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II

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

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Survivors' Annuities Reform Act of 1981".

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

(b) Subsection (c) of section 376 of title 28, United States Code, is amended by striking the first sentence and inserting in lieu thereof the following: "There shall also be deposited to the credit of the 'Judicial Survivors' Annuities Fund,' in accordance with such procedures as may be prescribed by the Comptroller General of the United States, amounts required to maintain the actuarial balance of the program as such amounts are actuarially determined on an annual basis in accordance with the provisions of Public Law 95–595 (31 U.S.C. 68a).".

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

"(i) 10 percent of the average annual salary amount determined in accordance with the provisions of subsection (l) of this section; or

"(ii) 20 percent of such average annual salary amount, divided by the number of children;".

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

"(ii) 20 percent of the average annual salary amount determined in accordance with

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

"(iii) 40 percent of such average annual salary amount, divided by the number of children;".

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

(i) by striking out "1¼ percent" and inserting in lieu thereof "1.5 percent"; and

(ii) by striking out the existing proviso and inserting in lieu thereof:

"*Provided,* That such annuity shall not exceed an amount equal to 50 percent of such average annual salary, nor be less than an amount equal to 30 percent of such average annual salary, and that any amount determined in accordance with the provisions of this subsection shall be reduced to the extent required by subsection (d) of this section, if applicable.".

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

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

on or after the date upon which this Act becomes effective: *Provided,* That although the rights of any judicial official electing to come within the purview of section 376 of title 28, United States Code, on or after the date upon which this Act becomes effective, shall be determined exclusively under the provisions of that section as amended by this Act, nothing in this Act shall be interpreted to cancel, abrogate, or diminish any rights to which an individual or his or her survivors may be entitled by virtue of that individual having contributed to the judicial survivors annuity fund before the date upon which this Act becomes effective.

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

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

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

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