 immediately before the death of such employee
19 or Member; or

20 “(B) satisfies such other requirements, re-
21 lated to parenthood and the domestic partner-
22 ship, as the Director of the Office of Personnel
23 Management shall by regulation prescribe based
24 on the definition of a widow or widower under

1 paragraphs (1)(B) and (2)(B) of this section;”;
2 and

3 (C) in paragraph (5) (as so redesignated
4 by subparagraph (A))—

5 (i) in subparagraph (A)—

6 (I) by striking “an unmarried de-
7 pendent child” and inserting “a de-
8 pendent child who is unmarried (and
9 not in a domestic partnership) and”;

10 (II) in clause (ii), by striking
11 “stepchild but only if the stepchild”
12 and inserting “stepchild (or child of
13 the domestic partner not adopted by
14 or otherwise the child of the employee
15 or Member) but only if the stepchild
16 (or the child of the domestic part-
17 ner)”;

18 (III) in clause (iv), by inserting
19 “(or surviving domestic partner)”
20 after “the surviving spouse”; and

21 (ii) in subparagraphs (B) and (C), by
22 striking “unmarried dependent child” and
23 inserting “dependent child who is unmar-
24 ried (and not in a domestic partnership)”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

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

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

8 (B) in paragraph (2)—

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

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

14 (C) in paragraph (3)—

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

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

21 (iii) in subparagraph (B), by inserting
22 “(or, in the case of a widow or widower,
23 enters into a domestic partnership) (or, in
24 the case of a surviving partner, enters into

1 a subsequent domestic partnership or mar-
2 rries)” after “remarries”; and

3 (D) in paragraph (4)—

4 (i) by striking “widow or widower”
5 each place it appears and inserting “widow
6 or widower (or surviving partner)”; and

7 (ii) in subparagraph (B), by inserting
8 “(or former domestic partner)” after
9 “former spouse”;

10 (3) in subsection (d)—

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

14 (B) in subparagraph (B), by inserting “(or
15 former domestic partner)” after “former
16 spouse”; and

17 (C) in clause (ii), by inserting “(or, in the
18 case of a widow or widower, enters into a do-
19 mestic partnership) (or, in the case of a sur-
20 viving partner, enters into a subsequent domes-
21 tic partnership or marries)” after “remarries”;

22 (4) in subsection (e)—

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

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

1 “(A) the term ‘former spouse’ includes a former
2 spouse who was married to an employee or Member
3 for less than 9 months and a former spouse of an
4 employee or Member who completed less than 18
5 months of service covered by this subchapter; and

6 “(B) the term ‘former domestic partner’ in-
7 cludes a former domestic partner who was in a do-
8 mestic partnership with an employee or Member for
9 less than 9 months and a former domestic partner
10 of an employee or Member who completed less than
11 18 months of service covered by this subchapter.”;

12 (B) in paragraph (2), by striking “a
13 spouse or a former spouse” each place it ap-
14 pears and inserting “a spouse or former spouse
15 (or a domestic partner or former domestic part-
16 ner)”;

17 (C) in paragraph (3)—

18 (i) in subparagraph (E), by striking
19 “dies or marries;” and inserting “dies or
20 marries (or enters into a domestic partner-
21 ship);”; and

22 (ii) in the matter following subpara-
23 graph (E)—

1 (I) by inserting “(or domestic
2 partner or former domestic partner)”
3 after “spouse or former spouse”; and

4 (II) by striking “spouse, former
5 spouse, or child” and inserting
6 “spouse or former spouse (or domestic
7 partner or former domestic partner)
8 or child,”; and

9 (D) in paragraph (4), by striking “mar-
10 riage, then, if such marriage” and inserting
11 “marriage, then, if such marriage (or a domes-
12 tic partnership, then, if such domestic partner-
13 ship)”;

14 (5) by striking subsection (f) and inserting the
15 following:

