

(b) Prerequisites for enrollment; notification of rights

(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the 6-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

(A) files an election for such enrollment; and

(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5 an amount equal to the sum of the employee and agency contributions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

(2) The Secretary shall, as soon as possible, take all steps practicable—

(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

(B) to notify each such former spouse of that individual's rights under this section.

(3) The Secretary shall waive the 6-month limitation set forth in paragraph (1) in any case in which the Secretary determines that the circumstances so warrant.

(c) Disqualification

(1) Any former spouse who remarries before age 55 is not eligible to make an election under subsection (b)(1).

(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age 55 shall not be eligible for continued enrollment under this section after the end of the 31-day period beginning on the date of remarriage.

(d) Prohibition on coverage by more than one plan

No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may any individual be covered under more than one enrollment under this section.

(e) "Health benefits plan" defined

For purposes of this section the term "health benefits plan" means an approved health benefits plan under chapter 89 of title 5.

(Pub. L. 96-465, title I, §833, as added Pub. L. 100-238, title II, §204(a), Jan. 8, 1988, 101 Stat. 1772.)

Editorial Notes

REFERENCES IN TEXT

For the effective date of this section, referred to in subsec. (b)(1), see Effective Date note set out below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 90 days after Jan. 8, 1988, see section 261(a) of Pub. L. 100-238, set out as an Effective Date of 1988 Amendment note under section 4054 of this title.

PART II—FOREIGN SERVICE PENSION SYSTEM

§ 4071. Establishment; application of Federal Employees' Retirement System to Foreign Service Pension System participants

(a) There is hereby established a Foreign Service Pension System.

(b) Except as otherwise specifically provided in this part or any other provision of law, the provisions of chapter 84 of title 5 shall apply to all participants in the Foreign Service Pension System and such participants shall be treated in all respects similar to persons whose participation in the Federal Employees' Retirement System provided in that chapter is required.

(Pub. L. 96-465, title I, §851, as added Pub. L. 99-335, title IV, §415, June 6, 1986, 100 Stat. 615.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Part effective Jan. 1, 1987, see section 702(a) of Pub. L. 99-335, set out as a note under section 8401 of Title 5, Government Organization and Employees.

§ 4071a. Definitions

As used in this part, unless otherwise specified—

(1) the term "court order" has the same meaning given in section 4044(4) of this title;

(2) the term "Fund" means the Foreign Service Retirement and Disability Fund maintained by the Secretary of the Treasury pursuant to section 4042 of this title;

(3) the term "lump-sum credit" means the unrefunded amount consisting of—

(A) retirement deductions made from the basic pay of a participant under section 4071e of this title (or under section 204 of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983);

(B) amounts deposited by a participant under section 4071c of this title to obtain credit under this System for prior civilian or military service; and

(C) interest on the deductions and deposits which, for any calendar year, shall be equal to the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary of the Treasury during such fiscal year under section 4059 of this title, as determined by the Secretary of the Treasury (compounded annually); but does not include interest—

(i) if the service covered thereby aggregates 1 year or less; or

(ii) for a fractional part of a month in the total service;

(4) the term "normal cost" means the entry-age normal cost of the provisions of the System which relate to the Fund, computed by the Secretary of State in accordance with generally accepted actuarial practice and stand-

ards (using dynamic assumptions) and expressed as a level percentage of aggregate basic pay;

(5) the term “participant” means a person who participates in the Foreign Service Pension System;

(6) the term “pro rata share” in the case of any former spouse of any participant or former participant means the percentage which is equal to the percentage that (A) the number of years during which the former spouse was married to the participant during the service of the participant which is creditable under this subchapter is of (B) the total number of years of such service, disregarding extra credit under section 4057 of this title;

(7) the term “revised annuity participant” means any individual who—

(A) on December 31, 2012—

(i) is not a participant;

(ii) is not performing service which is creditable service under section 4071c of this title; and

(iii) has less than 5 years creditable service under section 4071c of this title; and

