

105TH CONGRESS
2D SESSION

S. 2455

To amend the Railroad Retirement Act of 1974 to prevent the canceling of annuities to certain divorced spouses of workers whose widows elect to receive lump sum payments.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 1998

Mr. DASCHLE introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Railroad Retirement Act of 1974 to prevent the canceling of annuities to certain divorced spouses of workers whose widows elect to receive lump sum payments.

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. SHORT TITLE.**

4 This Act may be cited as the “Railroad Retirement
5 Amendment Act of 1998”.

6 **SEC. 2. PROTECTION OF DIVORCED SPOUSES.**

7 (a) IN GENERAL.—Section 6(c) of the Railroad Re-
8 tirement Act of 1974 (45 U.S.C. 231e(c)) is amended—

1 (1) in the last sentence of paragraph (1), by in-
 2 serting “(other than to a survivor in the cir-
 3 cumstances described in paragraph (3))” after “no
 4 further benefits shall be paid”; and

5 (2) by adding at the end the following:

6 “(3) Notwithstanding the last sentence of para-
 7 graph (1), benefits shall be paid to a survivor who—

8 “(A) is a divorced wife; and

9 “(B) through administrative error received
 10 benefits otherwise precluded by the making of a
 11 lump sum payment under this section to a
 12 widow;

13 if that divorced wife makes an election to repay to
 14 the Board the lump sum payment. The Board may
 15 withhold up to 10 percent of each benefit amount
 16 paid after the date of the enactment of this para-
 17 graph toward such reimbursement. The Board may
 18 waive such repayment to the extent the Board deter-
 19 mines it would cause an unjust financial hardship
 20 for the beneficiary.”.

21 (b) APPLICATION OF AMENDMENT.—The amendment
 22 made by this section shall apply with respect to any bene-
 23 fits paid before the date of enactment of this Act as well

1 as to benefits payable on or after the date of the enact-
2 ment of this Act.

