

FOR THE PRIVATE RELIEF OF RUTH HAIRSTON BY WAIVER
OF A FILING DEADLINE FOR APPEAL FROM A RULING RE-
LATING TO HER APPLICATION FOR A SURVIVOR ANNUITY

JUNE 9, 1999.—Referred to the Private Calendar and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary
submitted the following

R E P O R T

[To accompany H.R. 660]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 660) for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 660 would allow the claimant to petition the U.S. Court of Appeals for a review of the Merit Systems Protection Board decision denying her the annuity.

BACKGROUND AND NEED FOR THE LEGISLATION

Ms. Hairston's husband retired with 35 years of civil service. When he retired, he elected to provide a survivor annuity for Ms. Hairston with a reduced annuity for himself. After 53 years of marriage, the Hairstons divorced.

The Civil Service Retirement Spouse Equity Act of 1985 allowed a spouse to elect a survivor annuity within 2 years following the divorce. When Mr. Hairston received the notice of this option which in part said ". . . you may elect a survivor annuity for that former spouse within 2 years after the marriage ended. You will have to accept a reduced annuity . . .", he assumed he had already met the requirement of responding to the letter. He had already elected to provide Ms. Hairston with a survivor annuity and accepted a reduced annuity.

The Hairstons were divorced in 1987. Mr. Hairston never attempted to stop Ms. Hairston's annuity or increase his reduced annuity. Ms. Hairston started receiving annuity payments in 1988 as a result of the community property ruling regarding Mr. Hairston's civil service pension. Therefore, she was not aware of any need to reiterate Mr. Hairston intent to provide her with the survivor annuity.

In 1995, Mr. Hairston died. Because Mr. Hairston had never sent proper notification of his intent to provide Ms. Hairston with a survivor annuity, Ms. Hairston's annuity payments were stopped upon his death.

Ms. Hairston appealed the Office of Personnel Management decision to deny her annuity to the Merit Systems Protection Board. The Board denied her appeal, with a dissent by the Chairman of the Board. At that time written notification was sent to Ms. Hairston that she had 30 days to appeal.

The Subcommittee has received testimonials from medical professionals caring for Ms. Hairston. They indicate that due to Ms. Hairston's medical condition during the period in which she could appeal, she was unable to do so.

This bill does not reach a conclusion on Ms. Hairston's annuity claim. The bill would only allow the 30-day time period for an appeal request to be waived, so that Ms. Hairston may petition the U.S. Court of Appeals for a review of the Merit Systems Protection Board decision denying her the annuity.

HEARINGS

The Committee's Subcommittee on Immigration and Claims held no hearings on H.R. 660.

COMMITTEE CONSIDERATION

On March 4, 1999, the Subcommittee on Immigration and Claims met in open session and ordered favorably reported the bill

H.R.660 without amendment by voice vote, a quorum being present.

On May 19, 1999, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 660, by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 660, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 1999.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 660, a bill for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

H.R. 660.—A bill for the private relief of Ruch Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 660 would permit Ms. Hairston to petition the U.S. Court of Appeals to review a decision made by the Merit Systems Protec-

tion Board (MSPB), wherein it upheld the government's decision to deny Ms. Hairston annuity payments. If the court were to reverse the decision made by MSPB and reinstate the annuity payments, the bill would increase direct spending from the Civil Service Retirement and Disability Fund. The amount of any annual increase, however, would be negligible. Because the bill could affect direct spending, pay-as-you-go procedures would apply.

The CBO staff contact is John R. Righter, who can be reached at 226-2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article 1, Section 1, Clause 8 of the Constitution.

