

103D CONGRESS  
1ST SESSION

# S. 378

To amend the provisions of titles 5 and 10, United States Code, to provide for the extension of certain annuity benefits for widows, widowers, and former spouses under Federal employee and military retirement systems, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, JANUARY 5), 1993

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend the provisions of titles 5 and 10, United States Code, to provide for the extension of certain annuity benefits for widows, widowers, and former spouses under Federal employee and military retirement systems, and for other purposes.

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. EXTENSION OF CERTAIN SURVIVOR ANNUITIES**

4                       **UNDER THE FEDERAL RETIREMENT SYSTEM.**

5       (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
6       8341 of title 5, United States Code, is amended—

1           (1) in subsection (b)(3)(B) by inserting before  
2           the period “, unless the marriage of the widow or  
3           widower and the employee or the Member (upon  
4           whom the entitlement of such annuity is based) is a  
5           period of 20 years or more”;

6           (2) in clause (ii) at the end of subsection (d) by  
7           inserting before the period “, unless the marriage of  
8           the widow or widower and the employee or the Mem-  
9           ber (upon whom the entitlement of such annuity is  
10          based) is a period of 20 years or more”; and

11          (3) in subsection (h)(3)(B)—

12                (A) in clause (i) by inserting after “55  
13                years of age” the following: “(unless the mar-  
14                riage of the widow or widower and the employee  
15                or the Member, upon whom the entitlement of  
16                such annuity is based, is a period of 20 years  
17                or more)”; and

18                (B) in clause (ii) by inserting after  
19                “former spouse remarries” the following: “(un-  
20                less the marriage of the widow or widower and  
21                the Member, upon whom the entitlement of  
22                such annuity is based, is a period of 20 years  
23                or more)”.

24          (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

25          (1) Section 8442(d)(1)(B) of title 5, United States Code,

1 is amended by inserting before the period “, unless the  
 2 marriage of the widow or widower and the employee or  
 3 the Member (upon whom the entitlement of such annuity  
 4 is based) is a period of 20 years or more”.

5 (2) Section 8445(c)(2) of title 5, United States Code,  
 6 is amended by inserting after “55 years of age” the follow-  
 7 ing: “(unless the marriage of the widow or widower and  
 8 the employee or the Member, upon whom the entitlement  
 9 of such annuity is based, is a period of 20 years or more)”.

10 (c) EFFECTIVE DATE.—The amendments made by  
 11 this section shall be effective on and after the date of the  
 12 enactment of this Act and shall apply with regard to a  
 13 widow or widower who remarries before becoming 55 years  
 14 of age on or after such date of enactment.

15 **SEC. 2. CONTINUATION OF PAYMENT OF SURVIVOR BENE-**  
 16 **FIT PLAN ANNUITY UPON REMARRIAGE**  
 17 **UNDER THE MILITARY RETIREMENT SYSTEM.**

18 (a) IN GENERAL.—Section 1450(b) of title 10,  
 19 United States Code, is amended—

20 (1) by inserting “(1)” after “(b)”; and

21 (2) by adding at the end the following new  
 22 paragraph:

23 “(2) Notwithstanding the second sentence of para-  
 24 graph (1), in the case of a widow, widower, or former  
 25 spouse who was married for 20 years or more to a person

1 to whom section 1448 of this title applies, payment of an-  
2 nuity to that widow, widower, or former spouse after the  
3 death of such person shall not be terminated pursuant to  
4 that sentence by reason of a remarriage of the widow, wid-  
5 ower, or former spouse before reaching 55 years of age.”.

6 (b) EFFECTIVE DATE.—Paragraph (2) of section  
7 1450(b) of title 10, United States Code, shall take effect  
8 on the date of the enactment of this Act and shall apply  
9 with respect to remarriages described in such paragraph  
10 that occur on or after such date.

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