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113TH CONGRESS
1ST SESSION

S. 1529

To provide benefits to domestic partners of Federal employees.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2013

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

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A BILL

To provide benefits to domestic partners of Federal employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Domestic Partnership Benefits and Obligations Act of 2013''.

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

of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of 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.
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Sec. 206. Lump-sum benefits; designation of beneficiary; order of precedence.
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TITLE III—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Subtitle A—General Provisions

Sec. 301. Definitions.

Subtitle B—Creditable Service

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

Subtitle C—Thrift Savings Plan

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

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

Subtitle D—Survivor Annuities

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

Subtitle E—General Administrative Provisions

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

Subtitle F—Federal Retirement Thrift Investment Management System

Sec. 351. Fiduciary responsibilities; liability and penalties.

TITLE IV—INSURANCE BENEFITS

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

TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

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

TITLE VI—COMPENSATION FOR WORK INJURIES

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

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

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

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

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

SEC. 2. PURPOSE.

The purpose of this Act is to apply employment benefits and obligations to Federal employees in same-sex domestic partnerships and to their domestic partners that are the same as the employment benefits and obligations that apply under existing statutes to married Federal employees and to their spouses.

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

SEC. 101. FEDERAL EMPLOYEES IN DOMESTIC PARTNERSHIPS.

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

"CHAPTER 25—FEDERAL EMPLOYEES IN DOMESTIC PARTNERSHIPS

''Sec.

''2501. Definitions.
''2502. Establishment and termination of domestic partnerships.

''§ 2501. Definitions

''In this chapter—

''(1) the term 'annuitant' means—

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

''(B) as determined under regulations prescribed by the President or a designee of the President, any other individual who is entitled to benefits (based on the service of such individual) under a retirement system for employees of the Government;

''(2) the term 'covered state' means a State, foreign country, or political subdivision of a foreign country in which a marriage between 2 individuals of the same sex is recognized under the law of that State, country, or political subdivision;

''(3) the term 'Director' means the Director of the Office of Personnel Management;

''(4) the term 'domestic partner' means either of the individuals in a domestic partnership;

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

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

''(6) the term 'employee' means—

''(A) an employee as defined under section 2105, including an employee referred to in subsection (c) or (e) of that section;

''(B) a Member of Congress;

''(C) the President;

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

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

''(7) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

''§ 2502. Establishment and termination of domestic partnerships

''(a) ESTABLISHMENT OF DOMESTIC PARTNERSHIP.—

''(1) An employee, former employee, or annuitant and another individual (who may also be an

employee, former employee, or annuitant) may establish a domestic partnership as provided in this section for the purposes of the provisions of law to which this chapter applies.

''(2) To establish a domestic partnership, the 2 individuals referred to in paragraph (1) shall jointly execute, and the employee, former employee, or annuitant shall file, an affidavit in such form and filed in such manner as the Director shall by regulation prescribe.

''(3) By the affidavit referred to in paragraph (2), each of the individuals shall attest to the following:

''(A)(i) The individuals are of the same sex; and

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

''(B)(i) The individuals are in a committed domestic-partnership relationship with each other satisfying the conditions in clauses (ii), (iii), and (iv) and intend to remain so indefinitely.

''(ii) The individuals have a common residence and intend to continue to do so (or would have a common residence, but are prevented

from doing so because of an assignment abroad or other employment-related factors, financial considerations, family responsibilities, or other similar reason (which shall be specifically identified in the affidavit)).

''(iii) The individuals share responsibility for a significant measure of each other's welfare and financial obligations.

''(iv) Neither individual is married to or in a domestic partnership with anyone except each other.

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

''(D) The individuals are not related to each other by blood in a way that would prohibit legal marriage between individuals otherwise eligible to marry in the jurisdiction (or, if applicable, in any jurisdiction) in which the individuals have a common residence.

''(E) Neither individual reside in a covered state.

''(F) Each of the individuals understands that—

''(i) as a domestic partner, each individual not only gains certain benefits, but also assumes certain obligations, as set forth in the provision of law to which this chapter applies, the violation of which may lead to disciplinary action against an employee and to criminal and other penalties;

''(ii) either or both of the domestic partners are required to file notification under subsection (b)(2) terminating the domestic partnership within 30 days after any condition under clause (ii), (iii), or (iv) of subparagraph (B) ceases to be satisfied, or the condition under subparagraph (E) ceases to be satisfied for not less than 6 months, and, if 1 domestic partner dies, the other is required to file a notification under subsection (b)(3) within 30 days after the death; and

''(iii) willful falsification of information in the affidavit, or willful failure to file notification as required under subsection (b)(2) or (3), may lead to recovery of amounts obtained as a result of such falsification or failure, disciplinary action

against an employee, and criminal or other penalties.

''(b) TERMINATION OF DOMESTIC PARTNERSHIP.—

''(1) A domestic partnership is terminated upon—

''(A) the death of either domestic partner;

''(B) the filing of a notification under paragraph (2) by either or both domestic partners; or

''(C) the satisfaction of such other conditions as the Director may by regulation prescribe.

''(2)(A) If any condition referred to under clause (ii), (iii), or (iv) of subsection (a)(3)(B) ceases to be satisfied, or if the condition referred to under subsection (a)(3)(E) has ceased to exist for not less than 6 months, either or both of the domestic partners shall, within 30 days after the condition ceases to be satisfied, execute and file a notification, in such form and in such manner as prescribed by the Director in regulation, stating that the condition is no longer satisfied and that the domestic partnership is terminated.

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

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

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

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

''(c) EFFECTIVENESS OF THE FILING OF AN AFFIDAVIT.—

''(1) The filing of an affidavit under subsection (a)(2) shall not be effective for purposes of this section unless the filing individual is an employee, former employee, or annuitant as of the time of the filing.

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

''(A) unless an affidavit has been filed in accordance with this section and with regulations prescribed by the Director; or

''(B) after the earlier of—

''(i) the date of the death of either individual; or

''(ii) the date as of which the domestic partnership is otherwise terminated, as determined under regulations prescribed by the Director.

''(d) ADDITIONAL NOTIFICATIONS TO GOVERNMENT EMPLOYER.—A domestic partner employed by an entity of the United States shall provide such notifications to the employing entity of the formation, existence, or termination of the domestic partnership, in addition to the filings required under subsections (a) and (b), as may be required, and in such form and in such manner as prescribed, by the Director in regulation.

''(e) APPLICABILITY.—

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

''(2) Two individuals determined under section 8101(21) or 8171(e)(1)(A) to be domestic partners for purposes of chapter 81 shall be deemed to be domestic partners in a domestic partnership, as defined under section 2501, for purposes of any provision of law to which that definition applies.

''(3) Under regulations prescribed by the President, the Secretary of Labor shall inform the Director of any individuals determined under section 8101(21) or 8171(e)(1)(A) to be domestic partners.

''(f) REGULATIONS.—The Director shall issue regulations to carry out subsection (a) through (d).''.

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

''25. Federal Employees in Domestic Partnerships ..... 2501''.

SEC. 102. GUIDANCE AND EDUCATIONAL MATERIALS.

(a) IN GENERAL.—The officers and agencies that have authority to develop and issue guidance and educational materials with respect to benefits and obligations established under the amendments made by this Act and the measures taken under section 103 shall issue the materials—

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

(2) if in the executive branch, under the coordination of the Director of the Office of Personnel Management.

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

(1) compile the materials referred to under subsection (a);

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

(3) ensure that such materials are readily available to employees and their domestic partners, both in print form and by publicly accessible website.

(c) TIMELINESS.—To the maximum extent practicable, the materials shall be—

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

(2) updated as necessary.

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

SEC. 103. REVIEW OF PROGRAMS UNDER WHICH EMPLOYMENT BENEFITS AND OBLIGATIONS ARE ESTABLISHED.

(a) DEFINITIONS.—In this section—

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

(2) the term ''covered state'' means a State, foreign country, or political subdivision of a foreign country in which a marriage between 2 individuals of the same sex is recognized under the law of that State, country, or political subdivision;

(3) the term ''domestic partner'' means either of the individuals in a domestic partnership;

(4) the term ''domestic partnership'' means a relationship between 2 individuals—

(A) who are of the same sex;

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

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

(ii) who have a common residence and intend to continue to do so (or would have a common residence, but are prevented from doing so because of such reasons as an assignment abroad or other employment-related factors, financial considerations, family responsibilities, or other such reasons);

(iii) who share responsibility for a significant measure of each other's welfare and financial obligations; and

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

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

(E) who are not related to each other by blood in a way that would prohibit legal marriage between individuals otherwise eligible to marry in the jurisdiction (or, if applicable, in any jurisdiction) in which the individuals have a common residence; and

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

(5) the term ''employee'' means—

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

(B) a member of the commissioned corps of the Public Health Service or of the commissioned corps of the National Oceanic and Atmospheric Administration; or

(C) any other individual performing personal service to the Government (including an instrumentality wholly owned by the United States), whether for pay, for nominal pay, or as a volunteer, who is not performing such service as an employee of any employer other than the Government or as a member of the Armed Forces;

(6) the term ''obligation'' includes any duty, disability, or liability, whether substantive, procedural, remedial, or otherwise; and

(7) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

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

(1) conduct a review of the employment benefits and of the employment obligations applied to married employees and their spouses to determine what authority exists for the President and designees of the President to apply such benefits and obligations

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

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

(3) take any additional measures that can be taken, to the greatest extent practicable and consistent with law, to apply such benefits and obligations to employees with domestic partners and the domestic partners of those employees;

(4) develop recommendations for any legislation to further apply such benefits and obligations to employees with domestic partners and the domestic partners of those employees; and

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

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

SEC. 104. EFFECTIVE DATE.

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

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

(b) APPLICATION TO CURRENT AND FUTURE EMPLOYEES.—An employee, former employee, or annuitant shall be eligible to establish a domestic partnership by filing an affidavit under section 2502(a)(2) of title 5, United States Code, as added by section 101 of this Act, only if the employee, former employee, or annuitant is or has been employed as an employee on or after the effective date of this Act.

TITLE II—CIVIL SERVICE RETIREMENT SYSTEM

SEC. 201. DEFINITIONS.

