

111TH CONGRESS  
1ST SESSION

# H. R. 3292

To amend title 28, United States Code, to provide for a 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2009

Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. COBLE, and Mrs. BIGGERT) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend title 28, United States Code, to provide for a 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Judicial Survivors Pro-  
5       tection Act of 2009”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) DIRECTOR.—The term “Director” means  
2 the Director of the Administrative Office of the  
3 United States Courts.

4           (2) JUDICIAL OFFICIAL.—The term “judicial  
5 official” means an individual who is a judicial offi-  
6 cial, as defined in section 376(a) of title 28, United  
7 States Code, on the date of enactment of this Act.

8           (3) JUDICIAL SURVIVORS’ ANNUITIES FUND.—  
9 The term “Judicial Survivors’ Annuities Fund”  
10 means the fund established under section 3 of the  
11 Judicial Survivors’ Annuities Reform Act (28 U.S.C.  
12 376 note; Public Law 94–554; 90 Stat. 2611).

13           (4) JUDICIAL SURVIVORS’ ANNUITIES SYS-  
14 TEM.—The term “Judicial Survivors’ Annuities Sys-  
15 tem” means the program established under section  
16 376 of title 28, United States Code.

17           (5) OPEN ENROLLMENT PERIOD.—The term  
18 “open enrollment period” means the 6-month period  
19 beginning on the 30th day after the date of enact-  
20 ment of this Act.

21 **SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE**  
22 **JUDICIAL SURVIVORS’ ANNUITIES SYSTEM.**

23           (a) ELECTION OF JUDICIAL SURVIVORS’ ANNUITIES  
24 SYSTEM COVERAGE.—Any judicial official may elect to

1 participate in the Judicial Survivors' Annuities System  
2 during the open enrollment period.

3 (b) MANNER OF MAKING ELECTIONS.—An election  
4 under this section is valid only if it is made in writing,  
5 is signed by the person making the election, and is re-  
6 ceived by the Director before the end of the open enroll-  
7 ment period.

8 (c) EFFECTIVE DATE FOR ELECTIONS.—An election  
9 under this section shall be effective as of the first day of  
10 the first calendar month following the month in which the  
11 election is received by the Director under subsection (b).

12 **SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN**  
13 **ENROLLMENT ELECTION.**

14 (a) CONTRIBUTION RATE.—Any judicial official who  
15 files a written election under section 3(b), during the open  
16 enrollment period, of his or her intention to participate  
17 in the Judicial Survivors' Annuities System shall be  
18 deemed thereby to consent and agree to having deducted  
19 from his or her salary a sum equal to 2.75 percent of that  
20 salary and a sum equal to 3.5 percent of his or her retire-  
21 ment salary, except that the deduction from any retire-  
22 ment salary—

23 (1) of a justice or judge of the United States  
24 retired from regular active service under section  
25 371(b) or 372(a) of title 28, United States Code,

1           (2) of a judge of the United States Court of  
2       Federal Claims retired under section 178 of title 28,  
3       United States Code, or

4           (3) of a judicial official on recall under section  
5       155(b), 373(c)(4), 375, or 636(h) of title 28, United  
6       States Code,

7 shall be an amount equal to 2.75 percent of retirement  
8 salary.

9       (b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL  
10 SURVIVORS' ANNUITIES FUND.—Contributions made  
11 under subsection (a) shall be credited to the Judicial Sur-  
12 vivors' Annuities Fund.

13 **SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE.**

14       (a) LUMP SUM DEPOSIT.—Any judicial official who  
15 files a written election under section 3(b), during the open  
16 enrollment period, of his or her intention to participate  
17 in the Judicial Survivors' Annuities System may make a  
18 deposit equaling 2.75 percent of salary, plus 3 percent in-  
19 terest, compounded annually, for the last 18 months of  
20 creditable civilian service, as computed in accordance with  
21 section 376(k) of title 28, United States Code, in order  
22 to receive the credit for prior judicial service required for  
23 the payment of a survivor's annuity (under section 376  
24 of such title) beginning on the date of death of the judicial

1 official. Any such deposit shall be made on or before the  
2 last day of the open enrollment period.

3 (b) DEPOSITS TO BE CREDITED TO JUDICIAL SUR-  
4 VIVORS' ANNUITIES FUND.—Deposits made under sub-  
5 section (a) shall be credited to the Judicial Survivors' An-  
6 nuities Fund.

7 **SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SUR-**  
8 **VIVORS' ANNUITY.**

9 Section 376 of title 28, United States Code, is  
10 amended by adding at the end the following:

11 “(y) PURCHASE OF ADDITIONAL COVERAGE.—

12 “(1) FOR THOSE ALREADY ENROLLED.—Any  
13 judicial official who is enrolled in the Judicial Sur-  
14 vivors' Annuities System, other than a judicial offi-  
15 cial to whom paragraph (2) applies, may purchase,  
16 in 3-month increments, for each year of creditable  
17 service completed, up to an additional year of cred-  
18 itable service, under the terms set forth in sub-  
19 section (b) of this section. This paragraph applies to  
20 a judicial official without regard to any contributions  
21 made by such official under subsection (d).

22 “(2) FOR THOSE ENROLLED UNDER JUDICIAL  
23 SURVIVORS PROTECTION ACT OF 2009.—Any judicial  
24 official who elects to enroll in the Judicial Survivors'  
25 Annuities System during the open enrollment period

1 authorized under the Judicial Survivors Protection  
2 Act of 2009 may purchase, in 3-month increments,  
3 for each year of creditable service completed, up to  
4 an additional year of creditable service, under the  
5 terms set forth in section 4(a) of that Act.

6 “(3) DEFINITIONS.—In this subsection:

7 “(A) JUDICIAL SURVIVORS’ ANNUITIES  
8 SYSTEM.—The term ‘Judicial Survivors’ Annu-  
9 ities System’ means the annuity program estab-  
10 lished under this section.

11 “(B) CREDITABLE SERVICE.—The term  
12 ‘creditable service’ means the service rendered  
13 by a judicial official in any position described in  
14 paragraph (1) of subsection (a).”.

15 **SEC. 7. EFFECTIVE DATE.**

16 This Act and the amendment made by this Act shall  
17 take effect on the date of enactment of this Act.

○