

1 **TITLE X—PROVISIONS RELAT-**
2 **ING TO SPOUSAL PENSION**
3 **PROTECTION**

4 **SEC. 1001. REGULATIONS ON TIME AND ORDER OF**
5 **ISSUANCE OF DOMESTIC RELATIONS OR-**
6 **DERS.**

7 Not later than 1 year after the date of the enactment
8 of this Act, the Secretary of Labor shall issue regulations
9 under section 206(d)(3) of the Employee Retirement Secu-
10 rity Act of 1974 and section 414(p) of the Internal Rev-
11 enue Code of 1986 which clarify that—

12 (1) a domestic relations order otherwise meet-
13 ing the requirements to be a qualified domestic rela-
14 tions order, including the requirements of section
15 206(d)(3)(D) of such Act and section 414(p)(3) of
16 such Code, shall not fail to be treated as a qualified
17 domestic relations order solely because—

18 (A) the order is issued after, or revises, an-
19 other domestic relations order or qualified do-
20 mestic relations order; or

21 (B) of the time at which it is issued; and

22 (2) any order described in paragraph (1) shall
23 be subject to the same requirements and protections
24 which apply to qualified domestic relations orders,

1 including the provisions of section 206(d)(3)(H) of
2 such Act and section 414(p)(7) of such Code.

3 **SEC. 1002. ENTITLEMENT OF DIVORCED SPOUSES TO RAIL-**
4 **ROAD RETIREMENT ANNUITIES INDE-**
5 **PENDENT OF ACTUAL ENTITLEMENT OF EM-**
6 **PLOYEE.**

7 (a) IN GENERAL.—Section 2 of the Railroad Retire-
8 ment Act of 1974 (45 U.S.C. 231a) is amended—

9 (1) in subsection (c)(4)(i), by striking “(A) is
10 entitled to an annuity under subsection (a)(1) and
11 (B)”;

12 (2) in subsection (e)(5), by striking “or di-
13 vorced wife” the second place it appears.

14 (b) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect 1 year after the date of the
16 enactment of this Act.

17 **SEC. 1003. EXTENSION OF TIER II RAILROAD RETIREMENT**
18 **BENEFITS TO SURVIVING FORMER SPOUSES**
19 **PURSUANT TO DIVORCE AGREEMENTS.**

20 (a) IN GENERAL.—Section 5 of the Railroad Retire-
21 ment Act of 1974 (45 U.S.C. 231d) is amended by adding
22 at the end the following:

23 “(d) Notwithstanding any other provision of law, the
24 payment of any portion of an annuity computed under sec-
25 tion 3(b) to a surviving former spouse in accordance with