Section 8331 is amended—

(1) in paragraph (23), by striking subparagraph (B) and inserting the following:

''(B) if the former spouse—

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

''(ii) was in a domestic partnership with the individual immediately before a marriage to such individual, and the combined duration of the domestic partnership and marriage was not less than 9 months;'';

(2) in paragraph (30), by striking ''and'' at the end;

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

(4) by adding at the end the following:

''(32) 'domestic partner' and 'domestic partnership' have the meanings given under section 2501; and

''(33) 'former domestic partner' means a former domestic partner of an individual—

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

''(B) if the former domestic partner—

''(i) was in a domestic partnership with the individual for not less than 9 months; or

''(ii) was married to the individual immediately before entering into a domestic partnership with such individual, and the combined duration of the marriage and domestic partnership was not less than 9 months.''.

SEC. 202. CREDITABLE SERVICE.

Section 8332 is amended—

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

(2) in paragraphs (4) and (5) of subsection (o), by striking ''spouse'' each place it appears and inserting ''spouse (or domestic partner),''.

SEC. 203. COMPUTATION OF ANNUITY.

Section 8339 is amended—

(1) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting ''(or domestic partner)'' after ''the spouse'' each place it appears;

(ii) by inserting ''(or has a domestic partner)'' after ''is married''; and

(iii) by inserting ''(or domestic partner's)'' after ''the spouse's'' each place it appears;

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

(C) in paragraph (3)—

(i) in the first sentence—

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

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

(ii) in the second sentence—

(I) by inserting ''(or the domestic partnership of the former domestic partner with)'' after ''the marriage of the former spouse to''; and

(II) by striking ''is dissolved,'' and inserting ''is dissolved (or terminated),'';

(iii) in the sixth sentence, by striking ''former spouse.'' and inserting ''former spouse (or former domestic partner).'';

(iv) in subparagraph (B)—

(I) by striking ''is then married,'' and inserting ''is then married (or is then in a domestic partnership),''; and

(II) by striking ''the spouse's written consent.'' and inserting ''the written consent of the spouse (or domestic partner).''; and

(v) by amending the next to last sentence to read as follows: ''In the case of a retired employee or Member whose annuity is being reduced in order to provide a survivor annuity for a former spouse (or former domestic partner), an election to provide or increase a survivor annuity for any other former spouse (or any other former domestic partner), and to continue an appropriate reduction for that purpose, may be made within the same period that, and subject to the same conditions under which, an election could be made under paragraph (5)(B) for a current spouse (or a current domestic partner), subject to the provisions of this paragraph relating to consent of a current spouse (or of a current domestic partner), if the retired employee or Member is then married (or in a domestic partnership).''; and

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

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

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

''(i) after the death of the spouse (or domestic partner); or

''(ii) after the dissolution of the marriage of the spouse (or the termination of the domestic partnership of the domestic partner) to the employee or Member,

except that an appropriate reduction shall be made thereafter if the spouse (or domestic partner) is entitled, as a former spouse (or former domestic partner), to a survivor annuity under section 8341(h).

''(B) Any reduction in an annuity for the purpose of providing a survivor annuity for a former spouse (or a former domestic partner) of a retired employee or Member shall be terminated for each full month after the former spouse remarries (or enters into a domestic partnership) (or the former domestic partner enters into a subsequent domestic partnership or marries) before reaching age 55 or dies. This reduction shall be replaced by an appropriate reduction or reductions under paragraph (4) if the retired employee or Member has (i) another former spouse (or another former domestic partner) who is entitled to a survivor annuity under section 8341(h), (ii) a current spouse to whom the employee or Member was married (or a cur-

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

''(C)(i) Upon entry into a subsequent marriage (or domestic partnership), a retired employee or Member who was married (or in a domestic partnership) at the time of retirement, including an employee or Member whose annuity was not reduced to provide a survivor annuity for the employee's or Member's spouse or former spouse (or domestic partner or former domestic partner) as of the time of retirement, may irrevocably elect during such marriage (or domestic partnership), in a signed writing received by the Office—

''(I) within 2 years after such entry into a subsequent marriage (or domestic partnership); or

''(II) if later, within 2 years after—

''(aa) the death of or entry into a subsequent marriage (or domestic partnership) by any former spouse (or former domestic partner)

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

''(bb) if there was more than 1 surviving former spouse (or surviving former domestic partner), the death of or entry into a subsequent marriage (or domestic partnership) by the last such surviving former spouse (or surviving former domestic partner),

a reduction in the employee's or Member's annuity under paragraph (4) for the purpose of providing an annuity for such employee's or Member's spouse (or domestic partner) in the event such spouse (or domestic partner) survives the employee or Member.

''(ii) Such election and reduction shall be effective the first day of the second month after the election is received by the Office, but not less than 9 months after the date of the subsequent marriage (or entry into the subsequent domestic partnership), and the retired employee or Member shall deposit in the Fund an amount determined by the Office of Personnel Management, as nearly as may be administratively feasible, to reflect the amount by which the annuity of such retired employee or Member would have been reduced if the election had been in effect since the date of retirement or, if later, the date the previous reduction in such retired employee's or Member's an-

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

''(iii) The Office shall, by regulation, provide for payment of the deposit required under clause (ii) by a reduction in the annuity of the employee or Member. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the deposit required under clause (ii), except that total reductions in the annuity of an employee or Member to pay deposits required by the provisions of this paragraph or paragraph (3) shall not exceed 25 percent of the annuity computed under subsections (a) through (i), (n), (q), and (r), including adjustments under section 8340. The reduction required by this clause, which shall be effective on the same date as the election under clause (i), shall be permanent and unaffected by any future dissolution of the marriage (or termination of the domestic partnership). Such reduction shall be independent of and in addition to the reduction required under clause (i).

''(iv) Notwithstanding any other provision of this subparagraph, an election under this subparagraph may not

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

''(v) An election to provide a survivor annuity to a person under this subparagraph—

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

''(II) shall, if an election was made by the employee or Member under such subsection (k)(1) with respect to a different person, prospectively void such election if appropriate written application is made by such employee or Member at the time of making the election under this subparagraph.

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

''(I) the employee or Member makes an election under this subparagraph after having made an election under subsection (k)(1); and

''(II) the election under subsection (k)(1) becomes void under clause (v).'';

(2) in subsection (k)—

(A) in paragraph (1)—

(i) by striking ''a married employee or Member'' and inserting ''an employee or Member who is married (or in a domestic partnership)''; and

(ii) by inserting ''(or domestic partner)'' after ''spouse'' each place it appears; and

(B) in paragraph (2)—

(i) by striking the matter before subparagraph (B) and inserting the following:

''(2)(A) An employee or Member, who is unmarried (and not in a domestic partnership) at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to such employee's or Member's spouse (or domestic partner) and who later marries (or enters into a domestic partnership), may irrevocably elect, in a signed writing received in the Office—

''(i) within 2 years after such employee or Member marries (or enters into a domestic partnership); or

''(ii) if later, within 2 years after—

''(I) the death of, or entry into a subsequent marriage (or domestic partnership) by, any former spouse (or former domestic partner) of such employee or Member who was entitled to a survivor annuity under section 8341(h); or

''(II) if there was more than 1 surviving former spouse (or surviving former domestic partner), the death of or entry into a subsequent marriage (or domestic partnership) by the last such surviving former spouse (or surviving former domestic partner),

a reduction in the retired employee or Member's current annuity as provided in subsection (j).'';

(ii) in subparagraph (B)(i) (in the matter before subclause (I)), by striking ''marriage.'' and inserting ''marriage (or entry into a domestic partnership).'';

(iii) in subparagraph (B)(ii), by inserting ''(or in a domestic partnership)'' after ''married''; and

(iv) in subparagraph (C), by striking ''marriage.'' and inserting ''marriage (or domestic partnership).''; and

(3) in subsection (o)(1)—

(A) in subparagraphs (A)(i) and (B)(i), by striking ''is married,'' and inserting ''is married (or is in a domestic partnership),''; and

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

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

Section 8340 is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the terms 'widow', 'widower', and 'surviving partner' have the respective meanings given them under section 8341.''; and

(2) in subsection (c)(1)—

(A) in the matter before subparagraph (A), by striking all after ''who retires,'' and before ''of a deceased annuitant'' and inserting ''to the

widow, widower, or former spouse (or the surviving partner or former domestic partner) of a deceased employee or Member, or to the widow, widower, or former spouse (or the surviving partner or former domestic partner), or insurable interest designee''; and

(B) in subparagraph (B)(ii), by striking ''a widow, widower, former spouse, or insurable interest designee'' and inserting ''a widow, widower, or former spouse (or surviving partner or former domestic partner) or insurable interest designee''.

SEC. 205. SURVIVOR ANNUITIES.

Section 8341 is amended—

(1) in subsection (a)—

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

''(1) 'widow' means the surviving wife of an employee or Member who—

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

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

nership with such employee or Member immediately before the marriage to such employee or Member, and the combined duration of the domestic partnership and marriage was not less than 9 months; or

''(C) is the mother of issue by that marriage;

''(2) 'widower' means the surviving husband of an employee or Member who—

''(A) was married to the employee or Member for not less than 9 months immediately before the death of the employee or Member;

''(B) was married to such employee or Member immediately before the death of such employee or Member, was in a domestic partnership with the employee or Member immediately before the marriage to such employee or Member, and the combined duration of the domestic partnership and marriage was not less than 9 months; or

''(C) is the father of issue in that marriage;'';

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

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

''(3) 'surviving partner' means the surviving domestic partner of an employee or Member who—

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

''(B) satisfies such other requirements, related to parenthood and the domestic partnership, as the Director of the Office of Personnel Management shall by regulation prescribe based on the definition of a widow or widower under paragraphs (1)(B) and (2)(B) of this section;''; and

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

(i) in subparagraph (A)—

(I) by striking ''an unmarried dependent child'' and inserting ''a dependent child who is unmarried (and not in a domestic partnership) and'';

(II) in clause (ii), by striking ''stepchild but only if the stepchild'' and inserting ''stepchild (or child of

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

(III) in clause (iv), by inserting ''(or surviving domestic partner)'' after ''the surviving spouse''; and

(ii) in subparagraphs (B) and (C), by striking ''unmarried dependent child'' and inserting ''dependent child who is unmarried (and not in a domestic partnership)'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''widow or widower'' each place it appears and inserting ''widow or widower (or surviving partner)''; and

