

105TH CONGRESS
1ST SESSION

H. R. 1105

To provide additional pension security for spouses and former spouses, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1997

Mrs. LOWEY introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform and Oversight, and Transportation and Infrastructure, 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 additional pension security for spouses and former
spouses, 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 “Women’s Pension Eq-
5 uity Act of 1997”.

6 **SEC. 2. MODEL SPOUSAL CONSENT FORM AND QUALIFIED**
7 **DOMESTIC RELATIONS ORDER.**

8 (a) MODEL SPOUSAL CONSENT FORM.—

1 (1) AMENDMENT TO INTERNAL REVENUE
 2 CODE.—Section 417(a) of the Internal Revenue
 3 Code of 1986 is amended by adding at the end the
 4 following new paragraph:

5 “(7) CONSENT FORM.—The Secretary shall de-
 6 velop a form not later than January 1, 1998, for the
 7 spousal consent required under paragraph (2)
 8 which—

9 “(A) is written in a manner calculated to
 10 be understood by the average person, and

11 “(B) discloses in plain form whether—

12 “(i) the waiver is irrevocable, and

13 “(ii) the waiver may be revoked by a
 14 qualified domestic relations order.”.

15 (2) AMENDMENT TO ERISA.—Section 205(c) of
 16 the Employee Retirement Income Security Act of
 17 1974 (29 U.S.C. 1055(c)) is amended by adding at
 18 the end the following new paragraph:

19 “(9) The Secretary of the Treasury shall develop a
 20 form not later than January 1, 1998, for the spousal con-
 21 sent required under paragraph (2) which—

22 “(A) is written in a manner calculated to be un-
 23 derstood by the average person, and

24 “(B) discloses in plain form whether—

25 “(i) the waiver is irrevocable, and

1 “(ii) the waiver may be revoked by a quali-
2 fied domestic relations order.”.

3 (b) MODEL QUALIFIED DOMESTIC RELATIONS
4 ORDER.—

5 (1) AMENDMENT TO ERISA.—Section 206(d)(3)
6 of the Employee Retirement Income Security Act of
7 1974 (29 U.S.C. 1056(d)(3)) is amended by adding
8 at the end the following new subparagraph:

9 “(O) The Secretary shall develop a form not later
10 than January 1, 1998, for a qualified domestic relations
11 order—

12 “(i) which meets all the requirements of sub-
13 paragraph (B)(i), and

14 “(ii) the provisions of which focus attention on
15 the need to consider the treatment of any lump sum
16 payment, qualified joint and survivor annuity, or
17 qualified preretirement survivor annuity.”.

18 (2) AMENDMENT TO INTERNAL REVENUE
19 CODE.—Section 414(p) of the Internal Revenue
20 Code of 1986 is amended by adding at the end the
21 following new paragraph:

22 “(13) MODEL FORM.—The Secretary of Labor
23 shall develop a form not later than January 1, 1998,
24 for a qualified domestic relations order which—

1 “(A) which meets all the requirements of
2 paragraph (1)(A), and

3 “(B) the provisions of which focus atten-
4 tion on the need to consider the treatment of
5 any lump sum payment, qualified joint and sur-
6 vivor annuity, or qualified preretirement survi-
7 vor annuity.”.

8 (c) PUBLICITY.—The Secretary of the Treasury and
9 the Secretary of Labor shall include publicity for the
10 model forms required by the amendments made by this
11 section in the pension outreach efforts undertaken by each
12 Secretary.

13 **SEC. 3. EXTENSION OF TIER II RAILROAD RETIREMENT**
14 **BENEFITS TO SURVIVING FORMER SPOUSES**
15 **PURSUANT TO DIVORCE AGREEMENTS.**

16 (a) IN GENERAL.—Section 5 of the Railroad Retire-
17 ment Act of 1974 (45 U.S.C. 231d) is amended by adding
18 at the end the following new subsection:

19 “(d) Notwithstanding any other provision of law, the
20 payment of any portion of an annuity computed under sec-
21 tion 3(b) to a surviving former spouse in accordance with
22 a court decree of divorce, annulment, or legal separation
23 or the terms of any court-approved property settlement
24 incident to any such court decree shall not be terminated
25 upon the death of the individual who performed the service

1 with respect to which such annuity is so computed unless
 2 such termination is otherwise required by the terms of
 3 such court decree.”.

4 (b) EFFECTIVE DATE.—The amendment made by
 5 this section shall take effect on the date of the enactment
 6 of this Act.

