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APPROVED

AUG 19 1976

8/19/76

THE WHITE HOUSE
WASHINGTON
August 17, 1976

ACTION

Last Day: August 23

Memorandum for THE PRESIDENT
FROM: JIM CANNON *Jim Cannon*
SUBJECT: H.R. 6156 - For the Relief of
Walma T. Thompson

Attached for your consideration is H.R. 6156, sponsored by Representative Mikva.

The enrolled bill entitles Mrs. Alma Thompson to a civil service annuity by deeming her to have been married to Obert O. Thompson for the period of time prior to his death that is required by civil service retirement law.

The Thompsons were married in 1944 and divorced in 1970 but remarried in 1971. Mr. Thompson died on March 9, 1973 and since the duration of the second marriage was 8 months less than the two years required by the civil service retirement law, she has been unable to receive survivor's benefits. The circumstances of the enrolled bill are similar to Pr. L. 94-57, which you approved on August 6.

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. 6156 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. 6156 - For the relief
of Walma T. Thompson
Sponsor - Rep. Mikva (D) Illinois

Last Day for Action

August 23, 1976 - Monday

Purpose

Entitles Mrs. Thompson to a civil service survivor's annuity by deeming her to have been married to Obert O. Thompson 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

Civil Service Commission Approval (Informally)

Discussion

H.R. 6156 arises from circumstances very similar to those in a private relief bill which you approved on August 6, 1976, for Mrs. Mildred N. Crumley (Pr. L. 94-57).

Under the civil service retirement law at the time of Obert O. Thompson'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.

Walma and Obert Thompson were married on August 19, 1944, were divorced on May 26, 1970, and remarried each other on October 10, 1971. Obert Thompson died on March 9, 1973. The Civil Service Commission (CSC) could not award Mrs. Thompson a survivor's benefit, since her second marriage to Mr. Thompson did not last for two years immediately preceding his death, and since the Thompsons had no children during their remarriage.

H.R. 6156 would deem Mrs. Thompson to have been married to Obert Thompson for the two-year period before his death, and would authorize the payment of benefits to her retroactively, from the day after Mr. Thompson's death. The back-payment would be made in a lump sum.

In reporting to the 93rd Congress on predecessor legislation, CSC pointed out that while it has consistently opposed paying benefits in cases of "deathbed" marriages, it did not believe this concern applies to the case of Mrs. Thompson, in which the years of the first and second marriages total over 27 years. CSC indicated that if the Congress determined that the special circumstances of this case warrant relief, it would not object. Congress has now made such a determination. CSC recommends approval of the enrolled bill, and we concur.

James M. Troy
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 17

Time: 930am

FOR ACTION: Max Friedersdorf
Ken Lazarus
David Lissycc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 17

Time: 1100am

SUBJECT:

H.R. 6156-for the relief of Walma Thompson

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



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's views on enrolled bill, H.R. 6156 "For the relief of Mrs. Walma T. Thompson."

The enrolled bill would deem Mrs. Walma T. Thompson to be the "widow" of former Federal employee Obert O. Thompson for Civil Service Retirement purposes (5 U.S.C. 8341(a)). The bill, would authorize the payment of a survivor annuity benefit to Mrs. Thompson beginning the day after Mr. Thompson's death on March 9, 1973. The monthly survivor annuity payable would be \$587.00 effective March 1, 1976, and a lump-sum of \$20,216.13 representing accrued annuity due from March 10, 1973 through July 31, 1976 would also be payable.

At the time of Mr. Thompson'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 under the retirement law to pay Mrs. Thompson a survivor benefit. On her application Mrs. Thompson stated that she and the deceased were married on August 19, 1944, were divorced on May 26, 1970 and remarried each other on October 10, 1971. Mr. Thompson died on March 9, 1973. Accordingly, although Mrs. Thompson's first marriage to the decedent lasted for a period of almost 26 years, the subsequent second marriage existed for a period of only 1 year and 4 months. Thus, Mrs. Thompson did not meet the definition of "widow" set out in the retirement law because she had not been married to the decedent for 2 years immediately preceding his death nor was she the mother of issue by that 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 total of over 27 years (during which time they were divorced for a period of only 1 year and 5 months).

