

Public Law 95-318
95th Congress

An Act

July 10, 1978
[H.R. 3755]

To provide for the reinstatement of civil service retirement survivor annuities for certain widows and widowers whose remarriages occurred before July 18, 1966, and for other purposes.

Civil service
employees.
Restoration of
retirement
annuities.
5 USC 8341
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) upon application to the Civil Service Commission, the annuity of—

(1) a surviving spouse of an employee which was terminated under the provisions of section 8341 (b) or (d) of title 5, United States Code, or of any prior applicable law, because of the remarriage of such spouse before July 18, 1966, and

(2) a surviving spouse of a Member who died before January 8, 1971, which was terminated under any such provision, because of the remarriage of such spouse, shall be restored in accordance with the provisions of subsection (b) of this section.

(b) (1) In the case of a remarriage occurring after the surviving spouse became sixty years of age, the annuity shall be restored to such spouse under subsection (a) of this section only if any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund. If such amount is paid, the annuity shall be so restored commencing on the effective date of this section at the rate which would have been in effect if the annuity had not been terminated.

(2) In the case of a remarriage occurring before the surviving spouse became sixty years of age, the annuity shall be restored to such spouse under subsection (a) of this section only if—

(A) such spouse elects to receive this annuity instead of a survivor benefit to which the spouse may be entitled under subchapter III of chapter 83 of such title 5 or under another retirement system for Government employees by reason of the marriage; and

(B) any lump sum paid on termination of the annuity is returned to such fund.

If the requirements of the preceding sentence are satisfied, such annuity shall be so restored commencing on the effective date of this section or on the first day of the month following the date the remarriage is dissolved by death, annulment, or divorce, whichever date is later, at the rate which was in effect when the annuity was terminated.

SEC. 2. Section 8341(g) of title 5, United States Code, is amended by striking out "after July 18, 1966,".

5 USC 8331 et
seq.

SEC. 3. The foregoing provisions of this Act shall take effect on—

- (1) the first day of the month following the date of the enactment of this Act, or
 - (2) October 1, 1978,
- whichever date is later.

Approved July 10, 1978.

Effective date.
5 USC 8341
note.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-475 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 95-905 (Comm. on Governmental affairs).

CONGRESSIONAL RECORD:

Vol. 123 (1977): July 18, considered and passed House.

Vol. 124 (1978): June 19, considered and passed Senate, amended.

June 26, House concurred in Senate amendment.