

109TH CONGRESS  
1ST SESSION

# S. 968

To amend chapters 83 and 84 of title 5, United States Code, to provide that spouses of Federal public safety officers who are killed in the line of duty, may remarry and continue to receive a survivor annuity, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mrs. CLINTON (for herself, Mr. LEAHY, and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend chapters 83 and 84 of title 5, United States Code, to provide that spouses of Federal public safety officers who are killed in the line of duty, may remarry and continue to receive a survivor annuity, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONTINUATION OF SURVIVOR ANNUITIES FOR**  
 2 **REMARIED SPOUSES OF FEDERAL PUBLIC**  
 3 **SAFETY OFFICERS KILLED IN THE LINE OF**  
 4 **DUTY.**

5 (a) **SHORT TITLE.**—This Act may be cited as the  
 6 “Federal Public Safety Officer Surviving Spouse Protec-  
 7 tion Act of 2005”.

8 (b) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section  
 9 8341 of title 5, United States Code, is amended—

10 (1) in subsection (b)(3)(B) by striking “sub-  
 11 section (k)” and inserting “subsection (j)”;

12 (2) in subsection (d) in clause (ii) of the last  
 13 undesignated sentence by striking “subsection (k)”  
 14 and inserting “subsection (j)”;

15 (3) in subsection (h)(3)(B)(i) by striking “sub-  
 16 section (k)” and inserting “subsection (j)”;

17 (4) by striking subsection (k) and inserting the  
 18 following:

19 “(j)(1) In this subsection, the term ‘Federal public  
 20 safety officer’ means—

21 “(A) a law enforcement officer; or

22 “(B) an employee participating under this chap-  
 23 ter who is—

24 “(i) a public safety officer as defined under  
 25 section 1204 of the Omnibus Crime Control and  
 26 Safe Streets Act of 1968 (42 U.S.C. 3796b); or

1           “(ii) an employee of the Department of the  
2           Treasury who is performing official duties of  
3           the Department in an area, if those official du-  
4           ties—

5           “(I) are related to a major disaster or  
6           emergency that has been, or is later, de-  
7           clared to exist with respect to the area  
8           under the Robert T. Stafford Disaster Re-  
9           lief and Emergency Assistance Act (42  
10          U.S.C. 5121 et seq.); and

11          “(II) are determined by the Secretary  
12          of the Treasury to be hazardous duties.

13          “(2) Subsections (b)(3)(B), (d)(ii), and (h)(3)(B)(i)  
14          (to the extent that they provide for termination of a sur-  
15          vivor annuity because of a remarriage before the age of  
16          55 years) shall not apply if—

17          “(A) the widow, widower, or former spouse was  
18          married for at least 30 years to the individual on  
19          whose service the survivor annuity is based; or

20          “(B) in the case of a widow or widower the in-  
21          dividual on whose service the survivor annuity is  
22          based was a Federal public safety officer who was  
23          killed in the line of duty.

24          “(3) A remarriage described under paragraph (2)  
25          shall not be taken into account for purposes of section

1 8339(j)(5) (B) or (C) or any other provision of this chap-  
 2 ter which the Office may by regulation identify in order  
 3 to carry out the purposes of this subsection.”.

4 (c) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—  
 5 Section 8442(d) of title 5, United States Code, is amended  
 6 by striking paragraph (3) and inserting the following:

7 “(3)(A) In this paragraph, the term ‘Federal  
 8 public safety officer’ means—

9 “(i) a law enforcement officer; or

10 “(ii) an employee participating under this  
 11 chapter who is—

12 “(I) a public safety officer as defined  
 13 under section 1204 of the Omnibus Crime  
 14 Control and Safe Streets Act of 1968 (42  
 15 U.S.C. 3796b); or

16 “(II) an employee of the Department  
 17 of the Treasury who is performing official  
 18 duties of the Department in an area, if  
 19 those official duties—

20 “(aa) are related to a major dis-  
 21 aster or emergency that has been, or  
 22 is later, declared to exist with respect  
 23 to the area under the Robert T. Staf-  
 24 ford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. 5121 et  
2 seq.); and

3 “(bb) are determined by the Sec-  
4 retary of the Treasury to be haz-  
5 ardous duties.

6 “(B) Paragraph (1)(B) (relating to termination  
7 of a survivor annuity because of a remarriage before  
8 the age of 55 years) shall not apply if—

9 “(i) the widow or widower was married for  
10 at least 30 years to the individual on whose  
11 service the survivor annuity is based; or

12 “(ii) the individual on whose service the  
13 survivor annuity is based was a Federal public  
14 safety officer who was killed in the line of  
15 duty.”.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this Act shall take effect on January 1, 1988, and apply  
18 only to remarriages which occur on or after that date.

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