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

(B) in paragraph (2)—

(i) by striking ''widow or widower'' each place it appears and inserting ''widow or widower (or surviving partner)''; and

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

(C) in paragraph (3)—

(i) in the matter before subparagraph (A), by inserting ''(or domestic partner)'' after ''spouse'';

(ii) by striking ''widow or widower'' each place it appears and inserting ''widow or widower (or surviving partner)''; and

(iii) in subparagraph (B), by inserting ''(or, in the case of a widow or widower, enters into a domestic partnership) (or, in the case of a surviving partner, enters into a subsequent domestic partnership or marries)'' after ''remarries''; and

(D) in paragraph (4)—

(i) by striking ''widow or widower'' each place it appears and inserting ''widow or widower (or surviving partner)''; and

(ii) in subparagraph (B), by inserting ''(or former domestic partner)'' after ''former spouse'';

(3) in subsection (d)—

(A) by striking ''widow or widower'' each place it appears and inserting ''widow or widower (or surviving partner)'';

(B) in subparagraph (B), by inserting ''(or former domestic partner)'' after ''former spouse''; and

(C) in clause (ii), by inserting ''(or, in the case of a widow or widower, enters into a domestic partnership) (or, in the case of a surviving partner, enters into a subsequent domestic partnership or marries)'' after ''remarries'';

(4) in subsection (e)—

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

''(e)(1) For the purposes of this subsection—

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

''(B) the term 'former domestic partner' includes a former domestic partner who was in a domestic partnership with an employee or Member for less than 9 months and a former domestic partner

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

(B) in paragraph (2), by striking ''a spouse or a former spouse'' each place it appears and inserting ''a spouse or former spouse (or a domestic partner or former domestic partner)'';

(C) in paragraph (3)—

(i) in subparagraph (E), by striking ''dies or marries;'' and inserting ''dies or marries (or enters into a domestic partnership);''; and

(ii) in the matter following subparagraph (E)—

(I) by inserting ''(or domestic partner or former domestic partner)'' after ''spouse or former spouse''; and

(II) by striking ''spouse, former spouse, or child'' and inserting ''spouse or former spouse (or domestic partner or former domestic partner) or child,''; and

(D) in paragraph (4), by striking ''marriage, then, if such marriage'' and inserting ''marriage, then, if such marriage (or a domes-

tic partnership, then, if such domestic partnership)'';

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

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

''(1) is entitled to an annuity equal to 55 percent of the deferred annuity of the Member commencing on the day after the Member dies and terminating on the last day of the month before the surviving spouse dies or remarries (or enters into a domestic partnership) (or the surviving domestic partner dies or enters into a subsequent domestic partnership or marries); or

''(2) may elect to receive the lump-sum credit instead of annuity if the spouse (or domestic partner) is the individual who would be entitled to the lump-sum credit and files application therefor with the Office before the award of the annuity.

Notwithstanding the preceding sentence, an annuity payable under this subsection to the surviving spouse (or surviving domestic partner) of a Member may not exceed the difference between—

''(A) the annuity which would otherwise be payable to such surviving spouse (or such surviving domestic partner) under this subsection; and

''(B) the amount of the survivor annuity payable to any former spouse (or any former domestic partner) of such Member under subsection (h).'';

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

''(g) In the case of a surviving spouse (or surviving domestic partner) whose annuity under this section is terminated because of a subsequent entry into a marriage (or domestic partnership) before becoming 55 years of age, annuity at the same rate shall be restored commencing on the day the remarriage (or subsequent domestic partnership) is dissolved by death, annulment, or divorce (or terminated), if—

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

this subchapter or another retirement system for Government employees, by reason of the subsequent entry into a marriage (or domestic partnership); and

''(2) any lump sum paid on termination of the annuity is returned to the Fund.'';

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

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

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

''(i) the amount applicable in the case of such former spouse (or former domestic partner), as determined under subparagraph (B); and

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

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

''(B) The applicable amount, for purposes of subparagraph (A)(i) in the case of a former spouse (or former domestic partner), is the amount which would be applicable—

''(i) under subsection (b)(4)(A) in the case of a widow or widower (or surviving partner), if the deceased was an employee or Member who died after retirement;

''(ii) under subparagraph (A) of subsection (d) in the case of a widow or widower (or surviving partner), if the deceased was an employee or Member described in the first sentence of such subsection; or

''(iii) under subparagraph (A) of subsection (f) in the case of a surviving spouse (or surviving domestic partner), if the deceased was a Member described in the first sentence of such subsection.

''(3) The commencement and termination of an annuity payable under this subsection shall be governed by the terms of the applicable order, decree, agreement, or election, as the case may be, except that any such annuity—

''(A) shall not commence before—

"(i) the day after the employee, Member, or annuitant dies; or

"(ii) the first day of the second month beginning after the date on which the Office receives written notice of the order, decree, agreement, or election, as the case may be, together with such additional information or documentation as the Office may prescribe,

whichever is later, and

"(B) shall terminate—

"(i) except as provided in subsection (k), in the case of an annuity computed by reference to clause (i) or (ii) of paragraph (2)(B), no later than the last day of the month before the former spouse remarries (or enters into a domestic partnership) (or former domestic partner enters into a subsequent domestic partnership or marries) before becoming 55 years of age or dies; or

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

mestic partner enters into a subsequent domestic partnership or marries or dies).

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

''(A) if such modification is made after the retirement or death of the employee or Member concerned, and

''(B) to the extent that such modification involves an annuity under this subsection.

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

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

''(7) As used in this subsection, 'court' means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court.'';

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

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

''(1) the death of the employee or Member was accidental; or

''(2) the surviving spouse (or surviving domestic partner) of such individual had been previously married to (or in a domestic partnership with) the individual that was subsequently dissolved (or terminated), and the aggregate time married (or in a domestic partnership) is not less than 9 months.''; and

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

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

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

''(A) the widow, widower, or former spouse—

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

''(ii) was in a domestic partnership with the individual on whose service the survivor annuity is based immediately before marriage to such individual, and the combined duration of the domestic partnership and marriage was not less than 30 years; or

''(B) the surviving partner or former domestic partner—

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

''(ii) was married to the individual on whose service the survivor annuity is based immediately before entering into a domestic partnership with such individual, and the combined duration of the marriage and the domestic partnership was not less than 30 years.

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

SEC. 206. LUMP-SUM BENEFITS; DESIGNATION OF BENEFICIARY; ORDER OF PRECEDENCE.

Section 8342 is amended—

(1) in subsection (c)—

(A) by inserting ''(or surviving partner)'' after ''widow or widower''; and

(B) by striking ''stepchild.'' and inserting ''stepchild (or a child of a domestic partner which child is not adopted by or otherwise a child of the employee or Member).''; and

(2) in subsection (j)—

(A) in paragraph (1)(A), by inserting ''(or the domestic partner, if any)'' after ''the spouse, if any'';

(B) by inserting ''(or domestic partner)'' after ''spouse'' each place it appears; and

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

SEC. 207. ALTERNATIVE FORMS OF ANNUITIES.

Section 8343a is amended—

(1) in subsection (b)(2)—

(A) (in the material before subparagraph (A)), by inserting ''(or in a domestic partnership)'' after ''married''; and

(B) in subparagraph (B), by inserting ''(or surviving domestic partner)'' after ''surviving spouse'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''married,'' each place it appears and inserting ''married (or in a domestic partnership),''; and

(B) in paragraph (2), by striking ''former spouse,'' and inserting ''former spouse (or former domestic partner),''; and

(3) in subsection (e), by inserting ''(or in a domestic partnership)'' after ''married''.

SEC. 208. ADMINISTRATION; REGULATIONS.

Section 8347(n)(1)(D) is amended by striking ''their spouses, and their former spouses'' and inserting ''their

spouses (and domestic partners), and their former spouses (and former domestic partners)''.

SEC. 209. PARTICIPATION IN THE THRIFT SAVINGS PLAN.

Section 8351(b)(5) is amended—

(1) in subparagraphs (A), (B), and (C), by inserting ''(or domestic partner)'' after ''spouse'' each place it appears;

(2) in subparagraph (B), by striking ''a married employee or Member'' and inserting ''an employee or Member who is married (or in a domestic partnership)''; and

(3) in subparagraph (D), by inserting ''(or domestic partner or former domestic partner)'' after ''spouse or former spouse''.

TITLE III—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Subtitle A—General Provisions

SEC. 301. DEFINITIONS.

Section 8401 is amended—

(1) in paragraph (12), by striking subparagraph (B) and inserting the following:

''(B) if the former spouse—

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

''(ii) was in a domestic partnership with the individual immediately before a marriage to such individual, and the combined duration of the domestic partnership and marriage was not less than 9 months;'';

(2) in paragraph (36), by striking ''and'' at the end;

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

(4) by adding at the end the following:

''(38) 'domestic partner' and 'domestic partnership' have the meanings given under section 2501; and

''(39) 'former domestic partner' means a former domestic partner of an individual—

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

''(B) if the former domestic partner—

''(i) was in a domestic partnership with such individual for not less than 9 months; or

''(ii) was married to the individual immediately before entering into a domestic partnership with such individual, and the combined duration of the marriage and domestic partnership was not less than 9 months.''.

Subtitle B—Creditable Service

SEC. 311. CREDITABLE SERVICE.

Section 8411 is amended—

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

(2) in subsection (l)(4)(B)(i), by inserting ''(or domestic partner)'' after ''spouse''; and

(3) in subsection (l)(5), by inserting ''(or domestic partner)'' after ''spouse'' each place it appears.

