

Calendar No. 235

107TH CONGRESS
1ST SESSION**H. R. 2559**

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2001

Received; read twice and referred to the Committee on Governmental Affairs

NOVEMBER 27, 2001

Reported by Mr. LIEBERMAN, without amendment

AN ACT

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

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. DEFINITION OF AN ANNUITANT.**

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

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

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

7 “(B) any individual who—

8 “(i) satisfies all requirements for title
9 to an annuity under subchapter III of
10 chapter 83, chapter 84, or any other re-
11 tirement system for employees of the Gov-
12 ernment (whether based on the service of
13 such individual or otherwise), and files ap-
14 plication therefor;

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

16 “(iii) would not (but for this subpara-
17 graph) otherwise satisfy the requirements
18 of this paragraph.”.

19 **SEC. 2. PREEMPTION.**

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

22 (1) by inserting “(a) CONTRACTUAL PROVI-
23 SIONS.—” before “The”; and

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

25 “(b) PREMIUMS.—

1 “(1) IN GENERAL.—No tax, fee, or other mone-
2 tary payment may be imposed or collected, directly
3 or indirectly, by any State, the District of Columbia,
4 or the Commonwealth of Puerto Rico, or by any po-
5 litical subdivision or other governmental authority
6 thereof, on, or with respect to, any premium paid for
7 an insurance policy under this chapter.

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

17 **SEC. 3. EFFECTIVE DATE.**

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

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