(B) after December 31, 2012, and before January 1, 2014, becomes a participant performing service which is creditable service under section 4071c of this title;

(8) the term “further revised annuity participant” means any individual who—

(A) on December 31, 2013—

(i) is not a participant;

(ii) is not performing service which is creditable service under section 4071c of this title; and

(iii) has less than 5 years creditable service under section 4071c of this title; and

(B) after December 31, 2013, becomes a participant performing service which is creditable service under section 4071c of this title;

(9) the term “supplemental liability” means the estimated excess of—

(A) the actuarial present value of all future benefits payable from the Fund under this part based on the service of participants or former participants, over

(B) the sum of—

(i) the actuarial present value of (I) deductions to be withheld from the future basic pay of participants pursuant to section 4071e of this title and (II) contributions for past civilian and military service;

(ii) the actuarial present value of future contributions to be made pursuant to section 4071f of this title;

(iii) the Fund balance as of the date the supplemental liability is determined, to the extent that such balance is attributable—

(I) to the System, or

(II) to the contributions made under the Federal Employees’ Retirement Contribution Temporary Adjustment Act of 1983 (5 U.S.C. 8331 note); and

(iv) any other appropriate amount, as determined by the Secretary of State in accordance with generally accepted actuarial practices and principles;

(10) the term “System” means the Foreign Service Pension System; and

(11) the term “special agent” has the same meaning given in section 4044(15) of this title.

(Pub. L. 96-465, title I, §852, as added Pub. L. 99-335, title IV, §415, June 6, 1986, 100 Stat. 615; amended Pub. L. 100-238, title II, §241, Jan. 8, 1988, 101 Stat. 1776; Pub. L. 105-382, §2(a)(2), Nov. 13, 1998, 112 Stat. 3406; Pub. L. 112-96, title V, §5002(a), Feb. 22, 2012, 126 Stat. 200; Pub. L. 113-67, div. A, title IV, §402(a), Dec. 26, 2013, 127 Stat. 1185.)

Editorial Notes

REFERENCES IN TEXT

The Federal Employees’ Retirement Contribution Temporary Adjustment Act of 1983, referred to in pars. (3)(A) and (7)(B)(iii)(II), is title II of Pub. L. 98-168, Nov. 29, 1983, 97 Stat. 1106, which is set out as a note under section 8331 of Title 5, Government Organization and Employees.

AMENDMENTS

2013—Par. (7)(B). Pub. L. 113-67, §402(a)(2), inserted “and before January 1, 2014,” after “after December 31, 2012.”

Pars. (8) to (11). Pub. L. 113-67, §402(a)(1), added par. (8) and redesignated former pars. (8) to (10) as (9) to (11), respectively.

2012—Pars. (7) to (10). Pub. L. 112-96 added par. (7) and redesignated former pars. (7) to (9) as (8) to (10), respectively.

1998—Par. (9). Pub. L. 105-382 added par. (9).

1988—Pars. (3) to (8). Pub. L. 100-238 added par. (3) and redesignated former pars. (3) to (7) as (4) to (8), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-382 effective Nov. 13, 1998, with provisions relating to applicability with respect to certain individuals, see section 4 of Pub. L. 105-382, as amended, set out as a note under section 4044 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-238 effective 90 days after Jan. 8, 1988, see section 261(a) of Pub. L. 100-238, set out as a note under section 4054 of this title.

§ 4071b. Participants

(a) Covered members

Except for persons excluded by subsection (b), (c), or (d), all members of the Foreign Service, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act [42 U.S.C. 401 et seq.] and chapter 21 of title 26, who would, but for this section, be participants in the Foreign Service Retirement and Disability System pursuant to section 4043 of this title shall instead be participants in the Foreign Service Pension System.

(b) Exclusion of participants in Foreign Service Retirement and Disability System

Members of the Service who were participants in the Foreign Service Retirement and Disability System on or before December 31, 1983, and who have not had a break in service in excess of one year since that date, are not made participants in the System by this section, with-