

The original documents are located in Box 54, folder “8/19/76 HR5752 Relief of Lucie Stein” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library

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APPROVED

AUG 19 1976

8/19/76

THE WHITE HOUSE

ACTION

WASHINGTON
August 17, 1976

Last Day: August 23

MEMORANDUM FOR THE PRESIDENT
 FROM: JIM CANNON *JDC Quern*
 SUBJECT: H.R. 5752 - For the Relief of Lucie Stein

Attached for your consideration is H.R. 5752, sponsored by Representative Hammerschmidt.

The enrolled bill entitled Lucie Stein to a civil service survivor's annuity be deeming her to have been married for the period of time prior to her husband's death that is required by civil service retirement law.

Because Mr. Stein was a Military Intelligence Specialist with the Army's Intelligence Civilian Career program and his intended wife was a German national, it was necessary for him to secure a waiver in order to remain in the program. His first requests for such a waiver were made in 1961 and were denied twice during that year. His third request was approved in September, 1969. Due to additional processing delays he was unable to marry until January, 1970. Mr. Stein died suddenly in November, 1971 after a marriage of 22 months, two months short of the two year marriage period required by the civil service retirement.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5752 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 16 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5752 - For the relief
of Lucie Stein
Sponsor - Rep. Hammerschmidt (D) Arkansas

Last Day for Action

August 23, 1976 - Monday

Purpose

Entitles Mrs. Stein to a civil service survivor's annuity by deeming her to have been married to Bert Stein for the period of time prior to his death that is required by civil service retirement law.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Army	Not opposed
Civil Service Commission	Approval

Discussion

Under the civil service retirement law at the time of Bert Stein's death, in order to qualify for a survivor's annuity, the surviving spouse had to either have been married to the deceased employee for at least two years immediately preceding the employee's death or been the parent of a child by that marriage. The "length of marriage" requirement (which has since been reduced to one year) is intended to avoid the acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose.

Mr. Stein was employed by the Department of the Army as a Military Intelligency Specialist in the Intelligence Civilian Career program in May 1957. It is a condition for retention in that program that an employee may not marry a foreign national unless granted a waiver by the Department of the Army. Mr. Stein requested such a waiver twice in 1961, to marry Lucie Stein (then Lucie Rauber), a German national. Both requests were denied because of the unique nature of his duties in the field of military intelligence. Mr. Stein's third request, made on April 2, 1969, was approved on September 29, 1969. Because of delays in transmitting the approval notification to Mr. Stein and processing it through the German authorities, Bert and Lucie Stein were not married until January 15, 1970. Bert Stein died suddenly on November 10, 1971, after approximately 22 months of marriage.

In its report on a predecessor bill in the 93rd Congress, the Civil Service Commission (CSC) stated that the circumstances of this case distinguish it from the situations the "length of marriage" requirement is intended to avoid. CSC added that it believed these circumstances are sufficiently unusual so as not to set a precedent for other cases. The Department of the Army is not opposed to approval of the enrolled bill and states that it believes the facts of the case support making an exception.

We concur in the CSC recommendation that you approve the enrolled bill.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 17

Time: 930am

FOR ACTION: Max Frieder ~~do~~ff *ff*
Ken Lazarus
Robert ~~HAT~~

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 17

Time: 1100am

SUBJECT:

H.R. 5752 - for the relief of Lucie Stein

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President





DEPARTMENT OF THE ARMY

WASHINGTON, D.C. 20310

10 JUL 1976

Honorable James T. Lynn
Director, Office of Management and Budget
Washington, DC 20403

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of the Army on enrolled enactment H.R. 5752, 94th Congress, "For the relief of Lucie Stein."

The Department of the Army is not opposed to the enrolled enactment.

The act provides that for purposes of section 8341 of title 5, United States Code, Lucie Stein, widow of Bert Stein, 429-18-1901, shall be deemed to have been married to Bert Stein for at least two years immediately before his death. Such marriage, which occurred on 15 January 1970, would have occurred earlier except for delays in the granting of a waiver to marry Lucie Stein, a foreign national, which Bert Stein was required to obtain from his superior officer.