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

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

(1) in the section heading, by inserting ''**(or domestic partner)**'' after ''**spouse**'';

(2) in subsection (a)—

(A) by inserting ''(or in a domestic partnership)'' after ''married'' each place it appears;

(B) by inserting ''(or domestic partner)'' after ''spouse'' each place it appears; and

(C) by inserting ''(or domestic partner's)'' after ''spouse's'' each place it appears;

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

''(b)(1) Upon entry into a subsequent marriage (or subsequent domestic partnership), a retired employee or Member who was married (or in a domestic partnership) at the time of retirement, including an employee or Member whose annuity was not reduced to provide a survivor annuity for the employee's or Member's spouse or former spouse (or domestic partner or former domestic partner) as of the time of retirement, may irrevocably elect during such marriage (or domestic partnership), in a signed writing received by the Office—

''(A) within 2 years after such entry into a subsequent marriage (or domestic partnership); or

''(B) if later, within 2 years after—

''(i) the death of or entry into a subsequent marriage (or domestic partnership) by any former spouse (or former domestic partner) of such employee or Member who was entitled to a survivor annuity under section 8445, or

''(ii) if there was more than 1 surviving former spouse (or surviving former domestic partner), the death of or entry into a subsequent marriage (or domestic partnership) by the last such surviving former spouse (or surviving former domestic partner),

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

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

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

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

''(B) shall, if an election was made by the employee or Member under section 8420 with respect to a different individual, prospectively void such election if appropriate written application is made by

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

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

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

''(B) the annuity rights of such individual based on the service of such employee or Member were then waived under subsection (a).'';

(4) in subsection (c)—

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

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

''(A) within 2 years after such employee or Member marries (or enters into a domestic partnership); or

''(B) if later, within 2 years after—

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

''(ii) if more than 1 surviving former spouse (or surviving former domestic partner), the death of or entry into a subsequent marriage (or domestic partnership) by the last such surviving former spouse (or surviving former domestic partner),

a reduction in the current annuity of the retired employee or Member, in accordance with section 8419(a).''; and

(B) in paragraph (2), by striking ''marriage.'' and inserting ''marriage (or domestic partnership).''; and

(5) in subsection (d)(1)—

(A) by inserting ''(or in a domestic partnership)'' after ''married''; and

(B) by inserting ''(or domestic partner)'' after ''spouse'' each place it appears.

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

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

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

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

(1) in the section heading, by inserting ''**(or former domestic partner)**'' after ''**former spouse**'';

(2) in subsection (a), by inserting ''(or a former domestic partner)'' after ''former spouse''; and

(3) in subsection (b)—

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

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

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

domestic partner with the employee or Member is so terminated).''; and

(C) in paragraph (3)—

(i) in subparagraph (A)(ii), by inserting ''(or a surviving partner)'' after ''a widow or widower''; and

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

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8417 and inserting the following:

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

SEC. 314. SURVIVOR ELECTIONS; DEPOSIT; OFFSETS.

Section 8418(b) is amended—

(1) by inserting ''(or domestic partnership)'' after ''marriage''; and

(2) by striking ''former spouse.'' inserting ''former spouse (or former domestic partner).''.

SEC. 315. SURVIVOR REDUCTIONS; COMPUTATION.

Section 8419 is amended—

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

(2) by amending subsection (b) to read as follows:

''(b)(1) Any reduction in an annuity for the purpose of providing a survivor annuity for the current spouse (or current domestic partner) of a retired employee or Member shall be terminated for each full month—

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

''(B) after the dissolution of the spouse's marriage to (or the termination of the domestic partner's domestic partnership with) the employee or Member, except that an appropriate reduction shall be made thereafter if the spouse (or domestic partner) is entitled, as a former spouse (or former domestic partner), to a survivor annuity under section 8445.

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

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

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

''(B) a current spouse to whom the employee or Member was married (or a current domestic partner with whom the employee or Member was in a domestic partnership) at the time of retirement and with respect to whom a survivor annuity was not waived under section 8416(a) or, if waived, with respect to whom an election under section 8416(d) has been made; or

''(C) a current spouse whom the employee or Member married (or current domestic partner with whom the employee or Member entered into a domestic partnership) after retirement and with respect to whom an election has been made under subsection (b) or (c) of section 8416.''.

SEC. 316. INSURABLE INTEREST REDUCTIONS.

Section 8420 is amended—

(1) in subsection (b)(1)—

(A) by striking ''married employee or Member'' and inserting ''employee or Member

who is married (or in a domestic partnership)''; and

(B) by inserting ''(or domestic partner)'' after ''spouse'' each place it appears; and

(2) in subsection (b)(2), by inserting ''(or former domestic partner)'' after ''former spouse''.

SEC. 317. ALTERNATIVE FORMS OF ANNUITIES.

Section 8420a is amended—

(1) in subsection (b)(2)—

(A) in the matter before subparagraph (A), by inserting ''(or in a domestic partnership)'' after ''married''; and

(B) in subparagraph (B), by striking ''surviving spouse.'' inserting ''surviving spouse (or surviving domestic partner).'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''married,'' inserting ''married (or in a domestic partnership),'' and

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

(3) in subsection (e), by inserting ''(or in a domestic partnership)'' after ''married''.

SEC. 318. LUMP-SUM BENEFITS; DESIGNATION OF BENEFICIARY; ORDER OF PRECEDENCE.

Section 8424 is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the spouse, if any, and any former spouse'' and inserting ''any spouse or former spouse (and any domestic partner or former domestic partner)''; and

(ii) in subparagraph (B), by striking ''spouse or former spouse'' each place it appears and inserting ''spouse or former spouse (or domestic partner or former domestic partner)''; and

(B) in paragraph (2), by striking ''spouse or former spouse'' each place it appears and inserting ''spouse or former spouse (or domestic partner or former domestic partner)''; and

(2) in subsection (d)—

(A) by striking ''widow or widower'' and inserting ''widow or widower (or surviving partner)''; and

(B) by striking ''stepchild.'' and inserting ''stepchild (or a child of a domestic partner

which child is not adopted by or otherwise a child of the employee or Member).''.

Subtitle C—Thrift Savings Plan

SEC. 321. BENEFITS AND ELECTION OF BENEFITS.

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

''(2) Notwithstanding section 8424(d), if an employee, Member, former employee, or former Member dies and has designated as sole or partial beneficiary his or her spouse (or domestic partner) at the time of death, or, if an employee, Member, former employee, or former Member, dies with no designated beneficiary and is survived by a spouse (or domestic partner), the spouse (or domestic partner) may maintain the portion of the employee's or Member's account to which the spouse (or domestic partner) is entitled in accordance with the following terms:

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

''(B) The spouse (or domestic partner) may not make withdrawals under subsection (g) or (h).

''(C) The spouse (or domestic partner) may not make contributions or transfers to the account.

''(D) The account shall be disbursed upon the death of the surviving spouse (or surviving domestic partner). A beneficiary or surviving spouse (or surviving domestic partner) of a deceased spouse (or domestic partner) who has inherited an account is ineligible to maintain the inherited spousal account.''.

SEC. 322. ANNUITIES: METHODS OF PAYMENT; ELECTION; PURCHASE.

Section 8434(a)(2) is amended—

(1) in subparagraph (B), by inserting ''(or domestic partner)'' after ''spouse''; and

(2) in subparagraph (E)(i), by inserting ''(or former domestic partner)'' after ''former spouse''.

SEC. 323. PROTECTIONS FOR SPOUSES, DOMESTIC PARTNERS, FORMER SPOUSES, AND FORMER DOMESTIC PARTNERS.

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

(1) in the section heading, by inserting ''**(and domestic partners and former domestic partners)**'' after ''**spouses and former spouses**'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''A married employee or Member (or former employee or Member)'' each place it appears and inserting ''An employee or Member, or former employee or former Member, who is married (or in a domestic partnership)''; and

(ii) in subparagraph (B), by inserting ''(or domestic partner)'' after ''spouse'' each place it appears; and

(B) in paragraph (2), by inserting ''(or domestic partner's)'' after ''spouse's'' each place it appears;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''(or surviving domestic partner)'' after ''surviving spouse'' each place it appears; and

(ii) by inserting ''(or in a domestic partnership)'' after ''married''; and

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

(4) in subsection (d)—

(A) in paragraph (1), by inserting ''(or former domestic partner)'' after ''former spouse'' the first two places it appears;

(B) in paragraphs (3) through (6), by inserting ''(or former domestic partner)'' after ''former spouse'' each place it appears;

(C) in paragraph (3)(B), by inserting ''(or former domestic partners)'' after ''former spouses''; and

(D) in paragraph (3)(A), by inserting ''(or surviving domestic partner)'' after ''surviving spouse'';

(5) in subsection (e)(1)—

(A) by striking the matter before subparagraph (B) and inserting the following:

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

partner) consents to such loan or withdrawal in writing.''; and

(B) in subparagraph (C), by inserting ''(or domestic partner's)'' after ''spouse's'' each place it appears; and

(6) in subsection (g), by inserting ''(or domestic partner or former domestic partner)'' after ''spouse or former spouse''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 is amended by striking the item relating to section 8435 and inserting the following:

''8435. Protections for spouses and former spouses (and domestic partners and former domestic partners).''.

SEC. 324. JUSTICES AND JUDGES.

Section 8440a(b)(6) is amended by inserting ''(or domestic partners)'' after ''spouses''.

Subtitle D—Survivor Annuities

SEC. 331. DEFINITIONS.

Section 8441 is amended—

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

''(1) 'widow' means the surviving wife of an employee or Member who—

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

"(B) was married to such employee or Member immediately before the death of such employee or Member, was in a domestic partnership with such employee or Member immediately before the marriage to such employee or Member, and the combined duration of the domestic partnership and marriage was not less than 9 months; or

"(C) is the mother of issue by that marriage;

"(2) 'widower' means the surviving husband of an employee or Member who—

"(A) was married to the employee or Member for not less than 9 months immediately before the death of the employee or Member;

"(B) was married to such employee or Member immediately before the death of such employee or Member, was in a domestic partnership with the employee or Member immediately before the marriage to such employee or Member, and the combined duration of the do-

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

''(C) is the father of issue in that marriage;'';

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

''(3) the term 'surviving partner' means the surviving domestic partner of an employee, Member, or annuitant, or of a former employee or Member, who—

''(A) was in a domestic partnership with such employee, Member, or annuitant, or former employee or Member, for not less than 9 months immediately before the death of such employee, Member, or annuitant, or former employee or Member; or

''(B) satisfies such other requirements, based on parenthood and the domestic partnership, as the Director of the Office of Personnel Management shall by regulation prescribe based on the definition of a widow or widower under paragraphs (1)(B) and (2)(B) of this section; and''; and

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

(A) in subparagraph (A)—

(i) by striking ''an unmarried dependent child'' and inserting ''a dependent child who is unmarried (and not in a domestic partnership)'';

(ii) in clause (ii), by striking ''stepchild but only if the stepchild'' and inserting ''stepchild (or child of the domestic partner not adopted by or otherwise the child of the employee or Member) but only if the stepchild (or the child of the domestic partner)''; and

(iii) in clause (iv), by inserting ''(or surviving partner)'' after ''widow or widower''; and

(B) in subparagraphs (B) and (C), by striking ''unmarried dependent child'' each place that term appears and inserting ''dependent child who is unmarried (and not in a domestic partnership)''.