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. 6156.

By direction of the Commission:

Sincerely yours,

Robert Hampton
Chairman

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 17

Time: 930am

FOR ACTION: Max Friedersdorf
Ken Lazarus
David Lissycc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 17

Time: 1100am

SUBJECT:

H.R. 6156-for the relief of Walma Thompson

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, pleaseJames M. Cannon
For +

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 17

Time: 930am

FOR ACTION: Max Friedersdorf
Ken Lazarus
David Lissycc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: August 17

Time: 1100am

SUBJECT:

H.R. 6156-for the relief of Walma Thompson

ACTION REQUESTED:

- For Necessary Action
 Prepare Agenda and Brief
 For Your Comments

- For Your Recommendations
 Draft Reply
 Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection
UWWD

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 WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 17

Time: 930am

FOR ACTION: Max Friedersdorf *RKW* 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. 6156-for the relief of Walma Thompson

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

James W. Cannon
For +



10
F. C. C. M.
8-16-76
5:45 p.m.

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. 6156 - For the relief
of Walma T. Thompson
Sponsor - Rep. Mikva (D) Illinois

Last Day for Action

August 23, 1976 - Monday

Purpose

Entitles Mrs. Thompson to a civil service survivor's annuity by deeming her to have been married to Obert O. Thompson 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

Civil Service Commission

Approval (Informally)

Discussion

H.R. 6156 arises from circumstances very similar to those in a private relief bill which you approved on August 6, 1976, for Mrs. Mildred N. Crumley (Pr. L. 94-57).

Under the civil service retirement law at the time of Obert O. Thompson'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.

WALMA T. THOMPSON

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

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

REPORT

[To accompany H.R. 6156]

The Committee on the Judiciary, to whom was referred the bill (H.R. 6156) for the relief of Walma T. Thompson, 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 for purposes of section 8341 of title 5, United States Code, Walma T. Thompson of Niles, Ill., widow of Obert O. Thompson, is deemed to have been married to Obert O. Thompson for the 2-year period before his death on March 9, 1973.

The bill also provides that for the purposes of chapter 83 of title 5, United States Code, any entitlement of Walma T. Thompson to a survivor annuity is to be effective as of the day after the date of death of Obert O. Thompson, and any survivor annuity payments for the period before the date of the enactment of the bill are to be made in a lump sum.

STATEMENT

The U.S. Civil Service Commission in a report to the committee on the bill indicates that it has no objection to the bill.

The bill would deem Mrs. Walma T. Thompson to be the widow of deceased Federal employee Obert O. Thompson for Civil Service Retirement law purposes (5 U.S.C. 8341(a)). It would authorize the payment of a survivor annuity benefit to Mrs. Thompson beginning the first calendar month after enactment of the bill. The monthly survivor annuity rate would amount to approximately \$416.

To qualify for a survivor annuity under the Civil Service Retirement law as the surviving spouse of a deceased Federal employee, the

spouse must be 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 2 years immediately preceding his death or (b) be the parent of a child by that marriage (5 U.S.C. 8341(a)).

The Commission reports to the committee that it is without authority under the Civil Service Retirement law to pay Mrs. Thompson a survivor annuity benefit. The Thompsons were married on August 19, 1944 and were divorced on May 26, 1970. They remarried each other on October 10, 1971. Mr. Thompson died, however, on March 9, 1973, less than 2 years after the remarriage, and since the Thompsons had no children during their remarriage, Mrs. Thompson does not meet the definition of "widow" set out in the retirement law.

The eligibility requirements in the retirement law for a spouse survivor annuitant are designed to prevent acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose.

In its report, the U.S. Civil Service Commission referred to the policy which gives rise to the limitation which has operated to deny Mrs. Thompson an annuity in this instance. However, the Commission noted that this is a case which merits an exception and found that the policy against so-called deathbed marriages should not be invoked in an instance such as this in which the years of a first and second marriage total over 27. Specifically, the Commission stated in its report as follows:

While the Commission has consistently opposed paying benefits in cases of "deathbed" marriages, we do not believe this concern applies to the present case, in which the years of a first and second marriage total over 27 years."