In May 1957, Mr. Bert Stein was employed in Germany as a Military Intelligence Specialist in the Army Intelligence Civilian Career Program. One of the conditions for retention in that program is that an employee will not marry a foreign national unless granted a waiver by the Department of the Army. On 8 February 1961, Mr. Stein requested a waiver in order to marry Mrs. Lucie Rauber, a German national, but the request was denied on two occasions. When it was finally approved on September 29, 1969, the notice was not transmitted to Mr. Stein until November 13, 1969. A further delay was encountered in processing the application through the German authorities and, as a result, Mr. Stein was not married until January 15, 1970. Mr. Stein died suddenly on November 10, 1971, after being married for approximately 22 months.

In order to qualify for a survivor annuity as a spouse under section 8341, title 5, United States Code, Mrs. Stein must have been married to an employee or annuitant at least two years immediately preceding his death. Accordingly, Mrs. Stein did not qualify for an annuity.

Honorable James T. Lynn

Mr. Stein unsuccessfully sought to obtain approval of his marriage for approximately nine years. Mr. Stein was engaged in the performance of duties in the field of military intelligence. It was only because of the unique nature of those duties that the initial applications for a waiver were denied. It is apparent, therefore, that the delay was not due to the fault of Mr. Stein. Instead, it was caused by the security interests of the United States Government and the prolonged time taken in transmitting the favorable decision. Accordingly, it would be inequitable to deny the relief sought in this enrolled enactment, and the facts fully support making an exception in this case.

The cost of this enrolled enactment is not known to the Department of the Army.

Sincerely,



W. H. Hull
Assistant Secretary of War
(Enrolled Act No. 10,000)



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

August 16, 1976

Honorable James T. Lynn
Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for
Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the Commission views on enrolled bill, H.R. 5752, "For the relief of Lucie Stein".

H.R. 5752 would deem Mrs. Lucie Stein to be the "widow" of deceased Federal employee, Bert Stein, for Civil Service Retirement purposes (5 U.S.C. 8341(a)) and would authorize payment of a survivor annuity to her commencing the day after Mr. Stein's death on November 10, 1971. The monthly survivor annuity payable would be \$555.00 effective March 1, 1976, and a lump-sum of \$25,245.94 representing accrued annuity due from November 11, 1971 through July 31, 1976 would also be payable.

Mrs. Stein, however, was paid a lump-sum of \$14,826.16 representing the retirement and interest to her husband's credit in the retirement fund. Therefore, this \$14,826.16 will have to be withheld from the accrued annuity before payment of the lump-sum is authorized.

At the time of Mr. Stein's death, in order to qualify for a survivor annuity under the Civil Service Retirement law, the surviving spouse of a deceased employee must have been a "widow" or "widower" as defined by the retirement law, which means (a) be the surviving spouse who was married to the employee for at least two years immediately preceding his death or (b) be the parent of issue by that marriage.

The Commission is without authority to pay Mrs. Lucie Stein a survivor annuity benefit because she failed to meet the 2-year marriage requirement. However, the Department of the Army advises that Mr. Stein was employed as a Military Intelligence Specialist in the Intelligence Civilian Career Program in May, 1957. One of the conditions for retention in

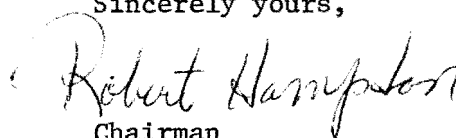
that program is that an employee shall not marry a foreign national unless granted a waiver by competent authority. On February 6, 1961 Mr. Stein requested a waiver of the above stated condition in order to marry Mrs. Lucie Rauber, a German national. The request was denied on June 27, 1961. A similar request dated November 1, 1961 was denied on January 12, 1962. A third request to marry Mrs. Rauber, submitted by Mr. Stein on April 2, 1969, was approved by the Department of the Army on September 29, 1969. Mr. Stein received notification of the approval on November 13, 1969 and married Mrs. Rauber in Frankfurt, Germany, on January 15, 1970. Mr. Stein died suddenly less than two years later in Frankfurt, Germany on November 10, 1971, no children having been born of the marriage.

The length of marriage requirement (currently 1 year) in the retirement law for a survivor annuitant is intended to avoid the acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose. While the Commission has consistently opposed paying benefits in cases of short-term marriages, the issue in the present case is one of paying a survivor annuity where the deceased employee and the surviving spouse had been married for a period of 1 year, 9 months and 26 days and would, from all indications, probably have been married years earlier had it not been for the agency delays in granting Mr. Stein the required waiver to marry Lucie Stein.

