

Public Law 107-104  
107th Congress

An Act

To amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance.

Dec. 27, 2001  
[H.R. 2559]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DEFINITION OF AN ANNUITANT.**

Paragraph (2) of section 9001 of title 5, United States Code, is amended to read as follows:

“(2) ANNUITANT.—The term ‘annuitant’ means—

“(A) any individual who would satisfy the requirements of paragraph (3) of section 8901 if, for purposes of such paragraph, the term ‘employee’ were considered to have the meaning given to it under paragraph (1) of this subsection; and

“(B) any individual who—

“(i) satisfies all requirements for title to an annuity under subchapter III of chapter 83, chapter 84, or any other retirement system for employees of the Government (whether based on the service of such individual or otherwise), and files application therefor;

“(ii) is at least 18 years of age; and

“(iii) would not (but for this subparagraph) otherwise satisfy the requirements of this paragraph.”.

**SEC. 2. PREEMPTION.**

Section 9005 of title 5, United States Code, is amended—

“(1) by inserting “(a) CONTRACTUAL PROVISIONS.—” before “The”; and

“(2) by adding at the end the following:

“(b) PREMIUMS.—

“(1) IN GENERAL.—No tax, fee, or other monetary payment may be imposed or collected, directly or indirectly, by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority thereof, on, or with respect to, any premium paid for an insurance policy under this chapter.

“(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to exempt any company or other entity issuing a policy of insurance under this chapter from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by such entity from business conducted under this chapter, if that tax, fee, or payment is applicable to a broad range of business activity.”.

5 USC 9001 note. **SEC. 3. EFFECTIVE DATE.**

The amendments made by this Act shall take effect as if included in the enactment of section 1002 of the Long-Term Care Security Act (Public Law 106-265; 114 Stat. 762).

Approved December 27, 2001.

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**LEGISLATIVE HISTORY—H.R. 2559:**

HOUSE REPORTS: No. 107-235, Pt. 1 (Comm. on the Judiciary).  
SENATE REPORTS: No. 107-128 (Comm. on Governmental Affairs).  
CONGRESSIONAL RECORD, Vol. 147 (2001):  
Oct. 30, considered and passed House.  
Dec. 17, considered and passed Senate.