7 **SEC. 4. SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS,**
 8 **AND FORMER SPOUSES OF FEDERAL EM-**
 9 **PLOYEES WHO DIE BEFORE ATTAINING AGE**
 10 **FOR DEFERRED ANNUITY UNDER CIVIL**
 11 **SERVICE RETIREMENT SYSTEM.**

12 (a) BENEFITS FOR WIDOW OR WIDOWER.—Section
 13 8341(f) of title 5, United States Code, is amended—

14 (1) in the matter preceding paragraph (1) by—

15 (A) by inserting “a former employee sepa-
 16 rated from the service with title to deferred an-
 17 nuity from the Fund dies before having estab-
 18 lished a valid claim for annuity and is survived
 19 by a spouse, or if” before “a Member”; and

20 (B) by inserting “of such former employee
 21 or Member” after “the surviving spouse”;

22 (2) in paragraph (1)—

23 (A) by inserting “former employee or”
 24 before “Member commencing”; and

1 (B) by inserting “former employee or”
2 before “Member dies”; and

3 (3) in the undesignated sentence following para-
4 graph (2)—

5 (A) in the matter preceding subparagraph

6 (A) by inserting “former employee or” before
7 “Member”; and

8 (B) in subparagraph (B) by inserting
9 “former employee or” before “Member”.

10 (b) BENEFITS FOR FORMER SPOUSE.—Section
11 8341(h) of title 5, United States Code, is amended—

12 (1) in paragraph (1) by adding at the end the
13 following: “Subject to paragraphs (2) through (5) of
14 this subsection, a former spouse of a former em-
15 ployee who dies after having separated from the
16 service with title to a deferred annuity under section
17 8338(a) but before having established a valid claim
18 for annuity is entitled to a survivor annuity under
19 this subsection, if and to the extent expressly pro-
20 vided for in an election under section 8339(j)(3) of
21 this title, or in the terms of any decree of divorce
22 or annulment or any court order or court-approved
23 property settlement agreement incident to such de-
24 cree.”; and

25 (2) in paragraph (2)—

1 (A) in subparagraph (A)(ii) by striking “or
 2 annuitant,” and inserting “annuitant, or former
 3 employee,”; and

4 (B) in subparagraph (B)(iii) by inserting
 5 “former employee or” before “Member”.

6 (c) PROTECTION OF SURVIVOR BENEFIT RIGHTS.—
 7 Section 8339(j)(3) of title 5, United States Code, is
 8 amended by adding at the end the following: “The Office
 9 shall provide by regulation for the application of this sub-
 10 section to the widow, widower, or surviving former spouse
 11 of a former employee who dies after having separated from
 12 the service with title to a deferred annuity under section
 13 8338(a) but before having established a valid claim for
 14 annuity.”.

15 (d) EFFECTIVE DATE.—The amendments made by
 16 this section shall take effect on the date of the enactment
 17 of this Act and shall apply only in the case of a former
 18 employee who dies on or after such date.

19 **SEC. 5. COURT ORDERS RELATING TO FEDERAL RETIRE-**
 20 **MENT BENEFITS FOR FORMER SPOUSES OF**
 21 **FEDERAL EMPLOYEES.**

22 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

23 (1) IN GENERAL.—Section 8345(j) of title 5,
 24 United States Code, is amended—

1 (A) by redesignating paragraph (3) as
2 paragraph (4); and

3 (B) by inserting after paragraph (2) the
4 following new paragraph:

5 “(3) Payment to a person under a court decree, court
6 order, property settlement, or similar process referred to
7 under paragraph (1) shall include payment to a former
8 spouse of the employee, Member, or annuitant.”.

9 (2) LUMP-SUM BENEFITS.—Section 8342 of
10 title 5, United States Code, is amended—

11 (A) in subsection (c) by striking “Lump-
12 sum benefits” and inserting “Subject to sub-
13 section (j), lump-sum benefits”; and

14 (B) in subsection (j)(1) by striking “the
15 lump-sum credit under subsection (a) of this
16 section” and inserting “any lump-sum credit or
17 lump-sum benefit under this section”.

18 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—
19 Section 8467 of title 5, United States Code, is amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

22 (2) by inserting after subsection (b) the follow-
23 ing new subsection:

24 “(c) Payment to a person under a court decree, court
25 order, property settlement, or similar process referred to

1 under subsection (a) shall include payment to a former
2 spouse of the employee, Member, or annuitant.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act.