Since the Congress has determined that the special circumstances of this case warrant relief, the Commission has no objection and, accordingly, recommends that the President sign enrolled bill H.R. 5752.

By direction of the Commission:

Sincerely yours,


Chairman

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 17

Time: 930am

FOR ACTION: Max Friedersdorf
Ken Lazarus
David Lissy

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 17

Time: 1100am

SUBJECT:

H.R. 5752 - for the relief of Lucie Stein

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection -- Ken Lazarus

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 17

Time: 930am

FOR ACTION: Max Friedersdorf
Ken Lazarus
David Lissy

cc (for information): Jack Marsh
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FROM THE STAFF SECRETARY

DUE: Date: August 17

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SUBJECT:

H.R. 5752 - for the relief of Lucie Stein

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*No objection
WMO*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon
For the Staff Secretary

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 17

Time: 930am

FOR ACTION: Max Friedersdorf *KKW* cc (for information): Jack Marsh
Ken Lazarus Jim Cavanaugh
David Lissy Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 17

Time: 1100am

SUBJECT:

H.R. 5752 - for the relief of Lucie Stein

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

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If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon
For the Secretary



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

AUG 16 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5752 - For the relief
of Lucie Stein
Sponsor - Rep. Hammerschmidt (D) Arkansas

Last Day for Action

August 23, 1976 - Monday

Purpose

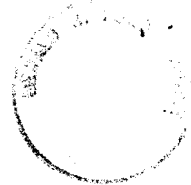
Entitles Mrs. Stein to a civil service survivor's annuity by deeming her to have been married to Bert Stein for the period of time prior to his death that is required by civil service retirement law.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Army	Not opposed
Civil Service Commission	Approval

Discussion

Under the civil service retirement law at the time of Bert Stein's death, in order to qualify for a survivor's annuity, the surviving spouse had to either have been married to the deceased employee for at least two years immediately preceding the employee's death or been the parent of a child by that marriage. The "length of marriage" requirement (which has since been reduced to one year) is intended to avoid the acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose.



To -
J. Casper
8-16-76
5:45 PM

Mr. Stein was employed by the Department of the Army as a Military Intelligency Specialist in the Intelligence Civilian Career program in May 1957. It is a condition for retention in that program that an employee may not marry a foreign national unless granted a waiver by the Department of the Army. Mr. Stein requested such a waiver twice in 1961, to marry Lucie Stein (then Lucie Rauber), a German national. Both requests were denied because of the unique nature of his duties in the field of military intelligence. Mr. Stein's third request, made on April 2, 1969, was approved on September 29, 1969. Because of delays in transmitting the approval notification to Mr. Stein and processing it through the German authorities, Bert and Lucie Stein were not married until January 15, 1970. Bert Stein died suddenly on November 10, 1971, after approximately 22 months of marriage.

In its report on a predecessor bill in the 93rd Congress, the Civil Service Commission (CSC) stated that the circumstances of this case distinguish it from the situations the "length of marriage" requirement is intended to avoid. CSC added that it believed these circumstances are sufficiently unusual so as not to set a precedent for other cases. The Department of the Army is not opposed to approval of the enrolled bill and states that it believes the facts of the case support making an exception.

We concur in the CSC recommendation that you approve the enrolled bill.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

LUCIE STEIN

JULY 31, 1975.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. MAZZOLI, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 5752]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5752) for the relief of Lucie Stein, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to provide that under Section 8341 of Title 5, relating to widow's annuities, Lucie Stein, the widow of Bert Stein, a Federal employee, will be deemed to have been married to the employee for over two years prior to his death. As stated in the bill, the marriage would have occurred earlier except that a required waiver was delayed by military authorities.

STATEMENT

The Civil Service Commission in its report to the committee on an earlier bill found that the special circumstances of this case warrant relief and accordingly, the Commission would not object to enactment of the bill.

