

EX. ORD. NO. 13105. OPEN ENROLLMENT SEASON FOR PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM AND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Ex. Ord. No. 13105, Nov. 2, 1998, 63 F.R. 60201, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 827 of the Foreign Service Act of 1980 (22 U.S.C. 4067) and section 292 of the Central Intelligence Agency Retirement Act of 1964 (50 U.S.C. 2141), and in order to conform further the Foreign Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

SECTION 1. In conjunction with section 860 of the Foreign Service Act of 1980 (22 U.S.C. 4071i), the Secretary of State shall issue regulations providing for an open enrollment period from November 1, 1998, to April 30, 1999, during which employee participants in the Foreign Service Retirement and Disability System may elect to become subject to the Foreign Service Pension System.

SEC. 2. In conjunction with section 307(a) of the Central Intelligence Agency Retirement Act of 1964 (50 U.S.C. 2157(a)), the Director shall provide for an open enrollment period from November 1, 1998, to April 30, 1999, during which employee participants in the Central Intelligence Agency Retirement and Disability System may elect to become subject to the Federal Employees' Retirement System, comparable to the election for civil service employees provided for by the Federal Employees' Retirement System Open Enrollment Act of 1997, Public Law 105-61 [5 U.S.C. 8331 note].

WILLIAM J. CLINTON.

EX. ORD. NO. 13297. APPLYING THE FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS OF 2000 TO PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM, THE FOREIGN SERVICE PENSION SYSTEM, AND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Ex. Ord. No. 13297, Apr. 23, 2003, 68 F.R. 22565, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 827 of the Foreign Service Act of 1980 (22 U.S.C. 4067), section 292 of the Central Intelligence Agency Retirement Act of 1964 (50 U.S.C. 2141), and section 301 of title 3, United States Code, and in order to conform the Foreign Service Retirement and Disability System, the Foreign Service Pension System, and the Central Intelligence Agency Retirement and Disability System to the Civil Service Retirement System, it is hereby ordered as follows:

SECTION 1. *Foreign Service Retirement and Disability System.* (a) The following provisions of the Federal Physicians Comparability Allowance Amendments of 2000 (Public Law 106-571) [see Tables for classification] shall apply to the Foreign Service Retirement and Disability System, subchapter I of chapter 8 of the Foreign Service Act of 1980 [22 U.S.C. 4041 et seq.], as amended:

(i) Section 3(a) of Public Law 106-571 [amending section 8331 of Title 5, Government Organization and Employees] to provide that any amount received under section 5948 of title 5, United States Code (physicians comparability allowance), be included in the definition of basic pay; and

(ii) Section 3(b) of Public Law 106-571 [amending sections 8331 and 8339 of Title 5] to provide for the inclusion of the physicians comparability allowance in the computation of an annuity under the same rules that apply with respect to the Civil Service Retirement System.

(b) The Secretary of State shall issue regulations that reflect the application of sections 3(a) and 3(b) of Public Law 106-571 to the Foreign Service Retirement and Disability System. Such regulations shall provide that the foregoing provisions be retroactive to December 28, 2000.

SEC. 2. *Foreign Service Pension System.* (a) The following provisions of the Federal Physicians Comparability Allowance Amendments of 2000 (Public Law 106-571) shall apply to the Foreign Service Pension System, subchapter II of chapter 8 of the Foreign Service Act of 1980 [22 U.S.C. 4071 et seq.], as amended:

(i) Section 3(a) of Public Law 106-571 to provide that any amount received under section 5948 of title 5, United States Code (physicians comparability allowance), be included in the definition of basic pay; and

(ii) Section 3(c) of Public Law 106-571 [amending sections 8401 and 8415 of Title 5] to provide for the inclusion of the physicians comparability allowance in the computation of an annuity under the same rules that apply with respect to the Federal Employees Retirement System.

(b) The Secretary of State shall issue regulations that reflect the application of sections 3(a) and 3(c) of Public Law 106-571 to the Foreign Service Pension System. Such regulations shall provide that the foregoing provisions be retroactive to December 28, 2000.

SEC. 3. *Central Intelligence Agency Retirement and Disability System.*

(a) The following provisions of the Federal Physicians Comparability Allowance Amendments of 2000 (Public Law 106-571) shall apply to the Central Intelligence Agency Retirement and Disability System, title II of the Central Intelligence Agency Retirement Act of 1964 [50 U.S.C. 2011 et seq.], as amended:

(i) Section 3(a) of Public Law 106-571 to provide that any amount received under section 5948 of title 5, United States Code (physicians comparability allowance), be included in the definition of basic pay; and

(ii) Section 3(b) of Public Law 106-571 to provide for the inclusion of the physicians comparability allowance in the computation of an annuity under the same rules that apply with respect to the Civil Service Retirement System.