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

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

(1) in the section heading, by inserting ''**(or surviving partner)**'' after ''**widow or widower**'';

(2) in subsection (a)—

(A) by inserting ''(or surviving partner)'' after ''widow or widower'' each place it appears;

(B) by inserting ''(or entry into a domestic partnership)'' after ''marriage''; and

(C) by inserting ''(or domestic partner)'' after ''spouse'' each place it appears;

(3) in subsection (b), by inserting ''(or surviving partner)'' after ''widow or widower'' each place it appears;

(4) in subsection (c)—

(A) in the matter in paragraph (1) before subparagraph (A) thereof, by inserting ''(or a surviving partner with whom in a domestic partnership)'' after ''widow or widower to whom married''; and

(B) by striking ''widow or widower'' each place it appears (other than where amended by subparagraph (A)) and inserting ''widow or widower (or surviving partner)'';

(5) in subsection (d)—

(A) by striking ''widow or widower'' each place it appears and inserting ''widow or widower (or surviving partner)'';

(B) in paragraph (1)(B), by inserting ''(or enters into a domestic partnership) (or in the case of a surviving partner, enters into a subsequent domestic partnership or marries)'' after ''remarries'';

(C) in paragraph (2)—

(i) by striking ''remarriage before'' and inserting ''subsequent entry into a marriage (or domestic partnership) before'';

(ii) by striking ''remarriage is dissolved by death, divorce, or annulment,'' and inserting ''subsequent marriage is dissolved by death, divorce, annulment (or subsequent domestic partnership is terminated),''; and

(iii) in subparagraph (A), by striking ''remarriage;'' and inserting ''subsequent marriage (or domestic partnership);''; and

(D) in paragraph (3)—

(i) by striking ''remarriage'' and inserting ''subsequent entry into a marriage (or domestic partnership)''; and

(ii) by inserting ''(or in a domestic partnership for not less than 30 years with)'' after ''married for at least 30 years to'';

(6) in subsection (e)—

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

(i) by striking ''paragraphs (1)(A) and (2)(A)'' and inserting ''paragraphs (1), (2), and (3)'';

(ii) by inserting ''(or surviving partner)'' after ''widow or widower'' each place it appears; and

(iii) by inserting ''(or in a domestic partnership with)'' after ''been married to''; and

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

''(2) the surviving spouse of such individual had been previously married to such individual and subsequently divorced (or the surviving partner of such individual had been previously in a domestic partner-

ship with such individual which domestic partnership was subsequently terminated), and the time married (or in a domestic partnership, or combination thereof) is not less than 9 months.'';

(7) in subsection (g), by striking ''widow or widower'' and inserting ''widow or widower (or surviving partner)'' each place it appears; and

(8) in subsection (h)—

(A) by striking ''widow or widower'' each place it appears and inserting ''widow or widower (or surviving partner)''; and

(B) by inserting ''(or former domestic partner)'' after ''former spouse'' each place it appears.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 is amended by striking the item relating to section 8442 and inserting the following:

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

SEC. 333. RIGHTS OF A CHILD.

Section 8443(b) is amended by striking subparagraph (E) and the matter following that subparagraph and inserting the following:

''(E) dies or marries (or enters into a domestic partnership);

whichever occurs first. On the death of the surviving wife or husband (or surviving domestic partner), or former wife or husband (or former domestic partner), or termination of the annuity of a child, the annuity of any other child or children shall be recomputed and paid as though the wife or husband (or domestic partner), former wife or husband (or former domestic partner), or child had not survived the annuitant, employee, or Member. If the annuity of a child under this subchapter terminates under subparagraph (E) because of marriage (or domestic partnership), then, if such marriage (or domestic partnership) ends, such annuity shall resume on the first day of the month in which it ends, but only if any lump sum paid is returned to the Fund, and that individual is not otherwise ineligible for such annuity.''.

SEC. 334. RIGHTS OF A FORMER SPOUSE OR FORMER DOMESTIC PARTNER.

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

(1) in the section heading, by inserting ''**(or former domestic partner)**'' after ''**former spouse**'';

(2) in subsection (a), by inserting ''(or former domestic partner)'' after ''former spouse'';

(3) in subsection (b)—

(A) by inserting ''(or former domestic partner)'' after ''former spouse'' each place it appears; and

(B) by inserting ''(or surviving partner)'' after ''widow or widower'';

(4) in subsection (c)(2), by inserting ''(or enters into a domestic partnership) (or the former domestic partner enters into a subsequent domestic partnership or marries)'' after ''remarries'';

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

(6) by amending subsection (h) to read as follows:

''(h)(1) Subsection (c)(2), to the extent that it provides for termination of a survivor annuity because of a subsequent entry into a marriage (or domestic partnership) before age 55, shall not apply if—

''(A) the former spouse—

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

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

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

''(B) the former domestic partner—

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

''(ii) was married the individual on whose service the survivor annuity is based immediately before entering into a domestic partnership with such individual, and the combined duration of the marriage and the domestic partnership was not less than 30 years.

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 is amended by striking the item relating to section 8445 and inserting the following:

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

Subtitle E—General Administrative Provisions

SEC. 341. AUTHORITY OF THE OFFICE OF PERSONNEL MANAGEMENT.

Section 8461(j)(1)(D) is amended by striking ''such employees, their spouses, their former spouses, and their survivors'' and inserting ''such employees and their spouses (and domestic partners), former spouses (and former domestic partners), and survivors''.

SEC. 342. COST-OF-LIVING ADJUSTMENTS.

Section 8462(c) is amended—

(1) in paragraph (2), by striking ''survivor (other than a widow or widower whose annuity is computed under section 8442(g) or a child under section 8443)'' and inserting the following: ''survivor, other than a widow or widower (or surviving partner) whose annuity is computed under section 8442(g) or a child under section 8443,'';

(2) in paragraph (4) (in the matter before subparagraph (A)), by inserting ''(or surviving partner)'' after ''widow or widower''; and

(3) in paragraph (4)(B)(i), by inserting ''(or surviving partner's)'' after ''widow's or widower's''.

Subtitle F—Federal Retirement Thrift Investment Management System

SEC. 351. FIDUCIARY RESPONSIBILITIES; LIABILITY AND PENALTIES.

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

''(F) a spouse (or domestic partner), sibling, ancestor, lineal descendant, or spouse (or domestic partner) of a lineal descendant of a person described in subparagraph (A), (B), or (D);''.

TITLE IV—INSURANCE BENEFITS

SEC. 401. LIFE INSURANCE.

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

(1) in section 8701(d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''(or domestic partner)'' after ''spouse''; and

(ii) in subparagraph (B), by striking ''stepchild or foster child (but only if the stepchild'' and inserting ''stepchild (or child of the domestic partner of the individual not adopted by or otherwise the child of the individual) or foster child (but

only if the stepchild (or the child of the domestic partner)''; and

(B) by adding at the end the following:

''(3) For the purpose of this subsection, 'domestic partner' has the meaning given under section 2501.'';

(2) in section 8705(a), by inserting ''(or surviving domestic partner)'' after ''widow or widower''; and

(3) in section 8714c(b)(1)(A), by striking ''spouse;'' and inserting ''spouse (or domestic partner);''.

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

SEC. 402. HEALTH INSURANCE.

(a) DEFINITIONS.—Section 8901 is amended—

(1) in paragraph (5)—

(A) in the matter before subparagraph (A)—

(i) by inserting ''(or domestic partner)'' after ''spouse''; and

(ii) by striking ''an unmarried dependent child'' and inserting ''a dependent

child who is unmarried (and not in a domestic partnership) and is'';

(B) in subparagraph (B), by inserting ''(or a child of the domestic partner not adopted by or otherwise the child of the employee or annuitant)'' after ''stepchild''; and

(C) in the matter following subparagraph (B), by striking ''an unmarried dependent child regardless of age'' and inserting ''a dependent child regardless of age who is unmarried (and not in a domestic partnership)'';

(2) in paragraph (8)(B), by striking ''or former spouses,'' and inserting ''former spouses (or former domestic partners),'';

(3) in paragraph (10)—

(A) in subparagraph (A), by inserting ''(or entered into a domestic partnership)'' after ''remarried''; and

(B) by striking ''and'' at the end;

(4) by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

''(11) 'former domestic partner' means a former domestic partner of an employee, former employee, or annuitant—

"(A) who has not entered into another domestic partnership (or married) before age 55 after the domestic partnership to the employee, former employee, or annuitant was terminated;

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

"(C)(i) who is receiving any portion of a survivor annuity under section 8341(h) or 8445 (or benefits similar to either of the aforementioned annuity benefits under a retirement system for Government employees other than the Civil Service Retirement System or the Federal Employees' Retirement System);

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

"(iii) who is otherwise entitled to an annuity or any portion of an annuity as a former domestic partner under a retirement system for Government employees,

except that such term shall not include any such former domestic partner of a former employee whose domestic partnership was terminated after the former employee's separation from the service (other than by retirement).'';

(5) by striking the period at the end of paragraph (12) (as redesignated) and inserting ''; and''; and

(6) by adding at the end the following:

''(13) 'domestic partner' and 'domestic partnership' have the meanings given under section 2501.''.

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

(c) DEBARMENT AND OTHER SANCTIONS.—Section 8902a(a)(1)(B) is amended by inserting ''(or former domestic partner)'' after ''or former spouse''.

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

(1) by striking ''former spouses,'' and inserting ''former spouses (or former domestic partners),''; and

(2) by striking ''former spouse,'' and inserting ''former spouse (or former domestic partner),''.

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

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

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

''(A) to former spouses and former domestic partners; and

''(B) to the children of a marriage that has been dissolved and the children of a domestic partnership that has been terminated.'';

(2) in subsection (e)—

(A) by inserting ''(or domestic partner)'' after ''has a spouse''; and

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

(3) in subsections (f) and (g), by striking ''former spouse,'' each place it appears and inserting ''former spouse (or former domestic partner),''.

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

''(g) The Office shall prescribe regulations to ensure that, in the administration of this section, parity of treatment is afforded—

''(1) to former spouses (and former domestic partners); and

''(2) to the children of a marriage that has been dissolved (and the children of a domestic partnership that has been terminated).''.

