

Public Law 94-183
94th Congress

An Act

To amend chapter 83 of title 5, United States Code, to establish time limitations in applying for civil service retirement benefits, and for other purposes.

Dec. 31, 1975
[H.R. 4573]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8345 of title 5, United States Code, is amended by adding the following new subsection at the end thereof:

Civil service
retirement
benefits.
Applications,
time limitations.

“(h) (1) No payment shall be made from the Fund unless an application for benefits based on the service of an employee or Member is received in the Civil Service Commission before the one hundred and fifteenth anniversary of his birth.

“(2) Notwithstanding paragraph (1) of this subsection, after the death of an employee, Member, or annuitant, no benefit based on his service shall be paid from the Fund unless an application therefor is received in the Civil Service Commission within 30 years after the death or other event which gives rise to title to the benefit.”.

SEC. 2. Title 5, United States Code, is amended as follows:

(1) In section 302(b) (2) strike out “324” and insert “3702” in place thereof;

(2) In section 552a(g) (5) strike out “to the effective date of this section” and insert in lieu thereof “to September 27, 1975”;

(3) In section 2902(b) strike out “the Postmaster General,”;

(4) In section 3351 strike out “, except an appointment made under section 3311 of title 39”;

(5) In section 3363 strike out “, except an appointment made under section 3311 of title 39”;

(6) Strike out section 3364;

Repeal.

(7) In the analysis of chapter 33 strike out item 3364;

(8) In section 3501(b) strike out “, except an employee whose appointment is made under section 3311 to title 39”;

(9) In section 3581(5) (A) strike out “3582(a)” and insert “3582(b)” in place thereof;

(10) In the last sentence of section 3582(b) strike out “on or after the date of enactment of the Foreign Assistance Act of 1969” and insert “after December 29, 1969” in place thereof;

(11) In section 4102(a) (2) (B) strike out “(except a Postmaster)”;

(12) In section 5102(c) (5) strike out “White House Police” and insert “Executive Protective Service” in place thereof;

(13) In section 5102(c) (9) strike out “40” and insert “305” in place thereof;

(14) In section 5108(c) (11) strike out “twenty two” and insert in lieu thereof “twenty-five”;

(15) In section 5108(c) redesignate paragraphs (11) through (14) as paragraphs (11) through (16), respectively;

(16) In section 5303(c) strike out “and section 3552 of title 39”;

(17) In section 5314 redesignate paragraphs (53) through (61) as paragraphs (53) through (63), respectively;

(18) In section 5315 redesignate paragraphs (91) through (104) as paragraphs (91) through (107), respectively;

5 USC 5316.

(19) In section 5316 redesignate paragraphs (131) through (136) as paragraphs (131) through (139), respectively;

(20) In section 5365 strike out "(a)";

(21) In section 5533(d)(7) strike out subparagraph (F) and redesignate subparagraphs (G) and (H) as (F) and (G), respectively;

(22) In section 5541(2)(iv) strike out "White House Police" and insert "Executive Protective Service" in place thereof;

(23) In the catchline of section 5545 strike out "SUNDAY,";

(24) In the analysis of chapter 55 strike out "Sunday," in item 5545;

(25) In section 6101(a)(4) strike out "education" and insert "educational" in place thereof;

Repeal.

(26) Strike out section 6309;

(27) In the analysis of chapter 63 strike out item 6309;

(28) In section 6324(a) strike out "White House Police" and insert "Executive Protective Service" in place thereof;

(29) In section 6324(b)(3) strike out "White House Police" and insert "Executive Protective Service" in place thereof;

(30) In section 7511(1) strike out ", except an employee whose appointment is made under section 3311 of title 39";

(31) In section 8193 redesignate subsection (e), the second time it appears, as subsection (f);

(32) In section 8332(b)(8) strike out "on or after February 19, 1929, and prior to the effective date of section 442 of the Legislative Reorganization Act of 1970" and insert "after February 18, 1929, and before noon on January 3, 1971" in place thereof;

(33) In section 8332(b)(9) strike out "8339(h)" and insert "8339(i)" in place thereof;

(34) In section 8333(c)—

(A) strike out "of title 5" and insert "of this title" in place thereof;

(B) strike out "of this chapter" and insert "of this title" in place thereof;

(35) In section 8340(c)(3) strike out "on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Retirement Amendments of 1969" and insert "after October 31, 1969" in place thereof;

(36) In section 8341(c) strike out "8339(k)" and insert "8339(k)(1)" in place thereof;

(37) In section 8348(h)(2) strike out "thirty" and insert "30" in place thereof;

"Average pay."

(38) Amend section 8331(4) to read as follows:

"(4) 'average pay' means the largest annual rate resulting from averaging an employee's or Member's rates of basic pay in effect over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the total service, with each rate weighted by the time it was in effect;";

- (39) In section 8332(b)(7) strike out “(—U.S.C.—)”; 5 USC 8332.
(40) In section 8336(d) strike out “a reduced” and insert “an”
in place thereof;
(41) In the last sentence of section 8336(g) strike out “a re-
duced” and insert “an” in place thereof;
(42) In the analysis of chapter 85 strike out item 8524 and
insert in lieu thereof the following:

“8524. Repealed.
and

- (43) In section 8902 redesignate subsection (j), as added by
the Act of July 30, 1974 (Public Law 93-363, 88 Stat. 398), as
subsection (k).

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-252 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-540 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):

July 21, considered and passed House.
Dec. 15, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendments.