

Public Law 96-504
96th Congress

An Act

To amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes.

Dec. 5, 1980

[H.R. 2583]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8344 of title 5, United States Code, relating to annuities and payment on reemployment, is amended by adding at the end thereof the following new subsections:

“(f) Notwithstanding the provisions of subsection (a) of this section, if an annuitant receiving annuity from the Fund, except a Member receiving annuity from the Fund, becomes employed as a justice or judge of the United States, as defined by section 451 of title 28, annuity payments are discontinued during such employment and are resumed in the same amount upon resignation or retirement from regular active service as such a justice or judge.

“(g) A former employee or a former Member who becomes employed as a justice or judge of the United States, as defined by section 451 of title 28, may, at any time prior to resignation or retirement from regular active service as such a justice or judge, apply for and be paid, in accordance with section 8342(a) of this title, the amount (if any) by which the lump-sum credit exceeds the total annuity paid, notwithstanding the time limitation contained in such section for filing an application for payment.”

SEC. 2. A present or former justice or judge of the United States, as defined by section 451 of title 28, United States Code, who, prior to the effective date of this section, voided his right to receive an annuity under subchapter III of chapter 83 of title 5, United States Code, by applying for and receiving a refund of his lump-sum credit while serving as such a justice or judge may, upon application filed with the Office of Personnel Management within one year following the effective date of this section, redeposit such refund with interest computed under section 8334(e) of such title 5 and thereby reestablish his right to receive an annuity under such subchapter effective on the date he otherwise was eligible to receive an annuity. The surviving spouse of any such justice or judge who dies before the effective date of this section may apply to make such redeposit within one year following the effective date of this section and receive both (1) the amount of the annuity which the justice or judge would have been entitled to receive before his death had application been made by him for the annuity and (2) any survivor annuity the justice or judge could have provided under the provisions of law in effect at the time of separation from the service on which title to the annuity is based.

SEC. 3. (a) As of the first pay period beginning after the effective date of this Act, a surviving spouse, other than a surviving spouse who has remarried, of any Justice of the United States (as defined by section 451 of title 28, United States Code), who died before October 19, 1976, shall be paid an annuity in accordance with the provisions of section 376 of title 28, United States Code, at a rate of \$20,000 per year

Employment as
U.S. justice or
judge, annuity
payment
discontinuance.

28 USC 451.

5 USC 8342.

Lump-sum
refund,
redeposit.
5 USC 8342
note.
5 USC 8331.

5 USC 8334.

Surviving
spouse,
redeposit rights.

Surviving
spouse, annuity
payment.
28 USC 376
note.

as if such Justice had elected to come within the provisions of, and having made the full deposit required by, section 376(d) of title 28, United States Code.

(b) Notwithstanding the provisions of section 376(h) of title 28, United States Code, such annuity shall be payable as provided in section 376(m) of title 28, United States Code, until the date of the death of any such spouse.

Judicial Survivors' Annuities Fund. 28 USC 376 note.

SEC. 4. (a) The Secretary of the Treasury shall determine, as of the effective date of this Act, in consultation with the Director of the Administrative Office of the United States Courts, the amount necessary to offset any actuarial deficiency in the Judicial Survivors' Annuities Fund, and, at the earliest time thereafter at which appropriated sums in that amount become available, the Secretary shall deposit such sums in a single payment into such Judicial Survivors' Annuities Fund.

Appropriation authorization.

(b) There are authorized to be appropriated such sums as may be necessary to carry out this section.

Repeal. Effective date. 5 USC 8344 note.

SEC. 5. Section 375 of title 28, United States Code, is repealed.

SEC. 6. (a) The provisions of this Act shall take effect on—

- (1) the date of the enactment of this Act, or
(2) October 1, 1980,

whichever date is later.

(b) The provisions of subsection (f) of section 8344 of title 5, United States Code, as added by the first section of this Act, shall apply only to an individual who becomes employed as a justice or judge of the United States on or after the effective date of this Act. The provisions of subsection (g) of such section, as added by the first section of this Act, shall apply to an individual employed as a justice or judge of the United States on the effective date of this Act and to an individual appointed as such a justice or judge on or after such effective date.

Approved December 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-467, Pt. 1 (Comm. on Post Office and Civil Service) and Pt. 2 (Comm. on Appropriations).

SENATE REPORT No. 96-905 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Oct. 29, considered and passed House.

Vol. 126 (1980): Oct. 1, considered and passed Senate, amended.

Nov. 21, House concurred in Senate amendments.