(b) The Director of Central Intelligence shall issue regulations to reflect the application of sections 3(a) and 3(b) of Public Law 106-571 to the Central Intelligence Agency Retirement and Disability System. Such regulations shall provide that the foregoing provisions be retroactive to December 28, 2000.

SEC. 4. *Judicial Review.* This order is not intended to create, nor does it create any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, employees, or any other person.

GEORGE W. BUSH.

### § 4068. Remarriage

Notwithstanding any other provision of this part, any benefit payable under this part to a surviving spouse, former spouse, or surviving former spouse that would otherwise terminate or be lost if the individual remarried before 60 years of age, shall not terminate or be lost if the remarriage occurred on or after November 8, 1984, and the individual was 55 years of age or over on the date of the remarriage.

(Pub. L. 96-465, title I, § 828, as added Pub. L. 99-335, title IV, § 412, June 6, 1986, 100 Stat. 614.)

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Section 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.

### § 4069. Thrift Savings Fund participation

Participants in this System shall be deemed to be employees for the purposes of section 8351 of title 5. Any reference in such section 8351 or in subchapter III of chapter 84 of such title 5 to re-

tirement or separation under subchapter III of chapter 83 or chapter 84 of such title 5 shall be deemed to be references to retirement or separation under part I or II of this subchapter with similar benefits or entitlements with respect to participants under such part I or II, respectively.

(Pub. L. 96-465, title I, §829, as added Pub. L. 99-556, title IV, §404(a), Oct. 27, 1986, 100 Stat. 3137.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Section effective Jan. 1, 1987, see section 408 of Pub. L. 99-556, set out as an Effective Date of 1986 Amendment note under section 4046 of this title.

#### § 4069-1. Qualified former wives and husbands

##### (a) Construction with provisions relating to compatibility between retirement systems; effective dates

Notwithstanding section 4(h) of the Civil Service Retirement Spouse Equity Act of 1984, section 4067 of this title shall apply with respect to section 8339(j), section 8341(e), and section 8341(h) of title 5, and section 4 (except for subsection (b)) of the Civil Service Retirement Spouse Equity Act of 1984 to the extent that those sections apply to a qualified former wife or husband. For the purposes of this section any reference in the Civil Service Retirement Spouse Equity Act of 1984 to the effective date of that Act shall be deemed to be a reference to the effective date of this section.

##### (b) Payments to other persons as provided in court order or spousal agreement

(1) Payments pursuant to this section which would otherwise be made to a participant or former participant based upon his service shall be paid (in whole or in part) by the Secretary of State to another person if and to the extent expressly provided for in the terms of any court order or spousal agreement. Any payment under this paragraph to a person bars recovery by any other person.

(2) Paragraph (1) shall only apply to payments made by the Secretary of State under this subchapter after the date of receipt by the Secretary of State of written notice of such court order or spousal agreement and such additional information and documentation as the Secretary of State may prescribe.

##### (c) "Qualified former wife or husband" defined

For the purposes of this section, the term "qualified former wife or husband" means a former wife or husband of an individual if—

(1) such individual performed at least 18 months of civilian service creditable under this subchapter; and

(2) the former wife or husband was married to such individual for at least 9 months but not more than 10 years.

##### (d) Promulgation of regulations

Regulations issued pursuant to section 4067 of this title to implement this section shall be submitted to the Committee on Post Office and Civil Service and the Committee on Foreign Af-

fairs of the House of Representatives and the Committee on Governmental Affairs and the Committee on Foreign Relations of the Senate. Such regulations shall not take effect until 60 days after the date on which such regulations are submitted to the Congress.

(Pub. L. 96-465, title I, §830, as added Pub. L. 100-238, title II, §202(a), Jan. 8, 1988, 101 Stat. 1768.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Civil Service Retirement Spouse Equity Act of 1984, referred to in subsec. (a), is Pub. L. 98-615, Nov. 8, 1984, 98 Stat. 3195, as amended. Section 4 of that Act is set out as a note under section 8341 of Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 8331 of Title 5 and Tables.

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

##### CODIFICATION

Another section 830 of the Foreign Service Act of 1980 was enacted by Pub. L. 100-204 and is classified to section 4069a of this title.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

##### EFFECTIVE DATE

Section applicable to any individual who, on or after Jan. 8, 1988, is married to a participant or former participant, see section 261(b)(1) of Pub. L. 100-238, set out as an Effective Date of 1988 Amendment note under section 4054 of this title.

##### ABOLITION OF HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Committee on Post Office and Civil Service of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on Post Office and Civil Service treated as referring to Committee on Government Reform and Oversight of House of Representatives, see section 1(b) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

#### § 4069a. Retirement benefits for certain former spouses

##### (a) Eligibility; percentage of benefits

Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent or in