

110TH CONGRESS
1ST SESSION

H. R. 4838

To provide benefits to domestic partners of Federal employees.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

Ms. BALDWIN (for herself, Mr. SHAYS, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. McDERMOTT, Mr. TOWNS, Ms. HARMAN, Mrs. TAUSCHER, Mr. ELLISON, Mr. ENGEL, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. HARE, Mr. CUMMINGS, Ms. VELÁZQUEZ, Mr. NADLER, Mrs. MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. DELAHUNT, Ms. BERKLEY, Ms. DELAURO, Mr. MARKEY, Ms. LEE, Mr. LANGEVIN, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. SERRANO, Ms. NORTON, Mr. BERMAN, Ms. ROYBAL-ALLARD, Ms. MOORE of Wisconsin, Mr. WYNN, Mr. WU, Ms. WASSERMAN SCHULTZ, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration and Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide benefits to domestic partners of Federal employees.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Domestic Partnership
3 Benefits and Obligations Act of 2007”.

4 **SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL**
5 **EMPLOYEES.**

6 (a) IN GENERAL.—An employee who has a domestic
7 partner and the domestic partner of the employee shall
8 be entitled to benefits available to, and shall be subject
9 to obligations imposed upon, a married employee and the
10 spouse of the employee.

11 (b) CERTIFICATION OF ELIGIBILITY.—In order to ob-
12 tain benefits and assume obligations under this Act, an
13 employee shall file an affidavit of eligibility for benefits
14 and obligations with the Office of Personnel Management
15 identifying the domestic partner of the employee and certi-
16 fying that the employee and the domestic partner of the
17 employee—

18 (1) are each other’s sole domestic partner and
19 intend to remain so indefinitely;

20 (2) have a common residence, and intend to
21 continue the arrangement;

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

24 (4) share responsibility for a significant meas-
25 ure of each other’s common welfare and financial ob-
26 ligations;

1 (5) are not married to or domestic partners
2 with anyone else;

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

7 (7) understand that willful falsification of infor-
8 mation within the affidavit may lead to disciplinary
9 action and the recovery of the cost of benefits re-
10 ceived related to such falsification and may con-
11 stitute a criminal violation.

12 (c) DISSOLUTION OF PARTNERSHIP.—

13 (1) IN GENERAL.—An employee or domestic
14 partner of an employee who obtains benefits under
15 this Act shall file a statement of dissolution of the
16 domestic partnership with the Office of Personnel
17 Management not later than 30 days after the death
18 of the employee or the domestic partner or the date
19 of dissolution of the domestic partnership.

20 (2) DEATH OF EMPLOYEE.—In a case in which
21 an employee dies, the domestic partner of the em-
22 ployee at the time of death shall receive under this
23 Act such benefits as would be received by the widow
24 or widower of an employee.

25 (3) OTHER DISSOLUTION OF PARTNERSHIP.—

1 (A) IN GENERAL.—In a case in which a
2 domestic partnership dissolves by a method
3 other than death of the employee or domestic
4 partner of the employee, any benefits received
5 by the domestic partner as a result of this Act
6 shall terminate.

7 (B) EXCEPTION.—In a case in which a do-
8 mestic partnership dissolves by a method other
9 than death of the employee or domestic partner
10 of the employee, the former domestic partner of
11 the employee shall be entitled to benefits avail-
12 able to, and shall be subject to obligations im-
13 posed upon, a former spouse.

14 (d) STEPCHILDREN.—For purposes of affording ben-
15 efits under this Act, any natural or adopted child of a do-
16 mestic partner of an employee shall be deemed a stepchild
17 of the employee.

18 (e) CONFIDENTIALITY.—Any information submitted
19 to the Office of Personnel Management under subsection
20 (b) shall be used solely for the purpose of certifying an
21 individual's eligibility for benefits under subsection (a).

22 (f) REGULATIONS AND ORDERS.—

23 (1) OFFICE OF PERSONNEL MANAGEMENT.—
24 Not later than 6 months after the date of enactment
25 of this Act, the Office of Personnel Management

1 shall promulgate regulations to implement section 2
2 (b) and (c).