(g) COVERAGE OF RESTORED EMPLOYEES AND SURVIVOR OR DISABILITY ANNUITANTS.—Section 8908(b) is amended by striking ''remarriage and is later restored'' and inserting ''having entered into a subsequent marriage (or domestic partnership) and is later restored (or a surviving domestic partner whose survivor annuity under this title was terminated because of having entered into a subsequent domestic partnership or a marriage and is later restored)''.

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

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

(1) by inserting ''(and former domestic partners)'' after ''and former spouses''; and

(2) by inserting ''(or former domestic partner)'' after ''or former spouse''.

(j) CONTRACT REQUIREMENTS; FEDERAL COURT JURISDICTION.—

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

(A) in subsection (j), as amended by subsection (b) of this section—

(i) by inserting ''(1)'' after ''(j)''; and

(ii) by adding at the end the following:

''(2) Each contract under this chapter may require the carrier to obtain recovery of funds through reimbursement or subrogation with respect to benefits provided to or for an individual covered under this chapter.''; and

(B) in subsection (m)(1), by striking the sentence after ''(1)'' and inserting ''The provisions of this chapter and, by operation of this chapter, the terms of any contract established under this chapter shall supersede and preempt any State or local law, or any regulation issued thereunder, insofar as those provisions or terms relate to health insurance or any plan. This

paragraph does not apply with respect to State tax or statutory reserves.''.

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

''§ 8912. Jurisdiction of courts

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

(k) EFFECTIVE DATE.—

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

(2) FEDERAL COURT JURISDICTION OVER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—The amendments made by subsection (j) shall—

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

(B) apply with respect to any civil action or claim pending or filed on or after the date of enactment of this Act that relates to any injury or illness occurring before, on, or after the date of enactment of this Act.

SEC. 403. ENHANCED DENTAL BENEFITS.

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

(1) in section 8956(a)—

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

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

(2) in section 8957, by striking ''surviving spouse,'' and inserting ''surviving spouse (or surviving domestic partner),''.

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

SEC. 404. ENHANCED VISION BENEFITS.

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

(1) in section 8986(a)—

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

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

(2) in section 8987, by striking ''surviving spouse,'' and inserting ''surviving spouse (or surviving domestic partner),''.

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

SEC. 405. LONG-TERM CARE INSURANCE.

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

(1) in section 9001(5), by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following:

''(D)(i) a domestic partner (as that term is defined in section 2501) of an individual described in paragraph (1), (2), (3), or (4);

''(ii) a child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of a domestic partner referred to in clause (i), if such child is not less than 18 years of age; and

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

(2) in section 9002(e)(2)—

(A) in the heading, by striking ''SPOUSAL PARITY'' and inserting the following: ''PARITY FOR SPOUSE (OR DOMESTIC PARTNER)''; and

(B) by inserting ''(or domestic partner)'' after ''spouse''.

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

TITLE V—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

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

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

(1) in subsection (a), by striking ''(if filing jointly),'' and inserting ''(if filing jointly) (or by an employee and such employee's domestic partner (as that term is defined under section 2501), if joint filing is allowed and they file jointly),''; and

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

ployee and spouse (or domestic partner), as the case may be''.

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

SEC. 502. DEFINITION.

Section 5721 is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) 'domestic partner' has the meaning given under section 2501.''.

SEC. 503. RELOCATION EXPENSES OF EMPLOYEES TRANSFERRED OR REEMPLOYED.

(a) IN GENERAL.—Section 5724a(b)(1)(A) is amended by striking ''employee's spouse'' and inserting ''employee's spouse (or domestic partner)''.

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

SEC. 504. TAXES ON REIMBURSEMENTS FOR TRAVEL, TRANSPORTATION, AND RELOCATION EXPENSES OF EMPLOYEES TRANSFERRED.

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

(1) by striking ''(if filing jointly),'' and inserting ''(if filing jointly) (or by an employee and the employee's domestic partner, if joint filing by them is allowed and if they file jointly),''; and

(2) by striking ''employee and spouse, as the case may be,'' and inserting ''employee and spouse (or domestic partner), as the case may be''.

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

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

(a) IN GENERAL.—Section 5737(a)(4) is amended by inserting ''(or domestic partner)'' after ''employee and spouse''.

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

SEC. 506. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO REPATRIATION OF EMPLOYEES HELD CAPTIVE.

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

SEC. 507. REGULATIONS TO INCLUDE DOMESTIC PARTNERS.

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

"§ 5762. Regulations to include domestic partners

''Regulations prescribed under, or to administer provisions of, this chapter shall include a domestic partner (as defined under section 2501) within the meaning of the terms 'immediate family' and 'dependent'.".

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

"5762. Regulations to include domestic partners.".

TITLE VI—COMPENSATION FOR WORK INJURIES

SEC. 601. DEFINITIONS.

Section 8101 is amended—

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

''(6) 'widow' means the wife living with or dependent for support on the decedent at the time of the death of the decedent, or living apart for reasonable cause or because of desertion by the decedent;'';

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

(3) in paragraph (9)—

(A) by inserting ''(or children of the employee's domestic partner not adopted by or otherwise the children of the employee)'' after ''stepchildren''; and

(B) by striking ''married children'' and inserting ''any child who is married (or in a domestic partnership)'';

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

''(11) 'widower' means the husband living with or dependent for support on the decedent at the time of the death of the decedent, or living apart for reasonable cause or because of desertion by the decedent;'';

(5) in paragraph (18), by striking ''and'' at the end;

(6) in paragraph (19), by striking ''and'' at the end;

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

(8) by adding at the end the following:

''(21) the term 'covered state' means a State, foreign country, or political subdivision of a foreign country in which a marriage between 2 individuals of the same sex is recognized under the law of that State, country, or political subdivision; and

''(22) 'domestic partner' means an individual who is in a domestic partnership with another individual, as determined by the Secretary of Labor for purposes of this subchapter under regulations issued by the Secretary, in consultation with the Director of the Office of Personnel Management—

''(A) who are of the same sex;

''(B) not less than 1 of whom is an employee or an individual otherwise eligible for coverage under this subchapter (or any application or extension thereof) based on such individual's employment or other service;

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

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

"(ii) who have a common residence and intend to continue to do so (or would have a common residence, but are prevented from doing so because of such reasons as an assignment abroad or other employment-related factors, financial considerations, family responsibilities or other such reasons);

"(iii) who share responsibility for a significant measure of each other's welfare and financial obligations; and

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

"(D) who are not less than 18 years of age and mentally competent to consent to a contract;

"(E) who are not related to each other by blood in a way that would prohibit legal marriage between individuals otherwise eligible to marry in the jurisdiction (or, if applicable, in any jurisdiction) in which the individuals have a common residence; and

''(F) on the date on which the employee is injured or dies, or, for purposes of section 8110, the date on which the augmented compensation is to be provided, neither of whom has resided in a covered state for more than 6 months;

''(23) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States; and

''(24) 'surviving partner' means the domestic partner in a domestic partnership with the decedent at the time of his or her death.''.

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

Section 8102a(d) is amended—

(1) in paragraph (1)(A), by striking ''surviving spouse.'' and inserting ''surviving spouse (or surviving partner).'';

(2) in paragraph (2)(C), by inserting ''(or children of the employee's domestic partner not adopted by or otherwise the children of the employee)'' after ''stepchildren''; and

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

''(6) If a person covered by this section has a spouse (or a domestic partner), but designates a person other than the spouse (or domestic partner) to receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse (or the domestic partner).''.

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

Section 8109(a)(3)(D) is amended—

(1) in clause (i), by striking ''the widow or widower.'' and inserting ''the widow or widower (or the surviving partner).'';

(2) in clause (ii)—

(A) by inserting ''(or a surviving partner)'' after ''a widow or widower''; and

(B) by inserting ''(or the surviving partner)'' after ''the widow or widower''; and

(3) in clause (iii), by striking ''no widow or widower,'' and inserting ''no widow or widower (and no surviving partner),''.

SEC. 604. AUGMENTED COMPENSATION FOR DEPENDENTS.

Section 8110(a) is amended—

(1) in paragraph (3)—

(A) by striking ''an unmarried child'' and inserting ''a child who is unmarried (and not in a domestic partnership)''; and

(B) by striking ''and'' at the end;

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

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

''(5) a domestic partner, if—

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

''(B) he or she is receiving regular contributions from the employee for his or her support; or

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

(4) in the last sentence, by striking ''he marries.'' and inserting ''he marries (or enters into a domestic partnership).''.

SEC. 605. LIMITATIONS ON RIGHT TO RECEIVE COMPENSATION.

Section 8116(c) is amended by striking ''spouse,'' and inserting ''spouse (or domestic partner),''.

SEC. 606. COMPENSATION IN CASE OF DEATH.

Section 8133 is amended—

(1) in subsection (a)—

(A) in paragraphs (1) and (2), by striking ''the widow or widower,'' and inserting ''the widow or widower (or the surviving partner),'';

(B) in paragraph (2), by inserting ''(or the surviving partner)'' after ''for the widow or widower'';

(C) in paragraph (3), by striking ''no widow or widower,'' and inserting ''no widow or widower (and no surviving partner),''; and

(D) in paragraphs (4) and (5), by striking ''widower,'' and inserting ''widower (or surviving partner),'' each place it appears; and

(2) in subsection (b)—

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

''(1) a widow or widower dies or remarries (or enters into a domestic partnership) (or a surviving partner dies or enters into a subsequent domestic partnership or marries) before reaching age 55;'';

(B) in paragraphs (2) and (3), by striking ''marries,'' each place that term appears and inserting ''marries (or enters into a domestic partnership),''; and

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

(i) in the first sentence, by striking ''marries.'' and inserting ''marries (or enters into a domestic partnership).''; and

(ii) in the second sentence, by inserting ''(or domestic partner) (or a surviving partner who has entitlements to benefits under this title derived from more than 1 domestic partner or spouse)'' after ''husband or wife''.

SEC. 607. LUMP-SUM PAYMENT.

