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Subpart J—Benefits for United States Hostages in Iraq and Kuwait and United States Hostages Captured in Lebanon

SOURCE: 55 FR 50536, Dec. 7, 1990, unless otherwise noted.

§ 870.1001 Purpose.

This subpart sets forth the circumstances under which individuals are covered under this part in accordance with the provisions of section 599C of Public Law 101–513.

§ 870.1002 Definitions.

In this subpart—

Hostage and *hostage status* have the meaning set forth in section 599C of Public Law 101–513.

Pay period for individuals covered under this subpart means the pay period established by the U.S. Department of State for paying individuals covered under Public Law 101–513.

Period of eligibility means the period beginning on the effective date set forth in §870.1004 and ending 60 months after hostage status ended for hostages in Lebanon and 12 months after hostage status ended for hostages in Iraq and Kuwait.

[55 FR 50536, Dec. 7, 1990, as amended at 57 FR 43132, Sept. 18, 1992]

§ 870.1003 Coverage and amount of insurance.

(a) An individual is covered under this subpart when the U.S. Department of State determines that the individual is eligible for coverage under section 599C of Public Law 101–513.

(b) Subject to the applicable conditions prescribed in this part, an individual who is covered under this subpart is insured for the amount of basic life insurance specified in §870.301 of this part.

(c) The basic insurance amount under §870.301 is deemed to be the amount of the payment specified in section 599C(b)(2) of Public Law 101–513, rounded to the next higher multiple of $1,000, plus $2,000.

(d) An individual who is insured under paragraph (b) of this section is also insured for group accidental death and dismemberment insurance in accordance with 5 U.S.C. 8704(b).

(e) An individual covered by this subpart is not considered an employee for the purpose of this part.

(f) Eligibility for coverage under this subpart shall be subject to the availability of unds under section 599C(e) of Public Law 101–513.

§ 870.1004 Effective date of coverage.

Unless the U.S. Department of State determines that a later date is appropriate, coverage under this subpart was effective on August 2, 1990, for hostages in Iraq and Kuwait and on the later of the date hostage status began or June 1, 1982, for hostages in Lebanon.

[57 FR 43132, Sept. 18, 1992]

§ 870.1005 Cancellation of coverage.

(a) An individual who is covered under this subpart may cancel his or her coverage at any time by written request. The cancellation is effective on the 1st day of the pay period after the pay period in which it is received by the U.S. Department of State.

(b) An individual who cancels his or her coverage under this section cannot reacquire coverage unless the U.S. Department of State determines that it would be against equity and good conscience not to allow the individual to be covered.

(c) A cancellation of coverage must be made by the covered individual and cannot be made by a representative acting on the individual's behalf.

§ 870.1006 Termination of coverage.

(a) Coverage of an individual under §870.1003(a) terminates 60 months after hostage status ended for hostages in Lebanon and 12 months after hostage status ended for hostages in Iraq and Kuwait, unless the individual cancels the coverage earlier.

(b) Covered individuals whose coverage terminates are eligible for temporary extension of coverage and conversion as set forth in subpart E of this part unless coverage is terminated by cancellation.

[55 FR 50536, Dec. 7, 1990, as amended at 57 FR 43132, Sept. 18, 1992]

§870.1007 Premiums.

(a) Government contributions and employee withholdings (premiums) required under subpart D of this part are paid from the appropriation provided under section 599C(e) of Public Law 101–513.

(b) If the individual is not covered under this subpart for the full pay period, premiums are paid only for the days he or she is actually covered. The daily premium rate is an amount equal to the monthly premium rate multiplied by 12 and divided by 365.

(c) The payments required by this section may be accepted by OPM in advance from a State Department appropriation if necessary to fund the 12-month period of coverage beginning the earlier of:

(1) The day after sanctions or hostilities end; or

(2) The day after the individual's hostage status ends.

(d) OPM will place any funds received under paragraph (c) of this section in an account established for that purpose. OPM will make the disbursement required under 5 U.S.C. 8714 from the account when the appropriate pay period occurs.

§870.1008 Order of precedence and designation of beneficiary.

Payment of insurance benefits is made under the order of precedence set forth in 5 U.S.C. 8705 and under the provisions of subpart I of this part.

§870.1009 Responsibilities of the U.S. Department of State.

(a) The U.S. Department of State functions as the ''employing office'' for individuals covered under this subpart.

(b) The U.S. Department of State must determine the eligibility of individuals who qualify under Public Law 101–513 for coverage under this part. This determination includes the determination as to whether the individual is barred from coverage under chapter 87 of title 5 U.S. Code by reason of other life insurance coverage as provided in section 599C of Public Law 101–513.

§870.1010 Reconsideration and appeal rights.

(a) Under procedures set forth by the U.S. Department of State, an individual may request the U.S. Department of State to reconsider an initial decision it has made denying coverage under this subpart.

(b) Neither the initial decision nor the reconsideration decision of the U.S. Department of State is subject to reconsideration by OPM.

Subpart K—FEGLI Living Benefits

SOURCE: 60 FR 31374, June 15, 1995, unless otherwise noted.

§870.1101 Purpose.

This subpart sets forth the circumstances under which employees may enroll in basic insurance during the 1995 Open Season and terminally ill individuals enrolled in basic insurance may elect to receive a payment of their basic insurance as a Living Benefit on or after July 25, 1995.

§870.1102 Definitions.

In this subpart—

Effective date of Living Benefits election means the date on which the Living Benefits payment is cashed or deposited.

Terminally ill means the individual has a medical prognosis of a life expectancy of 9 months or less.

§870.1103 Open season.

(a) An Open Season will be held from May 22, 1995, through July 21, 1995, during which time an employee who has waived or cancelled basic insurance and is not excluded from eligibility by law or under §870.202 of subpart B, may enroll in basic insurance only. Optional insurance may not be elected or increased during this Open Season. Employees who have been on Leave Without Pay for 12 or more months, compensationers who have been on Leave Without Pay for 12 or more months, and annuitants, may not participate in this Open Season.

(b) The effective date of basic insurance elected during this Open Season is