

Public Law 95-317  
95th Congress

An Act

July 10, 1978

[H.R. 3447]

To amend chapter 83 of title 5, United States Code, to grant an annuitant the right to elect within one year after remarriage whether such annuitant's new spouse shall be entitled, if otherwise qualified, to a survivor annuity, and to eliminate the annuity reduction made by an unmarried annuitant to provide a survivor annuity to an individual having an insurable interest in cases where such individual predeceases the annuitant.

Civil service  
retirement  
annuities.  
Payments to  
surviving  
spouses.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 8339(j) of title 5, United States Code, is amended by striking out the second and third sentences and inserting in lieu thereof the following: "An annuity which is reduced under this subsection or any similar prior provision of law shall, for each full month during which a retired employee or Member is not married (or is remarried if there is no election in effect under the following sentence), be recomputed and paid as if the annuity had not been so reduced. Upon remarriage the retired employee or Member may irrevocably elect during such marriage, in a signed writing received in the Commission within 1 year after such remarriage, a reduction in his annuity for the purpose of allowing an annuity for his spouse in the event such spouse survives him. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage, and shall be effective the first day of the first month beginning 1 year after the date of remarriage."

Notice.

(b) Section 8341(b) (1) of title 5, United States Code, is amended by striking out "unless the employee or Member" and all that follows, and inserting in lieu thereof the following: "unless the employee or Member has notified the Commission in writing at the time of retirement that he does not desire any spouse surviving him to receive his annuity, or in the case of remarriage, he did not file an election under the third sentence of section 8339(j) of this title."

Effective date.

(c) The second sentence of section 8339(k) (2) of title 5, United States Code, is amended to read as follows: "The reduced annuity shall be effective the first day of the first month beginning 1 year after the date of marriage."

SEC. 2. Section 8339(k) (1) of title 5, United States Code, is amended by adding at the end thereof the following: "An annuity which is reduced under this paragraph or any similar prior provision of law shall, effective the first day of the month following the death of the individual named under this paragraph, be recomputed and paid as if the annuity had not been so reduced."

5 USC 8339  
note.

SEC. 3. The Civil Service Commission shall, on an annual basis, inform each annuitant of such annuitant's rights of election under sections 8339(j) and 8339(k) (2) of title 5, United States Code.

Effective date.  
5 USC 8339  
note.

SEC. 4. (a) This Act shall take effect—

(1) the first day of the first month which begins on or after the date of the enactment of this Act, or

(2) October 1, 1978,  
whichever is later.

(b) Except as provided under subsection (c) of this section, the amendments made by the first section and section 2 of this Act shall apply with respect to annuities which commence before, on, or after the effective date of this Act, but no monetary benefit by reason of such amendments shall accrue for any period before such effective date.

(c) The amendments made by the first section of this Act shall not affect the eligibility of any individual to a survivor annuity under section 8341(b) of title 5, United States Code, or the reduction therefor under section 8339(j) of such title, in the case of an annuitant who remarried before the effective date of this Act, unless the annuitant notifies the Civil Service Commission in a signed writing received in the Commission within one year after the effective date of this Act that such annuitant does not desire the spouse of the annuitant to receive a survivor annuity in the event of the annuitant's death. Such notification shall take effect the first day of the first month after it is received in the Commission.

Approved July 10, 1978.

Notice.

Effective date.

**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 95-283 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 95-904 (Comm. on Governmental Affairs).

**CONGRESSIONAL RECORD:**

Vol. 123 (1977): June 6, considered and passed House.

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

June 26, House concurred in Senate amendment.