16 “(f) If a Member heretofore or hereafter separated
17 from the service with title to deferred annuity from the
18 Fund hereafter dies before having established a valid claim
19 for annuity and is survived by a spouse to whom married
20 (or a domestic partner to whom in a domestic partnership)
21 at the date of separation, the surviving spouse (or sur-
22 viving partner)—

23 “(1) is entitled to an annuity equal to 55 per-
24 cent of the deferred annuity of the Member com-
25 mencing on the day after the Member dies and ter-

1 minating on the last day of the month before the
2 surviving spouse dies or remarries (or enters into a
3 domestic partnership) (or the surviving domestic
4 partner dies or enters into a subsequent domestic
5 partnership or marries); or

6 “(2) may elect to receive the lump-sum credit
7 instead of annuity if the spouse (or domestic part-
8 ner) is the individual who would be entitled to the
9 lump-sum credit and files application therefor with
10 the Office before the award of the annuity.

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

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

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

21 (6) by striking subsection (g) and inserting the
22 following:

23 “(g) In the case of a surviving spouse (or surviving
24 domestic partner) whose annuity under this section is ter-
25 minated because of a subsequent entry into a marriage

1 (or domestic partnership) before becoming 55 years of
2 age, annuity at the same rate shall be restored com-
3 mencing on the day the remarriage (or subsequent domes-
4 tic partnership) is dissolved by death, annulment, or di-
5 vorce (or terminated), if—

6 “(1) the surviving spouse (or surviving domestic
7 partner) elects to receive this annuity instead of a
8 survivor benefit to which he may be entitled, under
9 this subchapter or another retirement system for
10 Government employees, by reason of the subsequent
11 entry into a marriage (or domestic partnership); and

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

14 (7) by striking subsection (h) and inserting the
15 following:

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

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

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

7 “(ii) the amount of any annuity payable under
8 this subsection to any other former spouse (or
9 former domestic partner) of the employee, Member,
10 or annuitant, based on an election previously made
11 under section 8339(j)(3), or a court order previously
12 issued.

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

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

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

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

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

9 “(A) shall not commence before—

10 “(i) the day after the employee, Member,
11 or annuitant dies; or

12 “(ii) the first day of the second month be-
13 ginning after the date on which the Office re-
14 ceives written notice of the order, decree, agree-
15 ment, or election, as the case may be, together
16 with such additional information or documenta-
17 tion as the Office may prescribe,

18 whichever is later, and

19 “(B) shall terminate—

20 “(i) except as provided in subsection (k),
21 in the case of an annuity computed by reference
22 to clause (i) or (ii) of paragraph (2)(B), no
23 later than the last day of the month before the
24 former spouse remarries (or enters into a do-
25 mestic partnership) (or former domestic partner

1 enters into a subsequent domestic partnership
2 or marries) before becoming 55 years of age or
3 dies; or

4 “(ii) in the case of an annuity computed by
5 reference to clause (iii) of such paragraph, no
6 later than the last day of the month before the
7 former spouse remarries (or enters into a do-
8 mestic partnership) or dies (or the former do-
9 mestic partner enters into a subsequent domes-
10 tic partnership or marries or dies).

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

14 “(A) if such modification is made after the re-
15 tirement or death of the employee or Member con-
16 cerned, and

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

19 “(5) For purposes of this subchapter, a decree, order,
20 agreement, or election referred to in paragraph (1) shall
21 not be effective, in the case of a former spouse (or former
22 domestic partner), to the extent that it is inconsistent with
23 any joint designation or waiver previously executed with
24 respect to such former spouse (or former domestic part-

1 ner) under section 8339(j)(1) or a similar prior provision
2 of law.