3 (2) OTHER EXECUTIVE BRANCH REGULA-
4 TIONS.—Not later than 6 months after the date of
5 enactment of this Act, the President or designees of
6 the President shall promulgate regulations to imple-
7 ment this Act with respect to benefits and obliga-
8 tions administered by agencies or other entities of
9 the executive branch.

10 (3) OTHER REGULATIONS AND ORDERS.—Not
11 later than 6 months after the date of enactment of
12 this Act, each agency or other entity or official not
13 within the executive branch that administers a pro-
14 gram providing benefits or imposing obligations shall
15 promulgate regulations or orders to implement this
16 Act with respect to the program.

17 (4) PROCEDURE.—Regulations and orders re-
18 quired under this subsection shall be promulgated
19 after notice to interested persons and an opportunity
20 for comment.

21 (g) DEFINITIONS.—In this Act:

22 (1) BENEFITS.—The term “benefits” means—
23 (A) health insurance and enhanced dental
24 and vision benefits, as provided under chapters

1 89, 89A, and 89B of title 5, United States
2 Code;

3 (B) retirement and disability benefits and
4 plans, as provided under—

5 (i) chapters 83 and 84 of title 5,
6 United States Code;

7 (ii) chapter 8 of the Foreign Service
8 Act of 1980 (22 U.S.C. 4041 et seq.); and

9 (iii) the Central Intelligence Agency
10 Retirement Act of 1964 for Certain Em-
11 ployees (50 U.S.C. chapter 38);

12 (C) family, medical, and emergency leave,
13 as provided under—

14 (i) subchapters III, IV, and V of
15 chapter 63 of title 5, United States Code;

16 (ii) the Family and Medical Leave Act
17 of 1993 (29 U.S.C. 2601 et seq.), insofar
18 as that Act applies to the Government Ac-
19 countability Office and the Library of Con-
20 gress;

21 (iii) section 202 of the Congressional
22 Accountability Act of 1995 (2 U.S.C.
23 1312); and

24 (iv) section 412 of title 3, United
25 States Code;

1 (D) Federal group life insurance, as pro-
2 vided under chapter 87 of title 5, United States
3 Code;

4 (E) long-term care insurance, as provided
5 under chapter 90 of title 5, United States Code;

6 (F) compensation for work injuries, as pro-
7 vided under chapter 81 of title 5, United States
8 Code;

9 (G) benefits for disability, death, or cap-
10 tivity, as provided under—

11 (i) sections 5569 and 5570 of title 5,
12 United States Code;

13 (ii) section 413 of the Foreign Service
14 Act of 1980 (22 U.S.C. 3973);

15 (iii) part L of title I of the Omnibus
16 Crime Control and Safe Streets Act of
17 1968 (42 U.S.C. 3796 et seq.), insofar as
18 that part applies to any employee; and

19 (H) travel, transportation, and related pay-
20 ments and benefits, as provided under—

21 (i) chapter 57 of title 5, United States
22 Code;

23 (ii) chapter 9 of the Foreign Service
24 Act of 1980 (22 U.S.C. 4081 et seq.); and

1 (iii) section 1599b of title 10, United
2 States Code; and

3 (I) any other benefit similar to a benefit
4 described under subparagraphs (A) through (H)
5 provided by or on behalf of the United States
6 to any employee.

7 (2) DOMESTIC PARTNER.—The term “domestic
8 partner” means an adult unmarried person living
9 with another adult unmarried person of the same
10 sex in a committed, intimate relationship.

11 (3) EMPLOYEE.—The term “employee”—

12 (A) means an officer or employee of the
13 United States or of any department, agency, or
14 other entity of the United States, including the
15 President of the United States, the Vice Presi-
16 dent of the United States, a Member of Con-
17 gress, or a Federal judge; and

18 (B) shall not include a member of the uni-
19 formed services.

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

1 (5) UNIFORMED SERVICES.—The term “uni-
2 formed services” has the meaning given under sec-
3 tion 2101(3) of title 5, United States Code.

4 **SEC. 3. EFFECTIVE DATE.**

5 This Act including the amendments made by this Act
6 shall—

7 (1) with respect to the provision of benefits and
8 obligations, take effect 6 months after the date of
9 enactment of this Act; and

10 (2) apply to any individual who is employed as
11 an employee on or after the date of enactment of
12 this Act.

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