Mr. Bert Stein was employed as a Military Intelligence Specialist in the Intelligence Civilian Career Program in May 1957. One of the conditions for retention in that program is that an employee shall not marry a foreign national unless granted a waiver by competent authority. On February 6, 1961 Mr. Stein requested a waiver of the above stated condition in order to marry Mrs. Lucie Rauber, a German national. The request was denied on June 27, 1961. A similar request dated November 1, 1961 was denied on January 12, 1962. A third request to marry Mrs. Rauber, submitted by Mr. Stein on April 2, 1969, was ap-

proved by the Department of the Army on September 29, 1969. Mr. Stein received notification of the approval on November 13, 1969 and married Mrs. Rauber in Frankfurt, Germany, on January 15, 1970. Mr. Stein died suddenly less than two years later in Frankfurt, Germany on November 10, 1971, no children having been born of the marriage.

The Civil Service Retirement law provides either for lump-sum payment and survivor annuity. A lump-sum refund of retirement contributions plus interest is paid when the widow does not qualify for an annuity. This was the case here because to qualify for a widow's annuity, the surviving spouse must (1) have been married to the employee for at least two years immediately preceding the employee's death; or (2) be the parent of a child born of the marriage with employee [5 U.S.C. 8341(a)]. At the time of her husband's death, Lucie Stein failed to meet either of these requirements.

The effect of the bill would be to authorize the payment of a survivor annuity benefit to Mrs. Stein of approximately \$374 per month commencing the day after Mr. Stein's death on November 10, 1971, increased to \$392 on July 1, 1972, increased to \$416 on July 1, 1973, and increased to \$439 on January 1, 1974, in lieu of the \$14,826.16 lump-sum death benefit which she received as the designated beneficiary. The indebtedness for the lump-sum payment would be reduced by the amount of accrued survivor annuity which would be due Mrs. Stein from November 11, 1971 to date of enactment. The remaining amount of the indebtedness, however, would have to be repaid to the Civil Service Retirement and Disability Fund before any annuity payments could be made.

The Civil Service Commission in its report to the committee observed that the requirements of the law here involved, that is the requirement of two years marriage prior to death, were intended to prevent persons from gaining an annuity for survivor benefits in instances where the marriage appeared to have taken place for that sole reason. The Civil Service Commission found that that is not the case in this instance but, on the contrary, the circumstances indicate that relief would not in fact be contrary to the spirit of the law or the statutory requirements. The Commission further found that because of the unusual circumstances of this case, the case would not set a precedent. The exact language of the Civil Service Commission is: "Moreover, they are sufficiently unusual that we do not believe enactment of H.R. 5820 would set a precedent."

The committee agrees that legislative relief is merited and recommends that the bill be considered favorably.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 26, 1974.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the Commission's views on H.R. 5820, a bill "For the relief of Lucie Stein."

H.R. 5820 would deem Lucie Stein to have been married to former Federal employee Bert Stein for at least two years immediately before

his death for Civil Service Retirement law purposes. As we construe the bill, it would authorize the payment of a survivor annuity benefit to Mrs. Stein of approximately \$374 per month commencing the day after Mr. Stein's death on November 10, 1971, increased to \$392 on July 1, 1972, increased to \$416 on July 1, 1973, and increased to \$439 on January 1, 1974, in lieu of the \$14,826.16 lump-sum death benefit which she received as the designated beneficiary. The indebtedness for the lump-sum payment would be reduced by the amount of accrued survivor annuity which would be due Mrs. Stein from November 11, 1971 to date of enactment. The remaining amount of the indebtedness, however, would have to be repaid to the Civil Service Retirement and Disability Fund before any annuity payments could be made.

The Civil Service Retirement law currently provides two kinds of death benefits: lump-sum payment and survivor annuity. A lump-sum refund of the employee's retirement contributions, plus any accrued interest, may be payable upon death if the employee had less than 18 months of service or if there is no widow (or widower) or children entitled to survivor annuity [5 U.S.C. 8342(d)]. To qualify for a spouse survivor annuity under the retirement law, the surviving spouse of a deceased employee with at least 18 months of service must (1) have been married to the employee for at least two years immediately preceding the employee's death; or (2) be the parent of a child born of the marriage with the employee [5 U.S.C. 8341(a)]. At the time of her husband's death, Lucie Stein failed to meet either of these requirements. With no authority under the retirement law to pay Mrs. Stein a survivor benefit and no other eligible survivor, the Commission authorized a lump-sum payment in the amount of \$14,826.16 to Mrs. Stein as the designated beneficiary on March 31, 1972.