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

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

9 (8) by striking subsection (i) and inserting the
10 following:

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

21 “(1) the death of the employee or Member was
22 accidental; or

23 “(2) the surviving spouse (or surviving domestic
24 partner) of such individual had been previously mar-
25 ried to (or in a domestic partnership with) the indi-

1 vidual that was subsequently dissolved (or termi-
 2 nated), and the aggregate time married (or in a do-
 3 mestic partnership) is at least 9 months.”; and

4 (9) by redesignating subsection (k) as sub-
 5 section (j) and amending such subsection to read as
 6 follows:

7 “(j)(1) Subsections (b)(3)(B), (d)(ii), and
 8 (h)(3)(B)(i), to the extent that they provide for termi-
 9 nation of a survivor annuity because of a subsequent entry
 10 into a marriage (or domestic partnership) before age 55,
 11 shall not apply if the widow, widower or former spouse
 12 was married to (or the surviving partner or former domes-
 13 tic partner was in a domestic partnership with) the indi-
 14 vidual on whose service the survivor annuity is based for
 15 at least 30 years.

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

23 **SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
 24 **FIICIARY; ORDER OF PRECEDENCE.**

25 Section 8342 is amended—

1 (1) in subsection (c)—

2 (A) by inserting “(or surviving partner)”
3 after “widow or widower”; and

4 (B) by striking “stepchild.” and inserting
5 “stepchild (or a child of a domestic partner
6 which child is not adopted by or otherwise a
7 child of the employee or Member).”; and

8 (2) in subsection (j)—

9 (A) in paragraph (1)(A), by inserting “(or
10 the domestic partner, if any)” after “the
11 spouse, if any”;

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

14 (C) by inserting “(or former domestic part-
15 ner)” after “former spouse” each place it ap-
16 pears.

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

18 Section 8343a is amended—

19 (1) in subsection (b)(2)—

20 (A) (in the material before subparagraph
21 (A)), by inserting “(or in a domestic partner-
22 ship)” after “married”; and

23 (B) in subparagraph (B), by inserting “(or
24 surviving domestic partner)” after “surviving
25 spouse”;

1 (2) in subsection (d)—

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

5 (B) in paragraph (2), by striking “former
6 spouse,” and inserting “former spouse (or
7 former domestic partner),”; and

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

10 **SEC. 208. ADMINISTRATION; REGULATIONS.**

11 Section 8347(n)(1)(D) is amended by striking “their
12 spouses, and their former spouses” and inserting “their
13 spouses (and domestic partners), and their former spouses
14 (and former domestic partners)”.

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

16 Section 8351(b)(5) is amended—

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

20 (2) in subparagraph (B), by striking “a married
21 employee or Member” and inserting “an employee or
22 Member who is married (or in a domestic partner-
23 ship)”; and

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

4 **TITLE III—FEDERAL EMPLOY-**
5 **EES’ RETIREMENT SYSTEM**
6 **Subtitle A—General Provisions**

7 **SEC. 301. DEFINITIONS.**

8 Section 8401 is amended—

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

11 (2) in paragraph (36), by striking the period at
12 the end and inserting a semicolon; and

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

14 “(37) ‘domestic partner’ and ‘domestic partner-
15 ship’ have the meanings given under section 2501;
16 and

17 “(38) ‘former domestic partner’ means a former
18 domestic partner of an individual—

19 “(A) if such individual performed at least
20 18 months of civilian service creditable under
21 section 8411 as an employee or Member; and

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

1 **Subtitle B—Creditable Service**

2 **SEC. 311. CREDITABLE SERVICE.**

3 Section 8411 is amended—

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

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

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

11 **SEC. 312. SURVIVOR REDUCTION FOR A CURRENT SPOUSE**

12 **OR A CURRENT DOMESTIC PARTNER.**

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

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

16 (2) in subsection (a)—

17 (A) by inserting “(or in a domestic part-
18 nership)” after “married” each place it ap-
19 pears;

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

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

24 (3) by striking subsection (b) and inserting the
25 following:

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

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

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

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

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

1 a reduction in the employee's or Member's annuity
2 under section 8419(a) for the purpose of providing
3 an annuity for such employee's or Member's spouse
4 (or domestic partner) in the event such spouse (or
5 domestic partner) survives the employee or Member.

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

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

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

16 “(B) shall, if an election was made by the em-
17 ployee or Member under section 8420 with respect
18 to a different individual, prospectively void such elec-
19 tion if appropriate written application is made by
20 such employee or Member at the time of making the
21 election under this subsection.

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

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

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

7 (4) in subsection (c)—

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

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

15 “(A) within 2 years after such employee or
16 Member marries (or enters into a domestic partner-
17 ship); or

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

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

1 “(ii) if more than 1 surviving former
2 spouse (or surviving former domestic partner),
3 the death of or entry into a subsequent mar-
4 riage (or domestic partnership) by the last such
5 surviving former spouse (or surviving former
6 domestic partner),

7 a reduction in the current annuity of the retired em-
8 ployee or Member, in accordance with section
9 8419(a).”; and

10 (B) in paragraph (2), by striking “mar-
11 riage.” and inserting “marriage (or domestic
12 partnership).”; and

13 (5) in subsection (d)(1)—

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

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

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—

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

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

22 **SEC. 313. SURVIVOR REDUCTION FOR A FORMER SPOUSE**
23 **OR FORMER DOMESTIC PARTNER.**

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

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

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

6 (3) in subsection (b)—

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

10 (B) by amending paragraph (2) to read as
11 follows:

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

20 (C) in paragraph (3)—

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

24 (ii) by amending subparagraph (B) to
25 read as follows:

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

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—

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

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

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

10 Section 8418(b) is amended—

11 (1) by inserting “(or domestic partnership)”
12 after “marriage”; and

13 (2) by striking “former spouse.” inserting
14 “former spouse (or former domestic partner).”.

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

16 Section 8419 is amended—

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

19 (2) by amending subsection (b) to read as fol-
20 lows:

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

1 “(A) after the death of the spouse (or domestic
2 partner); or

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

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

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

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

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

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

13 **SEC. 316. INSURABLE INTEREST REDUCTIONS.**

14 Section 8420 is amended—

15 (1) in subsection (b)(1)—

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

19 and

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

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

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

25 Section 8420a is amended—

1 (1) in subsection (b)(2)—

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

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

8 (2) in subsection (d)—

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

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

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

17 **SEC. 318. LUMP-SUM BENEFITS; DESIGNATION OF BENE-**
18 **FICIARY; ORDER OF PRECEDENCE.**

19 Section 8424 is amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), by striking
23 “the spouse, if any, and any former
24 spouse” and inserting “any spouse or

1 former spouse (and any domestic partner
2 or former domestic partner)”; and

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

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

12 (2) in subsection (d)—

13 (A) by striking “widow or widower” and
14 inserting “widow or widower (or surviving part-
15 ner)”; and

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

20 **Subtitle C—Thrift Savings Plan**

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

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

24 “(2) Notwithstanding section 8424(d), if an
25 employee, Member, former employee, or former

1 Member dies and has designated as sole or partial
2 beneficiary his or her spouse (or domestic partner)
3 at the time of death, or, if an employee, Member,
4 former employee, or former Member, dies with no
5 designated beneficiary and is survived by a spouse
6 (or domestic partner), the spouse (or domestic part-
7 ner) may maintain the portion of the employee's or
8 Member's account to which the spouse (or domestic
9 partner) is entitled in accordance with the following
10 terms:

11 “(A) Subject to the limitations of subpara-
12 graph (B), the spouse (or domestic partner)
13 shall have the same withdrawal options under
14 subsection (b) as the employee or Member were
15 the employee or Member living.

16 “(B) The spouse (or domestic partner)
17 may not make withdrawals under subsection (g)
18 or (h).

19 “(C) The spouse (or domestic partner)
20 may not make contributions or transfers to the
21 account.

22 “(D) The account shall be disbursed upon
23 the death of the surviving spouse (or surviving
24 domestic partner). A beneficiary or surviving
25 spouse (or surviving domestic partner) of a de-

1 ceased spouse (or domestic partner) who has in-
 2 herited an account is ineligible to maintain the
 3 inherited spousal account.”.

4 **SEC. 322. ANNUITIES: METHODS OF PAYMENT; ELECTION;**
 5 **PURCHASE.**

6 Section 8434(a)(2) is amended—

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

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

11 **SEC. 323. PROTECTIONS FOR SPOUSES, DOMESTIC PART-**
 12 **NERS, FORMER SPOUSES, AND FORMER DO-**
 13 **MESTIC PARTNERS.**

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

15 (1) in the section heading, by inserting “**(and**
 16 **domestic partners and former domestic**
 17 **partners)”** after “**spouses and former**
 18 **spouses”**;

19 (2) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking
 22 “A married employee or Member (or
 23 former employee or Member)” each place it
 24 appears and inserting “An employee or
 25 Member, or former employee or former

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

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

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

9 (3) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) by inserting “(or surviving domes-
12 tic partner)” after “surviving spouse” each
13 place it appears; and

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

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

18 (4) in subsection (d)—

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

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

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

4 (D) in paragraph (3)(A), by inserting “(or
5 surviving domestic partner)” after “surviving
6 spouse”;

7 (5) in subsection (e)(1)—

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

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

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

19 (6) in subsection (g), by inserting “(or domestic
20 partner or former domestic partner)” after “spouse
21 or former spouse”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of sections for chapter 84 is amended by strik-
24 ing the item relating to section 8435 and inserting the
25 following:

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

1 **SEC. 324. JUSTICES AND JUDGES.**

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

4 **Subtitle D—Survivor Annuities**

5 **SEC. 331. DEFINITIONS.**

6 Section 8441 is amended—

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

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

14 “(A) was in a domestic partnership with
15 such employee, Member, or annuitant, or
16 former employee or Member, for at least 9
17 months immediately before the death of such
18 employee, Member, or annuitant, or former em-
19 ployee or Member; or

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

1 paragraphs (1)(B) and (2)(B) of this section;
2 and”; and

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

5 (A) in subparagraph (A)—

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

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

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

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

1 **SEC. 332. RIGHTS OF A WIDOW, WIDOWER, OR SURVIVING**
2 **PARTNER.**

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

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

7 (2) in subsection (a)—

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

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

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

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

17 (4) in subsection (c)—

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

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

1 (5) in subsection (d)—

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

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

10 (C) in paragraph (2)—

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

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

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

24 (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 at least 30 years with)”
6 after “married for at least 30 years to”;

7 (6) in subsection (e)—

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

10 (B) by inserting “(or in a domestic part-
11 nership with)” after “been married to”; and

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

14 “(2) the surviving spouse of such individual had
15 been previously married to such individual and sub-
16 sequently divorced (or the surviving partner of such
17 individual had been previously in a domestic partner-
18 ship with such individual which domestic partnership
19 was subsequently terminated), and the aggregate
20 time married (or in a domestic partnership) is at
21 least 9 months.”;

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

25 (8) in subsection (h)—

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

4 (B) by inserting “(or former domestic
 5 partner)” after “former spouse” each place it
 6 appears.

7 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
 8 The table of sections for chapter 84 is amended by strik-
 9 ing the item relating to section 8442 and inserting the
 10 following:

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

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

12 Section 8443(b) is amended by striking subparagraph
 13 (E) and the matter following that subparagraph and in-
 14 serting the following:

15 “(E) dies or marries (or enters into a do-
 16 mestic partnership);

17 whichever occurs first. On the death of the surviving
 18 wife or husband (or surviving domestic partner), or
 19 former wife or husband (or former domestic part-
 20 ner), or termination of the annuity of a child, the
 21 annuity of any other child or children shall be re-
 22 computed and paid as though the wife or husband
 23 (or domestic partner), former wife or husband (or
 24 former domestic partner), or child had not survived
 25 the annuitant, employee, or Member. If the annuity

1 of a child under this subchapter terminates under
 2 subparagraph (E) because of marriage (or domestic
 3 partnership), then, if such marriage (or domestic
 4 partnership) ends, such annuity shall resume on the
 5 first day of the month in which it ends, but only if
 6 any lump sum paid is returned to the Fund, and
 7 that individual is not otherwise ineligible for such
 8 annuity.”.

9 **SEC. 334. RIGHTS OF A FORMER SPOUSE OR FORMER DO-**
 10 **MESTIC PARTNER.**

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

12 (1) in the section heading, by inserting “**(or**
 13 **former domestic partner)**” after “**former**
 14 **spouse**”;

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

17 (3) in subsection (b)—

18 (A) by inserting “(or former domestic part-
 19 ner)” after “former spouse” each place it ap-
 20 pears; and

21 (B) by inserting “(or surviving partner)”
 22 after “widow or widower”;

23 (4) in subsection (c)(2), by inserting “(or enters
 24 into a domestic partnership) (or the former domestic

1 partner enters into a subsequent domestic partner-
2 ship or marries)” after “remarries”;

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

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

8 “(h)(1) Subsection (c)(2), to the extent that it pro-
9 vides for termination of a survivor annuity because of a
10 subsequent entry into a marriage (or domestic partner-
11 ship) before age 55, shall not apply if the former spouse
12 (or former domestic partner) was married to (or in a do-
13 mestic partnership with) the individual on whose service
14 the survivor annuity is based for at least 30 years.

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

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

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

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

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

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

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

11 Section 8462(c) is amended—

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

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

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

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

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

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

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

12 **TITLE IV—INSURANCE BENEFITS**

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

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

15 (1) in section 8701(d)—

16 (A) in paragraph (1)—

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

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

19 and

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

21 “stepchild or foster child (but only if the

22 stepchild” and inserting “stepchild (or

23 child of the domestic partner of the indi-

24 vidual not adopted by or otherwise the

25 child of the individual) or foster child (but

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

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

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

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

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

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

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

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

19 (1) in paragraph (5)—

20 (A) in the matter before subparagraph

21 (A)—

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

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

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

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

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

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

15 (3) in paragraph (10)—

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

19 (B) by striking “and” at the end;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) in subsection (e)—

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

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

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

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

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

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

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

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

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

22 (i) REGULATIONS.—Section 8913(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) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply with respect to contract years be-
5 ginning after the end of the 6-month period beginning on
6 the date of the enactment of this Act.

7 **SEC. 403. ENHANCED DENTAL BENEFITS.**

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

9 (1) in section 8956(a)—

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

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

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

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

22 **SEC. 404. ENHANCED VISION BENEFITS.**

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

24 (1) in section 8986(a)—

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

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

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

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

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

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

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

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

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

1 “(iii) a parent of a domestic partner of an
2 individual referred to in paragraph (1) or (3).”;
3 and
4 (2) in section 9002(e)(2)—

5 (A) in the heading, by striking “SPOUSAL
6 PARITY” and inserting the following: “PARITY
7 FOR SPOUSE (OR DOMESTIC PARTNER)”;

8 (B) by inserting “(or domestic partner)”
9 after “spouse”.

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

14 **TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE**

16 **SEC. 501. REIMBURSEMENT FOR TAXES INCURRED ON** 17 **MONEY RECEIVED FOR TRAVEL EXPENSES.**

18 (a) IN GENERAL.—Section 5706c is amended—

19 (1) in subsection (a), by striking “(if filing
20 jointly),” and inserting “(if filing jointly) (or by an
21 employee and such employee’s domestic partner (as
22 that term is defined under section 2501), if joint fil-
23 ing is allowed and they file jointly),”; and

24 (2) in subsection (b), by striking “employee and
25 spouse, as the case may be,” and inserting “em-

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 is amended—

5 (1) in subsection (a), by striking “(if filing
6 jointly),” and inserting “by an employee and such
7 employee’s spouse (or, where allowable, such employ-
8 ee’s domestic partner), if filing jointly,”; and

9 (2) in subsection (b), by striking “employee and
10 spouse, as the case may be,” and inserting “em-
11 ployee and spouse (or domestic partner), as the case
12 may be”.

