

112TH CONGRESS
1ST SESSION

H. R. 3602

To amend title 5, United States Code, to provide that an employee or Member who dies within the 2-year notification period with respect to a survivor annuity shall be presumed to have elected to provide a former spouse with such an annuity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2011

Mr. PAUL introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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 amend title 5, United States Code, to provide that an employee or Member who dies within the 2-year notification period with respect to a survivor annuity shall be presumed to have elected to provide a former spouse with such an annuity, and for other purposes.

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

3 **SECTION 1. SHORT TITLE .**

4 This Act may be cited as the “Spouse Equity Election
5 Clarification Amendment Act of 2011”.

1 **SEC. 2. ELECTION OF ANNUITY FOR FORMER SPOUSES.**

2 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
3 8339(j)(3) of title 5, United States Code, is amended by
4 inserting after the second sentence the following: “Any
5 employee or Member who has a surviving former spouse
6 and dies before such 2 year period has ended shall be,
7 for purposes of this paragraph, deemed to have elected to
8 provide a survivor annuity to such former spouse under
9 section 8341(b). The preceding sentence: (i) shall not
10 apply to an employee or Member who elected, consistent
11 with the requirements of paragraph (1), not to provide an
12 annuity to a former spouse; and (ii) shall not be effective
13 to the extent that it conflicts with any decree of divorce
14 or annulment or any court order or court-approved prop-
15 erty settlement agreement incident to such decree.”.

16 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—
17 Section 8417(b)(2) of such title is amended by adding at
18 the end the following: “Any employee or Member who has
19 a surviving former spouse and dies before such 2 year pe-
20 riod has ended shall be, for purposes of this subsection,
21 deemed to have elected to provide a survivor annuity to
22 such former spouse under section 8445. The preceding
23 sentence shall not be effective to the extent that it conflicts
24 with any decree of divorce or annulment or any court
25 order or court-approved property settlement agreement in-
26 cident to such decree.”.

1 (c) PAYMENTS.—

2 (1) IN GENERAL.—There shall be deposited into
3 the Civil Service Retirement and Disability Fund an
4 amount, as described under subparagraph (B), de-
5 termined by the Office of Personnel Management to
6 reflect the amount by which the relevant deceased
7 employee or Member’s annuity would have been re-
8 duced under sections 8339(j)(3) or 8417(b)(2) of
9 title 5, United States Code (as the case may be),
10 since the commencing date of such an annuity and
11 the termination date of such annuity.

12 (2) DEDUCTIONS.—The amount required for
13 deposit under subparagraph (A) shall be deducted
14 from each monthly annuity payment to such former
15 spouse, and shall be designed so that the present
16 value of any future reduction is actuarially equiva-
17 lent to the deposit required under such sections
18 8339(j)(3) or 8417(b)(2).

19 (3) RETROACTIVE APPLICATION.—A former
20 spouse who receives an annuity pursuant to the
21 amendments made by subsections (a) and (b) shall
22 receive payments for any period since the date of
23 death of the relevant employee or Member, con-
24 sistent with the requirement of subsection (e).

1 (4) MULTIPLE SURVIVING FORMER SPOUSES.—

2 If an employee or Member has more than 1 sur-
3 viving former spouse who is eligible for an annuity
4 pursuant to the amendments made by subsections
5 (a) and (b), each such spouse shall receive an annu-
6 ity of an equal amount.

7 (d) NOTIFICATION.—To receive an annuity under the
8 amendments made by subsections (a) and (b), a surviving
9 former spouse must notify the Office of Personnel Man-
10 agement within 6 months after the date of the death of
11 the relevant employee or Member.

12 (e) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to any employee or Member who
14 died after January 1, 2008.

15 (f) DEFINITIONS.—In this section:

16 (1) EMPLOYEE.—The term “employee” has the
17 meaning given such term in section 8331(1) or sec-
18 tion 8401(11) of title 5, United States Code, which-
19 ever is applicable.

20 (2) MEMBER.—The term “Member” has the
21 meaning given such term in section 8331(2) or sec-
22 tion 8401(20) of such title, whichever is applicable.

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