The committee agrees that this is an appropriate case for legislative relief and recommends that the bill be considered favorably.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., February 4, 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. 10788, a bill "For the relief of Walma T. Thompson."

H.R. 10788 would deem Mrs. Walma T. Thompson to be the "widow" of deceased Federal employee Obert O. Thompson for Civil Service Retirement law purposes (5 U.S.C. 8341(a)). As we construe the bill, it would authorize the payment of a survivor annuity benefit to Mrs. Thompson beginning the first calendar month after enactment of the bill. The monthly survivor annuity rate would amount to approximately \$416.00.

To qualify for a survivor annuity under the Civil Service Retirement law as the surviving spouse of a deceased Federal employee, the spouse must be 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 a child by that marriage (5 U.S.C. 8341(a)).

The Commission is without authority under the Civil Service Retirement law to pay Mrs. Thompson a survivor annuity benefit. The Thompsons were married on August 19, 1944 and were divorced on May 26, 1970. They remarried each other on October 10, 1971. Mr. Thompson died, however, on March 9, 1973, less than two years after the remarriage, and since the Thompsons had no children during their remarriage, Mrs. Thompson does not meet the definition of "widow" set out in the retirement law.

The eligibility requirements in the retirement law for a spouse survivor annuitant are designed to prevent acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose. The present annuity reduction required to provide benefits for a surviving spouse, made over the lifetime of the retiree, is not nearly sufficient to pay the cost of providing spouse survivor annuities already authorized by the retirement law, not to mention the cost of adverse selection which would result from paying spouse survivor annuities in "deathbed" marriage cases. While the Commission has consistently opposed paying benefits in cases of "deathbed" marriages, we do not believe this concern applies to the present case, in which the years of a first and second marriage total over 27 years.

Accordingly, if the Congress determines that the special circumstances of this case warrant relief, the Commission would not object to enactment of H.R. 10788.

If the Committee wishes to give favorable consideration to H.R. 10788, there are certain technical changes that should be made in the text.

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.*



Calendar No. 1071

94TH CONGRESS
2d Session

SENATE

REPORT
No. 94-1136

WALMA T. THOMPSON

AUGUST 6, 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 6156]

The Committee on the Judiciary, to which was referred the bill (H.R. 6156) for the relief of Walma T. Thompson, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the bill is to provide that for purposes of section 8341 of title 5, United States Code, Walma T. Thompson of Niles, Ill., widow of Obert O. Thompson, is deemed to have been married to Obert O. Thompson for the 2-year period before his death on March 9, 1973.

The bill also provides that for the purposes of chapter 83 of title 5, United States Code, any entitlement of Walma T. Thompson to a survivor annuity is to be effective as of the day after the date of death of Obert O. Thompson, and any survivor annuity payments for the period before the date of the enactment of the bill are to be made in a lump sum.

STATEMENT

The facts of the case as contained in the House report are as follows:

The U.S. Civil Service Commission in a report to the committee on the bill indicates that it has no objection to the bill.

The bill would deem Mrs. Walma T. Thompson to be the widow of deceased Federal employee Obert O. Thompson for Civil Service Retirement law purposes (5 U.S.C. 8341(a)). It would authorize the payment of a survivor annuity benefit to Mrs. Thompson beginning the first calendar month after enactment of the bill. The monthly survivor annuity rate would amount to approximately \$416.

To qualify for a survivor annuity under the Civil Service Retirement law as the surviving spouse of a deceased Federal employee, the spouse must be 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 2 years immediately preceding his death or (b) be the parent of a child by that marriage (5 U.S.C. 8341(a)).

The Commission reports to the committee that it is without authority under the Civil Service Retirement law to pay Mrs. Thompson a survivor annuity benefit. The Thompsons were married on August 19, 1944 and were divorced on May 26, 1970. They remarried each other on October 10, 1971. Mr. Thompson died, however, on March 9, 1973, less than 2 years after the remarriage, and since the Thompsons had no children during their remarriage, Mrs. Thompson does not meet the definition of "widow" set out in the retirement law.