The Department of the Army advises that Mr. Stein was employed as a Military Intelligence Specialist in the Intelligence Civilian Career Program in May, 1957. One of the conditions for retention in that program is that an employee shall not marry a foreign national unless granted a waiver by competent authority. On February 6, 1961 Mr. Stein requested a waiver of the above stated condition in order to marry Mrs. Lucie Rauber, a German national. The request was denied on June 27, 1961. A similar request dated November 1, 1961 was denied on January 12, 1962. A third request to marry Mrs. Rauber, submitted by Mr. Stein on April 2, 1969, was approved by the Department of the Army on September 29, 1969. Mr. Stein received notification of the approval on November 13, 1969 and married Mrs. Rauber in Frankfurt, Germany, on January 15, 1970. Mr. Stein died suddenly less than two years later in Frankfurt, Germany on November 10, 1971, no children having been born of the marriage.

The Commission has consistently viewed as undesirable in principle private relief legislation which would afford one person benefits to which others similarly situated are not entitled. The eligibility requirements in the Civil Service Retirement law for a spouse survivor annuity are designed to prevent acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose. The circumstances of this case, however, indicate that relief would not be contrary to the purpose of the statutory requirements.

Moreover, they are sufficiently unusual that we do not believe enactment of H.R. 5820 would set a precedent.

Accordingly, if the Congress determines that the special circumstances of this case warrant relief, the Commission would not object to enactment of H.R. 5820.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
Chairman.

○

LUCIE STEIN

AUGUST 6, 1976.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 5752]

The Committee on the Judiciary, to which was referred the bill (H.R. 5752), for the relief of Lucie Stein, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to provide that under section 8341 of title 5, relating to widow's annuities, Lucie Stein, the widow of Bert Stein, a Federal employee, will be deemed to have been married to the employee for over 2 years prior to his death. As stated in the bill, the marriage would have occurred earlier except that a required waiver was delayed by military authorities.

STATEMENT

The facts of this case as contained in House Report 94-435 are as follows:

The Civil Service Commission in its report to the committee on an earlier bill found that the special circumstances of this case warrant relief and accordingly, the Commission would not object to enactment of the bill.

Mr. Bert Stein was employed as a Military Intelligence Specialist in the Intelligence Civilian Career Program in May 1957. One of the conditions for retention in that program is that an employee shall not marry a foreign national unless granted a waiver by competent authority. On February 6, 1961 Mr. Stein requested a waiver of the above stated condi-

tion in order to marry Mrs. Lucie Rauber, a German national. The request was denied on June 27, 1961. A similar request dated November 1, 1961 was denied on January 12, 1962. A third request to marry Mrs. Rauber, submitted by Mr. Stein on April 2, 1969, was approved by the Department of the Army on September 29, 1969. Mr. Stein received notification of the approval on November 13, 1969 and married Mrs. Rauber in Frankfurt, Germany, on January 15, 1970. Mr. Stein died suddenly less than two years later in Frankfurt, Germany on November 10, 1971, no children having been born of the marriage.

The Civil Service Retirement law provides either for lump-sum payment and survivor annuity. A lump-sum refund of retirement contributions plus interest is paid when the widow does not qualify for an annuity. This was the case here because to qualify for a widow's annuity, the surviving spouse must (1) have been married to the employee for at least two years immediately preceding the employee's death; or (2) be the parent of a child born of the marriage with employee [5 U.S.C. 8341(a)]. At the time of her husband's death, Lucie Stein failed to meet either of these requirements.

The effect of the bill would be to authorize the payment of a survivor annuity benefit to Mrs. Stein of approximately \$374 per month commencing the day after Mr. Stein's death on November 10, 1971, increased to \$392 on July 1, 1972, increased to \$416 on July 1, 1973, and increased to \$439 on January 1, 1974, in lieu of the \$14,826.16 lump-sum death benefit which she received as the designated beneficiary. The indebtedness for the lump-sum payment would be reduced by the amount of accrued survivor annuity which would be due Mrs. Stein from November 11, 1971 to date of enactment. The remaining amount of the indebtedness, however, would have to be repaid to the Civil Service Retirement and Disability Fund before any annuity payments could be made.