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

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

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

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall apply with respect to expenses incurred
24 after the end of the 6-month period beginning on the date
25 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) in paragraph (8), by striking “married
 25 brothers or married sisters;” and inserting “any

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

3 (2) in paragraph (9)—

4 (A) by inserting “(or children of the em-
5 ployee’s domestic partner not adopted by or
6 otherwise the children of the employee)” after
7 “stepchildren”; and

8 (B) by striking “married children” and in-
9 serting “any child who is married (or in a do-
10 mestic partnership)”;

11 (3) in paragraph (18), by striking “and” at the
12 end;

13 (4) in paragraph (19), by striking “and” at the
14 end;

15 (5) in paragraph (20), by striking the period
16 and inserting a semicolon; and

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

18 “(21) ‘domestic partner’ means an individual
19 who is in a domestic partnership with another indi-
20 vidual, as determined by the Secretary of Labor for
21 purposes of this subchapter under regulations issued
22 by the Secretary, in consultation with the Director
23 of the Office of Personnel Management—

24 “(A) who are of the same sex;

1 “(B) at least 1 of whom is an employee or
2 an individual otherwise eligible for coverage
3 under this subchapter (or any application or ex-
4 tension thereof) based on such individual’s em-
5 ployment or other service;

6 “(C)(i) who are in a committed domestic-
7 partnership relationship with each other satis-
8 fying the conditions in clauses (ii), (iii), and (iv)
9 and intend to remain so indefinitely;

10 “(ii) who have a common residence and in-
11 tend to continue to do so (or would have a com-
12 mon residence, but are prevented from doing so
13 because of such reasons as an assignment
14 abroad or other employment-related factors, fi-
15 nancial considerations, family responsibilities or
16 other such reasons);

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

20 “(iv) neither of whom is married to or in
21 a domestic partnership with anyone except each
22 other;

23 “(D) who are at least 18 years of age and
24 mentally competent to consent to a contract;
25 and

1 “(E) who are not related to each other by
2 blood in a way that would prohibit legal mar-
3 riage between individuals otherwise eligible to
4 marry in the jurisdiction (or, if applicable, in
5 any jurisdiction) in which the individuals have
6 a common residence; and

7 “(22) ‘surviving partner’ means the domestic
8 partner in a domestic partnership with the decedent
9 at the time of his or her death.”.

10 **SEC. 602. DEATH GRATUITY FOR INJURIES INCURRED IN**
11 **CONNECTION WITH EMPLOYEE’S SERVICE**
12 **WITH AN ARMED FORCE.**

13 Section 8102a(d) is amended—

14 (1) in paragraph (1)(A), by striking “surviving
15 spouse.” and inserting “surviving spouse (or sur-
16 viving partner).”; and

17 (2) in paragraph (2)(C), by inserting “(or chil-
18 dren of the employee’s domestic partner not adopted
19 by or otherwise the children of the employee)” after
20 “stepchildren”.

21 **SEC. 603. BENEFICIARIES OF AWARDS UNPAID AT DEATH;**
22 **ORDER OF PRECEDENCE.**

23 Section 8109(a)(D) is amended—

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

4 (2) in clause (ii)—

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

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

9 (3) in clause (iii), by striking “no widow or wid-
10 ower,” and inserting “no widow or widower (and no
11 surviving partner),”.

