

116TH CONGRESS
2D SESSION

S. 4977

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

DECEMBER 8, 2020

Mr. LANKFORD (for himself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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—

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 8241 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-

1 nuity supplement under section 8241 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 (B) PAYMENT.—The Office of Personnel
2 Management shall pay a one-time payment
3 from the Civil Service Retirement and Dis-
4 ability Fund established under section 8348 of
5 title 5, United States Code, to a covered annu-
6 itant who received an annuity supplement under
7 section 8421 of title 5, United States Code, be-
8 fore the date of enactment of this Act an
9 amount (without interest) equal to the amount
10 deducted from the annuity of the covered annu-
11 itant as a result of including the annuity sup-
12 plement in the computation of a court-ordered
13 division or other scenario described in subpara-
14 graph (A)(ii)(III)(bb).

15 (3) NO REPAYMENT.—Overpayments paid to a
16 covered annuitant, or any overpayments of appor-
17 tionment paid to a former spouse of a covered annu-
18 itant (as the case may be), before the date of enact-
19 ment of this Act, which resulted from excluding the
20 covered annuitant's annuity supplement in the com-
21 putation of a court-ordered apportionment, shall be
22 waived.

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