

109TH CONGRESS  
1ST SESSION

# H. R. 3267

To provide benefits to domestic partners of Federal employees.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2005

Mr. FRANK of Massachusetts (for himself, Mr. PASTOR, Mr. FILNER, Ms. LEE, Mr. OWENS, Mr. SCHIFF, Mr. DINGELL, Ms. MOORE of Wisconsin, Mr. McDERMOTT, Mr. GRIJALVA, Mr. CAPUANO, Mr. ENGEL, Ms. WOOLSEY, Mr. EMANUEL, Mr. WAXMAN, Mr. SABO, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. BERMAN, Mr. CASE, Mr. SHERMAN, Mr. GUTIERREZ, Ms. CARSON, Mr. STARK, Mr. ALLEN, Mr. MCGOVERN, Mr. MEEK of Florida, Mrs. JONES of Ohio, Ms. MATSUI, Mrs. MALONEY, Ms. BALDWIN, Ms. SLAUGHTER, Mr. LANGEVIN, Ms. NORTON, Ms. BERKLEY, Mr. HOLT, Mr. MEEHAN, Mr. WEINER, Mr. HINCHEY, Ms. WATSON, Mr. SANDERS, Mr. RANGEL, Mr. PRICE of North Carolina, Mrs. LOWEY, Mr. ROTHMAN, Mr. LARSON of Connecticut, Mr. CLAY, Mr. INSLEE, Mr. FARR, Mr. MARKEY, and Ms. HARMAN) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Ways and Means, 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

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## 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”.

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

6 (a) IN GENERAL.—A domestic partner of an em-  
7 ployee shall be entitled to benefits available to and obliga-  
8 tions imposed upon a spouse of an employee.

9 (b) CERTIFICATION OF ELIGIBILITY.—In order to ob-  
10 tain benefits under this Act, an employee shall file an affi-  
11 davit of eligibility for benefits with the Office of Personnel  
12 Management certifying that the employee and the domes-  
13 tic partner of the employee—

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

16 (2) have a common residence, and intend to  
17 continue the arrangement;

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

20 (4) share responsibility for a significant meas-  
21 ure of each other’s common welfare and financial ob-  
22 ligations;

23 (5) are not married to or domestic partners  
24 with anyone else;

25 (6) understand that willful falsification of infor-  
26 mation within the affidavit may lead to disciplinary

1 action and the recovery of the cost of benefits re-  
2 ceived related to such falsification; and

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

7 (B) are opposite sex domestic partners, and are  
8 not related in a way that would prohibit legal mar-  
9 riage in the State in which they reside.

10 (c) DISSOLUTION OF PARTNERSHIP.—

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

18 (2) DEATH OF EMPLOYEE.—In a case in which  
19 an employee dies, the domestic partner of the em-  
20 ployee at the time of death shall be deemed a spouse  
21 of the employee for the purpose of receiving benefits  
22 under this Act.

23 (3) OTHER DISSOLUTION OF PARTNERSHIP.—

24 (A) IN GENERAL.—In a case in which a  
25 domestic partnership dissolves by a method

1 other than death of the employee or domestic  
2 partner of the employee, any benefits received  
3 by the domestic partner as a result of this Act  
4 shall terminate.

5 (B) EXCEPTION.—In a case in which a do-  
6 mestic partnership dissolves by a method other  
7 than death of the employee or domestic partner  
8 of the employee, any health benefits received by  
9 the domestic partner as a result of this Act  
10 shall continue for a period of 60 days after the  
11 date of the dissolution of the partnership. The  
12 domestic partner shall pay for such benefits in  
13 the same manner that a former spouse would  
14 pay for such benefits under applicable provi-  
15 sions of chapter 89 of title 5, United States  
16 Code.

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

21 (e) DEFINITIONS.—For purposes of this Act:

22 (1) DOMESTIC PARTNER.—The term “domestic  
23 partner” means an adult person living with, but not  
24 married to, another adult person in a committed, in-  
25 timate relationship.

1           (2) BENEFITS.—The term “benefits” means  
2           benefits under—

3                   (A) chapter 81 of title 5, United States  
4           Code (relating to compensation for work inju-  
5           ries);

6                   (B) subchapter III of chapter 83 of such  
7           title (relating to the Civil Service Retirement  
8           System);

9                   (C) chapter 84 of such title (relating to the  
10          Federal Employees’ Retirement System);

11                  (D) chapter 87 of such title (relating to  
12          life insurance); and

13                  (E) chapter 89 of such title (relating to  
14          health insurance).

15           (3) EMPLOYEE.—The term “employee” has the  
16          meaning given such term by—

17                   (A) section 8101(1) of title 5, United  
18          States Code, when used with respect to benefits  
19          described in paragraph (2)(A);

20                   (B) section 8331(1) of such title, when  
21          used with respect to benefits described in para-  
22          graph (2)(B);

23                   (C) section 8401(11) of such title, when  
24          used with respect to benefits described in para-  
25          graph (2)(C);

1 (D) section 8701(a) of such title, when  
2 used with respect to benefits described in para-  
3 graph (2)(D); and

4 (E) section 8901(1) of such title, when  
5 used with respect to benefits described in para-  
6 graph (2)(E).

7 (4) OBLIGATIONS.—The term “obligations”  
8 means any duties or responsibilities that would be  
9 incurred by the spouse of an employee.

10 **SEC. 3. EXEMPTION FROM TAX FOR EMPLOYER-PROVIDED**  
11 **FRINGE BENEFITS TO DOMESTIC PARTNERS.**

12 (a) IN GENERAL.—Section 106 of the Internal Rev-  
13 enue Code of 1986 (relating to contributions by employer  
14 to accident and health plans) is amended by adding at the  
15 end the following new subsection:

16 “(e) TREATMENT OF DOMESTIC PARTNERS.—The  
17 provisions of section 2 of the Domestic Partnership Bene-  
18 fits and Obligations Act shall apply to employees and do-  
19 mestic partners of employees for purposes of this section  
20 and any other benefit which is not includible in the gross  
21 income of employees by reason of an express provision of  
22 this chapter.”.

1           (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply to taxable years beginning after  
3 December 31, 2005.

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