Section 8135 is amended—

(1) in subsection (a), by inserting ''(or surviving partner)'' after ''widow or widower''; and

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

''(b) A widow or widower on remarriage (or on entry into a domestic partnership) before reaching age 55 (or a surviving partner on entry into a subsequent domestic partnership or on marriage before age 55) who is entitled to compensation under section 8133 of this title, shall be paid a lump sum equal to 24 times the monthly compensation payment (excluding compensation on account of another individual) to which that individual was entitled im-

mediately before the remarriage (or entry into a domestic partnership) (or, in the case of a surviving partner, immediately before entry into the subsequent domestic partnership or the marriage).''.

SEC. 608. EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Section 8171 is amended by adding at the end the following:

''(e)(1) For the purpose of this section—

''(A) the term 'covered state' means a State, foreign country, or political subdivision of a foreign country in which a marriage between 2 individuals of the same sex is recognized under the law of that State, country, or political subdivision;

''(B) the term 'domestic partner' means an individual who is in a domestic partnership with another individual, as determined by the Secretary of Labor for purposes of this subchapter under regulations issued by the Secretary, in consultation with the Director of the Office of Personnel Management—

''(i) who are of the same sex;

''(ii) not less than 1 of whom is an employee or an individual otherwise eligible for coverage under this subchapter (or any applica-

tion or extension thereof) based on such individual's employment or other service;

"(iii)(I) who are in a committed domestic-partnership relationship with each other satisfying the conditions in subclauses (II), (III), and (IV) and intend to remain so indefinitely;

"(II) who have a common residence and intend to continue to do so (or would have a common residence, but are prevented from doing so because of such reasons as an assignment abroad or other employment-related factors, financial considerations, family responsibilities or other such reasons);

"(III) who share responsibility for a significant measure of each other's welfare and financial obligations; and

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

"(iv) who are not less than 18 years of age and mentally competent to consent to a contract;

"(v) who are not related to each other by blood in a way that would prohibit legal marriage between individuals otherwise eligible to

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

''(vi) on the date of the death or injury of the employee or individual otherwise eligible for coverage under this subchapter (or any application or extension thereof) or, for the purpose of applying section 31(b)(2)(C) of the Longshore and Harbor Workers' Compensation Act under this subchapter, the date of the representation, neither of whom has resided in a covered state for more than 6 months;

''(C) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States; and

''(D) the term 'surviving partner' means the decedent's domestic partner at the time of his or her death.

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

''(A) section 2(14) of that Act shall apply as though—

''(i) '(or child of the domestic partner of an employee or volunteer referred to in section

8171(a) of title 5, United States Code)' were inserted after 'stepchild'; and

"(ii) '(or children in domestic partnerships)' were inserted after 'married children' and '(or brothers or sisters in domestic partnerships)' were inserted after 'married sisters';

"(B) in section 8(d)(1) of that Act—

"(i) subparagraphs (A), (C), and (D) shall apply as though '(or surviving partner)' were inserted after 'widow or widower' each place it appears; and

"(ii) subparagraph (D) shall apply as though 'wife, husband,' were struck and 'wife or husband (or domestic partner)' were inserted; and

"(C) in section 9 of that Act—

"(i) subsection (b) shall apply as though the portion of the first sentence up to and including the sixth comma reads as follows: 'If there be a widow or widower (or surviving partner) and no child of the deceased, to such widow or widower (or surviving partner) 50 per centum of the average wages of the deceased, during widowhood, or dependent widowerhood (or during the life of the surviving partner, as

the case may be), with 2 years' compensation in 1 sum upon remarriage (or entry into a domestic partnership) of such widow or widower (or entry into another domestic partnership or marriage of such surviving partner); and if there be a surviving child or children of the deceased, the additional amount of 16⅔ per centum of such wages for each such child; in case of the death or remarriage (or entry into a domestic partnership) of such widow or widower (or entry into another domestic partnership or a marriage of such surviving partner)';

''(ii) subsection (c) shall apply as though the portion of the subsection up to and including the fourth comma reads as follows: 'If there be 1 surviving child of the deceased, but no widow or widower (or surviving partner), then for the support of such child 50 per centum of the wages of the deceased; and if there be more than 1 surviving child of the deceased, but no widow or dependent husband (or surviving partner),';

''(iii) subsection (d) shall apply as though—

''(I) the portion of the first sentence up through the word 'children' reads as follows: 'If there be no surviving wife or husband (or surviving domestic partner) or child, or if the amount payable to a surviving wife or husband (or surviving domestic partner) and to children'; and

''(II) the second sentence reads as follows: 'But in no case shall the aggregate amount payable under this subsection exceed the difference between 66⅔ per centum of such wages and the amount payable as hereinbefore provided to widow or widower (or surviving partner) and for the support of surviving child or children.';

''(iv) subsection (g) shall apply as though the term '(or surviving domestic partner)' were inserted after 'surviving wife' each place it appears; and

''(v) section 31(b)(2)(C) shall apply as though the term '(or domestic partner)' were inserted after 'spouse'.''.

(b) EXCLUSIVE LIABILITY.—Section 8173 is amended by striking ''spouse,'' and inserting ''spouse (or domestic partner),''.

SEC. 609. EFFECTIVE DATE.

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

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

(2) shall apply with respect to any injury or death occurring before, on, or after such date of enactment.

(b) TIMELY CLAIM REQUIRED; LIMITATION ON PAYMENTS.—No compensation shall be payable, by virtue of the enactment of this title—

(1) unless timely claim therefor is filed in accordance with the provisions of section 8122 or 8193 of title 5, United States Code (as applicable), and subsection (c); or

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

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

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

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

(2) the timeliness of any such claim, if not precluded by paragraph (1), shall be determined—

(A) by applying the provisions of such section 8122 or 8193 (as applicable); and

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

(d) PAYMENTS FOR PRIOR PERIODS NOT AFFECTED.—No recovery shall be made of compensation paid to any individual whose entitlement to compensation is terminated or reduced as a result of the enactment of this title.

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

SEC. 701. VOLUNTARY TRANSFERS OF LEAVE; VOLUNTARY LEAVE BANK PROGRAM.

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

''(d) Regulations to carry out this section shall include provisions to ensure that, in the administration of this section, a domestic partner (as that term is defined in section 2501) shall be afforded the same status as a spouse.''.

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

(1) by inserting ''(a)'' before ''Notwithstanding''; and

(2) by adding at the end the following:

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

SEC. 702. FAMILY AND MEDICAL LEAVE.

(a) IN GENERAL.—

(1) DEFINITION.—Section 6381 is amended—

(A) in paragraph (6), in the matter before subparagraph (A), by striking ''parentis,'' and inserting ''parentis (or a biological, adopted, or foster child of the domestic partner of the employee),'';

(B) in paragraph (11), by striking ''and'' at the end;

(C) in paragraph (12), by striking the period at the end and inserting ''; and''; and

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

''(13) the term 'domestic partner' has the meaning given under section 2501.''.

(2) LEAVE REQUIREMENT.—Section 6382 is amended by striking ''spouse,'' each place that term appears and inserting ''spouse (or domestic partner),''.

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

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

''(f) COVERAGE OF EMPLOYEES WITH DOMESTIC PARTNERS.—

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

''(2) APPLICATION TO COVERED EMPLOYEES.—In the application of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) under subsection (a)(1) as to a covered employee who has a domestic partner—

''(A) sections 102 through 105 of that Act shall apply as though 'domestic partner' were inserted after 'spouse' each place it appears in those sections;

''(B) section 101(12) of that Act shall apply as though a child of the domestic partner of a covered employee, which child meets the conditions of subparagraphs (A) and (B) of that section, were included in the term 'son or daughter' as defined in that section; and

''(C) if the covered employee and the domestic partner of the covered employee are employed by the same employing office, the limit on the aggregate number of workweeks of leave

to which both may be entitled, as stated in section 102(f) of that Act, shall apply.

''(3) APPLICATION TO EMPLOYEES OF THE GOVERNMENT ACCOUNTABILITY OFFICE.—In the application of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) as to an employee of the Government Accountability Office who has a domestic partner—

''(A) sections 102 through 105 of that Act shall apply as though 'domestic partner' were inserted after 'spouse' each place it appears in those sections;

''(B) section 101(12) of that Act shall apply as though a child of the domestic partner of the employee, which child meets the conditions of subparagraphs (A) and (B) of that section, were included in the term 'son or daughter' as defined in that section; and

''(C) in any case in which the employee and the domestic partner of the employee are both employed by the Government Accountability Office, the limit on the aggregate number of workweeks of leave to which both may be entitled, as stated in section 102(f) of that Act, shall apply.''.

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

''(e) COVERAGE OF EMPLOYEES WITH DOMESTIC PARTNERS.—

''(1) DEFINITION OF DOMESTIC PARTNER.—In this subsection, the term 'domestic partner' has the meaning given under section 2501 of title 5.

''(2) APPLICATION TO COVERED EMPLOYEES.—In the application of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) under subsection (a)(1) as to a covered employee who has a domestic partner—

''(A) sections 102 through 105 of that Act shall apply as though 'domestic partner' were inserted after 'spouse' each place it appears in those sections;

''(B) section 101(12) of that Act shall apply as though a child of the domestic partner of a covered employee, which child meets the conditions of subparagraphs (A) and (B) of that section, were included in the term 'son or daughter' as defined in that section; and

''(C) if the covered employee and the domestic partner of the covered employee are em-

ployed by the same employing office, the limit on the aggregate number of workweeks of leave to which both may be entitled, as stated in section 102(f) of that Act, shall apply.''.

SEC. 703. SETTLEMENT OF ACCOUNTS.

Section 5582(b) is amended by inserting ''(or surviving domestic partner (as defined under section 2501))'' after ''widow or widower''.

SEC. 704. PAYMENTS TO MISSING EMPLOYEES.

(a) DEFINITIONS.—Section 5561 is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''wife'' and inserting ''spouse (or domestic partner)''; and

(B) by striking subparagraph (B) and inserting—

''(B) a child, including a dependent adopted child (or a dependent child of a domestic partner not adopted by or otherwise the child of the employee), who is—

''(i) unmarried (and not in a domestic partnership); and

''(ii) under 21 years of age;'';

(2) in paragraph (5)(E), by striking ''and'' at the end;

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

(4) by adding at the end the following:

''(7) 'domestic partner' and 'domestic partnership' have the meanings given under section 2501.''.

(b) BENEFITS FOR CAPTIVES.—Section 5569 is amended by inserting ''(or domestic partner)'' after ''spouse'' each place it appears.