The eligibility requirements in the retirement law for a spouse survivor annuitant are designed to prevent acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose.

In its report, the U.S. Civil Service Commission referred to the policy which gives rise to the limitation which has operated to deny Mrs. Thompson an annuity in this instance. However, the Commission noted that this is a case which merits an exception and found that the policy against so-called deathbed marriages should not be invoked in an instance such as this in which the years of a first and second marriage total over 27. Specifically, the Commission stated in its report as follows:

"While the Commission has consistently opposed paying benefits in case of 'deathbed' marriages, we do not believe this concern applies to the present case, in which the years of a first and second marriage total over 27 years."

The committee agrees that this is an appropriate case for legislative relief and recommends that the bill be considered favorably.

The technical changes that were recommended in the report of the U.S. Civil Service Commission sent to the House Committee on the Judiciary in regard to H.R. 10788, a similar bill in the 93d Congress, have been incorporated into the text of H.R. 6156.

The Committee believes the bill is meritorious and recommends it favorably.

Attached and made a part of this report is a letter from the U.S. Civil Service Commission to the House Committee on the Judiciary in regard to H.R. 10788, a similar bill in the 93d Congress.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., February 4, 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. 10788, a bill "For the relief of Walma T. Thompson."

H.R. 10788 would deem Mrs. Walma T. Thompson to be the "widow" of deceased Federal employee Obert O. Thompson for Civil Service Retirement law purposes (5 U.S.C. 8341(a)). As we construe the bill, it would authorize the payment of a survivor annuity benefit to Mrs. Thompson beginning the first calendar month after enactment of the bill. The monthly survivor annuity rate would amount to approximately \$416.00.

To qualify for a survivor annuity under the Civil Service Retirement law as the surviving spouse of a deceased Federal employee, the spouse must be 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 a child by that marriage (5 U.S.C. 8341(a)).

The Commission is without authority under the Civil Service Retirement law to pay Mrs. Thompson a survivor annuity benefit. The Thompsons were married on August 19, 1944 and were divorced on May 26, 1970. They remarried each other on October 10, 1971. Mr. Thompson died, however, on March 9, 1973, less than two years after the remarriage, and since the Thompsons had no children during their remarriage, Mrs. Thompson does not meet the definition of "widow" set out in the retirement law.

The eligibility requirements in the retirement law for a spouse survivor annuitant are designed to prevent acquisition of valuable survivor benefits by people who might marry employees or annuitants for that purpose. The present annuity reduction required to provide benefits for a surviving spouse, made over the lifetime of the retiree, is not nearly sufficient to pay the cost of providing spouse survivor annuities already authorized by the retirement law, not to mention the cost of adverse selection which would result from paying spouse survivor annuities in "deathbed" marriage cases. While the Commission has consistently opposed paying benefits in cases of "deathbed" marriages, we do not believe this concern applies to the present case, in which the years of a first and second marriage total over 27 years.

Accordingly, if the Congress determines that the special circumstances of this case warrant relief, the Commission would not object to enactment of H.R. 10788.

If the Committee wishes to give favorable consideration to H.R. 10788, there are certain technical changes that should be made in the text.

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.*

O

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begin 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 Walma T. Thompson.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That, for purposes
of section 8341 of title 5, United States Code, Walma T. Thompson
of Niles, Illinois, widow of Obert O. Thompson, is deemed to have
been married to Obert O. Thompson for the two-year period before
his death on March 9, 1973. Walma T. Thompson and Obert O.
Thompson were married for approximately twenty-seven years, and
were married at the time of his death, but, because of an intervening
divorce, Walma T. Thompson is not eligible, but for this Act, to
receive a survivor annuity under this section.*

SEC. 2. For purposes of chapter 83 of title 5, United States Code,
any entitlement of Walma T. Thompson to a survivor annuity by
reason of the first section of this Act shall be effective as of the day
after the date of death of Obert O. Thompson. Any survivor annuity
payments to which Walma T. Thompson is so entitled for the period
before the date of the enactment of this Act shall be made in a lump
sum.

Speaker of the House of Representatives.

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