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

13 Section 8110(a) is amended—

14 (1) in paragraph (3)—

15 (A) by striking “an unmarried child” and
16 inserting “a child who is unmarried (and not in
17 a domestic partnership)”; and

18 (B) by striking “and” at the end;

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

21 (3) by inserting after paragraph (4) the fol-
22 lowing:

23 “(5) a domestic partner, if—

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

1 “(B) he or she is receiving regular con-
2 tributions from the employee for his or her sup-
3 port; or

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

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

9 **SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSA-**
10 **TION.**

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

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

14 Section 8133 is amended—

15 (1) in subsection (a)—

16 (A) in paragraphs (1) and (2), by striking
17 “the widow or widower,” and inserting “the
18 widow or widower (or the surviving partner),”;
19 and

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

23 (C) in paragraph (3), by striking “no
24 widow or widower,” and inserting “no widow or
25 widower (and no surviving partner),” and

1 (D) in paragraphs (4) and (5), by striking
2 “widower,” and inserting “widower (or sur-
3 viving partner),” each place it appears; and
4 (2) in subsection (b)—

5 (A) by amending paragraph (1) to read as
6 follows:

7 “(1) a widow or widower dies or remarries (or
8 enters into a domestic partnership) (or a surviving
9 partner dies or enters into a subsequent domestic
10 partnership or marries) before reaching age 55;”;
11 and

12 (B) in paragraphs (2) and (3), by striking
13 “marries,” each place that term appears and
14 inserting “marries (or enters into a domestic
15 partnership),”; and

16 (C) in the matter following paragraph
17 (3)—

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

21 (ii) in the second sentence, by insert-
22 ing “(or domestic partner) (or a surviving
23 partner who has entitlements to benefits
24 under this title derived from more than 1

1 domestic partner or spouse)” after “hus-
2 band or wife”.

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

4 Section 8135 is amended—

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

7 (2) by striking subsection (b) and inserting the
8 following:

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

21 **SEC. 608. EMPLOYEES OF NONAPPROPRIATED FUND IN-**
22 **STRUMENTALITIES.**

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

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

1 “(A) the term ‘domestic partner’ means an in-
2 dividual who is in a domestic partnership with an-
3 other individual, as determined by the Secretary of
4 Labor for purposes of this subchapter under regula-
5 tions issued by the Secretary, in consultation with
6 the Director of the Office of Personnel Manage-
7 ment—

8 “(i) who are of the same sex;

9 “(ii) at least 1 of whom is an employee or
10 an individual otherwise eligible for coverage
11 under this subchapter (or any application or ex-
12 tension thereof) based on such individual’s em-
13 ployment or other service;

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

18 “(II) who have a common residence and
19 intend to continue to do so (or would have a
20 common residence, but are prevented from
21 doing so because of such reasons as an assign-
22 ment abroad or other employment-related fac-
23 tors, financial considerations, family responsibil-
24 ities or other such reasons);

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

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

7 “(iv) who are at least 18 years of age and
8 mentally competent to consent to a contract;
9 and

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

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

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

23 “(i) ‘(or child of the domestic partner of
24 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 tie 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, shall be deemed to be included in
23 the term ‘son or daughter’ as defined in that
24 section; and

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

7 **SEC. 703. SETTLEMENT OF ACCOUNTS.**

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

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

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

13 (1) in paragraph (3)—

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

17 (B) by striking subparagraph (B) and in-
18 serting—

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

23 “(i) unmarried (and not in a domestic
24 partnership); and

25 “(ii) under 21 years of age;”;

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

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

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

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

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

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

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

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

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

19 (1) in the matter preceding paragraph (1), by
20 striking “subchapter—” and inserting “sub-
21 chapter:”;

22 (2) in paragraph (1)—

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

24 and

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

6 (3) by striking paragraphs (2) and (3) and in-
7 serting the following:

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

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

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

18 “(B) 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 sur-
22 viving 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 at
2 least 1 year immediately before the individual
3 died; or

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 (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
18 domestic partner), or a parent, brother,
19 sister, or child of the reporting individual
20 or of the reporting individual’s spouse (or
21 of 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”.

○