SEC. 705. ANNUITY OF THE COMPTROLLER GENERAL.

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

(1) in the matter preceding paragraph (1), by striking ''subchapter—'' and inserting ''subchapter:'';

(2) in paragraph (1)—

(A) by inserting ''The term'' after ''(1)''; and

(B) by inserting ''(or the child of a reporting Comptroller General's domestic partner not adopted by or otherwise the child of the Comptroller General)'' after ''including a stepchild''; and

(3) by striking paragraphs (2) and (3) and inserting the following:

''(2) The terms 'domestic partner' and 'domestic partnership' have the meanings given under section 2501 of title 5.

''(3) The term 'surviving spouse' means a surviving spouse of an individual who was a Comptroller General or retired Comptroller General and the spouse—

''(A) was married to the individual for not less than 1 year immediately before the individual died;

''(B) was married to the individual immediately before the individual died, was in a domestic partnership with the individual immediately before the marriage to such individual, and the combined duration of the domestic partnership and marriage was not less than 1 year; or

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

''(4) The term 'surviving partner' means a surviving domestic partner of an individual who was a Comptroller General or retired Comptroller General and the domestic partner—

''(A) was in a domestic partnership for not less than 1 year immediately before the individual died;

''(B)(i) has not entered into a subsequent domestic partnership or married before age 55; and

''(ii) satisfies other requirements, related to parenthood and the domestic partnership, prescribed by the Director of the Office of Personnel Management by regulation under sections 8341(3)(b) and 8441(3)(B) of title 5, as determined and applied by the General Counsel of the Government Accountability Office on the basis of those regulations.

''(5) Service as a Comptroller General equals the number of years and complete months an individual is Comptroller General.''.

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

(1) in subsection (b)(2)(B), by inserting ''(or domestic partner's)'' after ''surviving spouse's'';

(2) in subsection (c), by inserting ''(or surviving domestic partner)'' after ''surviving spouse''; and

(3) in subsection (d), by inserting ''(or domestic partner)'' before the period.

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

(1) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) only by a spouse (or domestic partner), the surviving spouse (or surviving domestic partner) shall receive an annuity computed under subsection (d) of this section beginning on the death of the Comptroller General or retired Comptroller General or when the spouse (or domestic partner) is 50 years of age, whichever is later;'';

(B) in paragraph (2), by striking ''by a spouse and a dependent child, the surviving spouse'' and inserting ''by a spouse (or domestic partner) and a dependent child, the surviving spouse (or surviving domestic partner)''; and

(C) in paragraph (3)(A), by inserting ''(or surviving domestic partner)'' after ''surviving spouse'';

(2) in subsection (d), by inserting ''(or surviving domestic partner)'' after ''surviving spouse''; and

(3) in subsection (e)—

(A) by inserting ''(or surviving domestic partner's)'' after ''A surviving spouse's'';

(B) by inserting ''(or surviving domestic partner's)'' after ''a surviving spouse's''; and

(C) by inserting ''(or domestic partner)'' after ''unless the spouse''.

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

(1) in subsection (d)(2), by inserting ''(or surviving domestic partner)'' after ''surviving spouse''; and

(2) in subsection (e), by inserting ''(or surviving domestic partner)'' after ''surviving spouse''.

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

(1) in paragraph (1), by striking ''A surviving spouse's annuity ends when the spouse remarries'' and inserting ''A surviving spouse's (or surviving domestic partner's) annuity ends when the spouse remarries (or enters into a domestic partnership) (or when the surviving domestic partner enters into another domestic partnership or marries)'';

(2) in paragraph (2), by striking ''marries, or dies, whichever is earliest. However, if a child is not self-supporting because of a physical or mental dis-

ability, an annuity ends when the child recovers, marries'' and inserting ''marries (or enters into a domestic partnership), or dies, whichever is earliest. However, if a child is not self-supporting because of a physical or mental disability, an annuity ends when the child recovers, marries (or enters into a domestic partnership)''; and

(3) in paragraph (3), by inserting ''(or surviving domestic partner)'' after ''a surviving spouse''.

(f) ANNUITY INCREASES.—Section 777(b) of title 31, United States Code, is amended by inserting ''(or surviving domestic partner's)'' after ''A surviving spouse's''.

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

SEC. 801. ETHICS IN GOVERNMENT ACT OF 1978.

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

(1) in subsection (a)—

(A) in paragraph (2)(A), by inserting ''(or the domestic partner or a parent, child, or sibling of the domestic partner)'' after ''relative'';

(B) in paragraph (3), by striking ''spouse, or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse,'' and inserting ''spouse (or domestic partner), or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse (or of the reporting individual's domestic partner),'';

(C) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by striking ''spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse'' and inserting ''spouse (or domestic partner), or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse (or of the reporting individual's domestic partner),''; and

(ii) in subparagraph (A), by inserting ''(or domestic partner)'' after ''spouse''; and

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

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) and subparagraphs (A), (B), (C), and (D) by inserting ''(or domestic partner)'' after ''spouse'' each place that term appears;

(ii) in subparagraph (E), by inserting ''(or domestic partner's)'' after ''spouse's'';

(iii) in subparagraph (F)—

(I) by inserting ''(and domestic partners)'' after ''spouses''; and

(II) by inserting ''(or domestic partner)'' after ''spouse''; and

(iv) in the matter following subparagraph (F), by inserting ''(or domestic partner)'' after ''spouse''; and

(B) in paragraph (2), by inserting ''(or the termination of the reporting individual's domestic partnership)'' after ''his spouse''; and

(3) in subsection (f), by inserting ''(or domestic partner)'' after ''spouse'' each place that term appears.

(b) DEFINITIONS RELATING TO FINANCIAL DISCLOSURE.—

(1) IN GENERAL.—Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''(or who is a son or daughter of the reporting individual's domestic partner)'' after ''stepdaughter'';

(ii) in subparagraph (A), by striking ''unmarried'' and inserting ''not married (and not in a domestic partnership)''; and

(iii) in subparagraph (B), by inserting ''(or, in the case of a son or daughter of the reporting individual's domestic partner, would be a dependent within the meaning of such section if the requirements of subsections (c)(1)(A) and (d)(1)(A) of such section were disregarded)'' before the semicolon;

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

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

''(4) 'domestic partner' and 'domestic partnership' have the meanings given under section 2501 of title 5, United States Code.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(i) in section 101(f)—

(I) in paragraph (9), by striking ''section 109(12)'' and inserting ''section 109(13)'';

(II) in paragraph (10), by striking ''section 109(13)'' and inserting ''section 109(14)'';

(III) in paragraph (11), by striking ''section 109(10)'' and inserting ''section 109(11)''; and

(IV) in paragraph (12), by striking ''section 109(8)'' and inserting ''section 109(9)''; and

(ii) in section 105(b)(3)(A), by striking ''section 109(8) or 109(10)'' and inserting ''section 109(9) or (11)''.

(B) OTHER PROVISIONS.—

(i) LOBBYING DISCLOSURE ACT OF 1995.—Section 3(4)(D) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(4)(D)) is amended by striking ''section 109(13)'' and inserting ''section 109(14)''.

(ii) PUBLIC HEALTH SERVICE ACT.—Section 499(j)(2) of the Public Health Service Act (42 U.S.C. 290b(j)(2)) is amended by striking ''section 109(16)'' and inserting ''section 109(17)''.

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

domestic partner, which child, sibling, or parent is a dependent of such individual)''.

(d) DEFINITIONS RELATING TO OUTSIDE EARNED INCOME AND EMPLOYMENT.—Section 505 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (3), by inserting ''(or the individual's domestic partner, or a parent, child, or sibling of the individual's domestic partner)'' after ''relative''; and

(2) in paragraph (4), by inserting ''(or the domestic partner, or a parent, child, or sibling of the domestic partner)'' after ''relative''.

SEC. 802. CONFLICTS OF INTEREST.

(a) COMPENSATION TO MEMBERS OF CONGRESS, OFFICERS, AND OTHERS IN MATTERS AFFECTING THE GOVERNMENT.—Section 203(d) of title 18, United States Code, is amended in the matter preceding paragraph (1) by inserting ''(or domestic partner, as that term is defined in section 2501 of title 5)'' after ''spouse''.

(b) ACTIVITIES OF OFFICERS AND EMPLOYEES IN CLAIMS AGAINST AND OTHER MATTERS AFFECTING THE GOVERNMENT.—Section 205(e) of title 18, United States Code, is amended in the matter preceding paragraph (1) by inserting ''(or domestic partner, as that term is defined in section 2501 of title 5)'' after ''spouse''.

(c) ACTS AFFECTING A PERSONAL FINANCIAL INTEREST.—Section 208(a) of title 18, United States Code, is amended by inserting ''(or domestic partner, as that term is defined in section 2501 of title 5)'' after ''spouse''.

SEC. 803. EMPLOYMENT OF RELATIVES, RESTRICTIONS.

Section 3110 is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) 'domestic partner' has the meaning given under section 2501.''; and

(2) in subsection (b), by inserting ''The restrictions in this subsection shall apply also to a public official with respect to any individual, and to any individual with respect to a public official, if the individual is the public official's domestic partner; is a parent, child, or sibling of the public official's domestic partner; or is the domestic partner of a child, parent, or sibling of the public official.'' at the end.

SEC. 804. RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Section 7342(a)(1) is amended—

(1) in paragraph (1)(G), by inserting ''(or domestic partner)'' after ''spouse'' each place it appears;

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) 'domestic partner' has the same meaning given under section 2501.''.

SEC. 805. REGULATION OF CONDUCT; GIFTS.

(a) IN GENERAL.—Regulations under section 7301 of title 5, United States Code, shall be modified by the President, and regulations under sections 7351 and 7353 of that title shall be modified by the Office of Government Ethics, so as to provide that any benefits and obligations applicable to married employees and their spouses shall also apply to employees in domestic partnerships and their domestic partners.

(b) DEFINITION.—In this section, the term ''domestic partner'' has the meaning given under section 2501 of title 5, United States Code.

SEC. 806. ACCEPTANCE OF TRAVEL ASSISTANCE FROM NON-FEDERAL SOURCES.

Section 1353(a) of title 31, United States Code, is amended by inserting ''(or domestic partner (as defined under section 2501 of title 5))'' after ''spouse''.

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