SIL22660 JR3 S.L.C.

117TH CONGRESS 2D SESSION	S.
------------------------------	----

To amend title 5, United States Code, to require that a court decree, court order, or other similar process expressly provides for an annuity supplement payment.

IN THE SENATE OF THE UNITED STATES

Mr. Lankford (for himself and Ms. Sinema) introduced the following bill; which was read twice and referred to the Committee on

A BILL

- To amend title 5, United States Code, to require that a court decree, court order, or other similar process expressly provides for an annuity supplement payment.
 - 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 "Retirement Annuity
 - 5 Supplement Clarity Act".
 - 6 SEC. 2. COURT ORDERS.
 - 7 (a) COURT ORDERS.—Section 8467 of title 5, United
 - 8 States Code, is amended—

SIL22660 JR3 S.L.C.

1	(1) by redesignating subsection (c) as sub-
2	section (d); and
3	(2) by inserting after subsection (b) the fol-
4	lowing:
5	"(c) If a court decree, court order, or agreement de-
6	scribed in paragraph (1) of subsection (a) expressly di-
7	vides an annuity under subchapter II, an annuity supple-
8	ment payment made under section 8421 shall be included
9	in the computation of that division, unless the court de-
10	cree, court order, or agreement expressly excludes division
11	of the annuity supplement.".
12	(b) Technical and Conforming Amendment.—
13	Section 8421 of title 5, United States Code, is amended
14	by striking subsection (c).
15	(c) Applicability.—
16	(1) IN GENERAL.—The amendment made by
17	subsection (a) shall apply to all annuity supplement
18	payments under section 8421 of title 5, United
19	States Code, that begin on, or after the date of en-
20	actment of this Act.
21	(2) Retroactive payments.—
22	(A) Definition.—In this paragraph:
23	(i) Annuity supplement.—The
24	term "annuity supplement" means an an-

SIL22660 JR3 S.L.C.

1	nuity supplement under section 8421 of
2	title 5, United States Code.
3	(ii) COVERED ANNUITANT.—The term
4	"covered annuitant" means any annu-
5	itant—
6	(I) who was retired on or before
7	the date of enactment of this Act;
8	(II) who is or was entitled to an
9	annuity supplement;
10	(III) whose annuity was subject
11	to a court order described in section
12	8467(a)(1) that was silent regarding
13	the annuity supplement or that in-
14	cluded language that expressly ex-
15	cluded the annuity supplement from
16	division; and
17	(IV) whose annuity supplement
18	was recomputed by the Office of Per-
19	sonnel Management during the period
20	beginning on June 30, 2016, and end-
21	ing on the date of enactment of this
22	Act to retroactively include the annu-
23	ity supplement in the division of the
24	annuity.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

SIL22660 JR3 S.L.C.

(B) Payment.—The Office of Personnel Management shall pay a one-time payment from the Civil Service Retirement and Disability Fund established under section 8348 of title 5, United States Code, to a covered annuitant who received an annuity supplement under section 8421 of title 5, United States Code, before the date of enactment of this Act an amount (without interest) equal to the amount deducted from the annuity of the covered annuitant as a result of including the annuity supplement in the computation of a court-ordered division or other scenario described in subparagraph (A)(ii)(III). (3) No repayment.—Overpayments paid to a covered annuitant, or any overpayments of apportionment paid to a former spouse of a covered annuitant (as the case may be), before the date of enactment of this Act, which resulted from excluding the covered annuitant's annuity supplement in the computation of a court-ordered apportionment, shall be waived.