The Civil Service Commission in its report to the committee observed that the requirements of the law here involved, that is the requirement of two years marriage prior to death, were intended to prevent persons from gaining an annuity for survivor benefits in instances where the marriage appeared to have taken place for that sole reason. The Civil Service Commission found that that is not the case in this instance but, on the contrary, the circumstances indicate that relief would not in fact be contrary to the spirit of the law or the statutory requirements. The Commission further found that because of the unusual circumstances of this case, the case would not set a precedent. The exact language of the Civil Service Commission is: "Moreover, they are sufficiently unusual that we do not believe enactment of H.R. 5820 would set a precedent."

The committee agrees that legislative relief is merited and recommends that the bill be considered favorably.

In agreement with the views of the House of Representatives the Committee recommends that H.R. 5752 be enacted.

Attached to and made a part of this report is the U.S. Civil Service Commission report on a similar bill in the 93d Congress.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 26, 1974.

HON. PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the Commission's views on H.R. 5820, a bill "For the relief of Lucie Stein."

H.R. 5820 would deem Lucie Stein to have been married to former Federal employee Bert Stein for at least two years immediately before his death for Civil Service Retirement law purposes. As we construe the bill, it would authorize the payment of a survivor annuity benefit to Mrs. Stein of approximately \$374 per month commencing the day after Mr. Stein's death on November 10, 1971, increased to \$392 on July 1, 1972, increased to \$416 on July 1, 1973, and increased to \$439 on January 1, 1974, in lieu of the \$14,826.16 lump-sum death benefit which she received as the designated beneficiary. The indebtedness for the lump-sum payment would be reduced by the amount of accrued survivor annuity which would be due Mrs. Stein from November 11, 1971 to date of enactment. The remaining amount of the indebtedness, however, would have to be repaid to the Civil Service Retirement and Disability Fund before any annuity payments could be made.

The Civil Service Retirement law currently provides two kinds of death benefits: lump-sum payment and survivor annuity. A lump-sum refund of the employee's retirement contributions, plus any accrued interest, may be payable upon death if the employee had less than 18 months of service or if there is no widow (or widower) or children entitled to survivor annuity [5 U.S.C. 8342(d)]. To qualify for a spouse survivor annuity under the retirement law, the surviving spouse of a deceased employee with at least 18 months of service must (1) have been married to the employee for at least two years immediately preceding the employee's death; or (2) be the parent of a child born of the marriage with the employee [5 U.S.C. 8341(a)]. At the time of her husband's death, Lucie Stein failed to meet either of these requirements. With no authority under the retirement law to pay Mrs. Stein a survivor benefit and no other eligible survivor, the Commission authorized a lump-sum payment in the amount of \$14,826.16 to Mrs. Stein as the designated beneficiary on March 31, 1972.

The Department of the Army advises that Mr. Stein was employed as a Military Intelligence Specialist in the Intelligence Civilian Career Program in May, 1957. One of the conditions for retention in that program is that an employee shall not marry a foreign national unless granted a waiver by competent authority. On February 6, 1961 Mr. Stein requested a waiver of the above stated condition in order to marry Mrs. Lucie Rauber, a German national. The request was denied on June 27, 1961. A similar request dated November 1, 1961 was denied

on January 12, 1962. A third request to marry Mrs. Rauber, submitted by Mr. Stein on April 2, 1969, was approved by the Department of the Army on September 29, 1969. Mr. Stein received notification of the approval on November 13, 1969 and married Mrs. Rauber in Frankfurt, Germany, on January 15, 1970. Mr. Stein died suddenly less than two years later in Frankfurt, Germany on November 10, 1971, no children having been born of the marriage.

The Commission has consistently viewed as undesirable in principle private relief legislation which would afford one person benefits to which others similarly situated are not entitled. The eligibility requirements in the Civil Service Retirement law for a spouse survivor annuity are designed to prevent acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose. The circumstances of this case, however, indicate that relief would not be contrary to the purpose of the statutory requirements. Moreover, they are sufficiently unusual that we do not believe enactment of H.R. 5820 would set a precedent.

Accordingly, if the Congress determines that the special circumstances of this case warrant relief, the Commission would not object to enactment of H.R. 5820.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,
Chairman.

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Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

For the relief of Lucie Stein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 8341 of title 5, United States Code, Lucie Stein, widow of Bert Stein, 429-18-1901, shall be deemed to have been married to Bert Stein for at least two years immediately before his death. Such marriage, occurring January 15, 1970, would have occurred earlier except for delays in the granting of a waiver to marry Lucie Stein, a foreign national, which Bert Stein was required to obtain from his commanding officer.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*