

97TH CONGRESS
1ST SESSION

S. 1874

To amend section 376 of title 28, United States Code, in order to reform and improve the existing program for annuities for survivors of Federal Justices and judges.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19 (legislative day, NOVEMBER 2), 1981

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

A BILL

To amend section 376 of title 28, United States Code, in order to reform and improve the existing program for annuities for survivors of Federal Justices and judges.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Judicial Survivors' Annu-
4 ities Reform Act of 1981".

5 SEC. 2. (a) Subsections (b) and (d) of section 376 of title
6 28, United States Code, are amended by striking out "4.5
7 percent" each place it appears and inserting in lieu thereof
8 "5.0 percent".

1 (b) Subsection (c) of section 376 of title 28, United
2 States Code, is amended by striking the first sentence and
3 inserting in lieu thereof the following: “There shall also be
4 deposited to the credit of the ‘Judicial Survivors’ Annuities
5 Fund,’ in accordance with such procedures as may be pre-
6 scribed by the Comptroller General of the United States,
7 amounts required to maintain the actuarial balance of the
8 program as such amounts are actuarially determined on an
9 annual basis in accordance with the provisions of Public Law
10 95–595 (31 U.S.C. 68a).”.

11 (c) Subsection (h)(1)(B) of section 376 of title 28, United
12 States Code, is amended by striking clauses (i) and (ii) and
13 inserting in lieu thereof:

14 “(i) 10 percent of the average annual
15 salary amount determined in accordance with
16 the provisions of subsection (l) of this section;
17 or

18 “(ii) 20 percent of such average annual
19 salary amount, divided by the number of
20 children;”.

21 (d) Subsection (h)(1)(C) of section 376 of title 28, United
22 States Code, is amended by striking clauses (ii) and (iii) and
23 inserting in lieu thereof:

24 “(ii) 20 percent of the average annual
25 salary amount determined in accordance with

1 the provisions of subsection (l) of this section;

2 or

3 “(iii) 40 percent of such average annual
4 salary amount, divided by the number of
5 children;”.

6 (e) Subsection (l) of section 376 of title 28, United
7 States Code, is amended:

8 (i) by striking out “1¼ percent” and inserting in
9 lieu thereof “1.5 percent”; and

10 (ii) by striking out the existing proviso and insert-
11 ing in lieu thereof:

12 *“Provided, That such annuity shall not exceed an amount*
13 *equal to 50 percent of such average annual salary, nor be*
14 *less than an amount equal to 30 percent of such average*
15 *annual salary, and that any amount determined in accordance*
16 *with the provisions of this subsection shall be reduced to the*
17 *extent required by subsection (d) of this section, if applica-*
18 *ble.”.*

19 (f) Subsection (h)(2) of section 376 of title 28, United
20 States Code, is amended by striking out the period following
21 “remarriage” and adding “prior to the attainment of sixty
22 years of age.”.

23 SEC. 3. The benefits conferred by this Act shall immedi-
24 ately become available to any individual becoming eligible for
25 an annuity under section 376 of title 28, United States Code,

1 on or after the date upon which this Act becomes effective:
2 *Provided*, That although the rights of any judicial official
3 electing to come within the purview of section 376 of title
4 28, United States Code, on or after the date upon which this
5 Act becomes effective, shall be determined exclusively under
6 the provisions of that section as amended by this Act, nothing
7 in this Act shall be interpreted to cancel, abrogate, or dimin-
8 ish any rights to which an individual or his or her survivors
9 may be entitled by virtue of that individual having contribut-
10 ed to the judicial survivors annuity fund before the date upon
11 which this Act becomes effective.

12 ~~SEC. 4.~~ At any time within one hundred and eighty days
13 after the date upon which this Act becomes effective, any
14 judicial official who has been participating in the judicial sur-
15 vivors annuity program created by the Act of October 19,
16 1976 (90 Stat. 2603), shall be entitled to revoke his or her
17 earlier election to participate in that program and thereby
18 completely withdraw from participation in the program as
19 reformed by this Act: *Provided*, That (a) any such revocation
20 may be effected only by means of a writing filed with the
21 Director of the Administrative Office of the United States
22 Courts, (b) any such writing shall be deemed to have become
23 effective no sooner than the date upon which that writing is
24 received by the Director, (c) upon receipt of such a writing by
25 the Director, any and all rights to survivorship benefits for

1 such judicial official's survivors shall terminate, and all
2 amounts credited to such judicial official's individual account,
3 together with interest at 3 percent per annum, compounded
4 on December 31 of each year to that date of revocation, shall
5 thereafter be returned to that judicial official in a lump-sum
6 refund payment, and (d) any judicial official who effects such
7 a revocation and who subsequently again becomes eligible
8 and elects to join the judicial survivors annuities program
9 created by this Act under the provisions of section 376 of
10 title 28, United States Code, as amended by this Act, shall
11 be permitted to do so only upon the redeposit of the full
12 amount of the refund obtained under this section plus interest
13 at 3 percent per annum, compounded on December 31 of
14 each year from the date of the revocation until the date upon
15 which that amount is redeposited. Any judicial official who
16 fails to effect a revocation in accordance with the right con-
17 ferred by this section within one hundred and eighty days
18 after the date upon which this Act becomes effective shall be
19 deemed to have irrevocably waived the right to that revoca-
20 tion.

21 SEC. 5. This Act shall become effective on the first day
22 of the third month following the month in which it is enacted.

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