

110TH CONGRESS  
1ST SESSION

# H. R. 3086

To amend title 28, United States Code, to provide, in the case of certain widows and widowers whose judicial survivors' annuities are terminated on account of remarriage, for the restoration of benefits upon the dissolution of the remarriage.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2007

Mr. SNYDER introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend title 28, United States Code, to provide, in the case of certain widows and widowers whose judicial survivors' annuities are terminated on account of remarriage, for the restoration of benefits upon the dissolution of the remarriage.

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. RESTORATION OF CERTAIN JUDICIAL SUR-**  
4 **VIVORS' ANNUITIES.**

5 (a) IN GENERAL.—Section 376 of title 28, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

1       “(x) In the case of a widow or widower whose annuity  
2 under clause (i) or (ii) of subsection (h)(1) is terminated  
3 because of remarriage before attaining 55 years of age,  
4 the annuity shall be restored at the same rate commencing  
5 on the day the remarriage is dissolved by death, divorce,  
6 or annulment, if—

7               “(1) the widow or widower elects to receive this  
8 annuity instead of any other survivor annuity to  
9 which such widow or widower may be entitled, under  
10 this chapter or under another retirement system for  
11 Government employees, by reason of the remarriage;  
12 and

13               “(2) any payment made to such widow or wid-  
14 ower under subsection (o) or (p) on termination of  
15 the annuity is returned to the Judicial Survivors’  
16 Annuities Fund.”.

17       (b) CONFORMING AMENDMENT.—Section 376(h)(2)  
18 of title 28, United States Code, is amended by striking  
19 the period at the end and inserting “, subject to subsection  
20 (x).”.

21 **SEC. 2. EFFECTIVE DATE.**

22       (a) IN GENERAL.—This Act and the amendments  
23 made by this Act shall take effect on the first day of the  
24 first month beginning at least 30 days after the date of  
25 the enactment of this Act and shall apply in the case of

1 a remarriage which is dissolved by death, divorce, or an-  
2 nulment on or after such first day.

3 (b) LIMITED RETROACTIVE EFFECT.—

4 (1) IN GENERAL.—In the case of a remarriage  
5 which is dissolved by death, divorce, or annulment  
6 within the 4-year period ending on the day before  
7 the effective date of this Act, the amendments made  
8 by this Act shall apply only if the widow or widower  
9 satisfies the requirements of paragraphs (1) and (2)  
10 of section 376(x) of title 28, United States Code (as  
11 amended by this Act) before—

12 (A) the end of the 1-year period beginning  
13 on the effective date of this Act; or

14 (B) such later date as Director of the Ad-  
15 ministrative Office of the United States Courts  
16 may by regulation prescribe.

17 (2) RESTORATION.—If the requirements of  
18 paragraph (1) are satisfied, the survivor annuity  
19 shall be restored, commencing on the date the re-  
20 marriage was dissolved by death, annulment, or di-  
21 vorce, at the rate which was in effect when the an-  
22 nuity was terminated.

23 (3) LUMP-SUM PAYMENT.—Any amounts be-  
24 coming payable to the widow or widower under this  
25 subsection for the period beginning on the date on

1       which the annuity was terminated and ending on the  
2       date on which periodic annuity payments resume  
3       shall be payable in a lump-sum payment.

○