

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this Act; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of such title, as if the amendments made by this Act had then been in effect.

(2) NO OTHER RETROACTIVE EFFECT.—Nothing in this Act (including the amendments made by this Act) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (d) is made (or is deemed to have been made).

(f) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (d)(1)(A) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by section 2 had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under paragraph (1) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) PRIOR SERVICE DEFINED.—For purposes of this section, the term "prior service" means, with respect to any individual who makes an election under subsection (d)(1)(A), service performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(g) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—If an incumbent makes an election under subsection (d)(1)(A), the Department of Justice shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under paragraph (2) with respect to such service.

(2) AMOUNT REQUIRED.—The amount the Department of Justice is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (over and above those actually paid) that would have been required if the amendments made by section 2 had then been in effect.

(3) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this subsection on behalf of an incumbent shall be made by the Department of Justice ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in subsection (f)(3).

(h) REGULATIONS.—Except as provided under section 4, the Office of Personnel Management shall prescribe regulations necessary to carry out this Act, including provisions under which any interest due on the amount described under subsection (f) shall be determined.

(i) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act.

SEC. 4. DEPARTMENT OF JUSTICE ADMINISTRATIVE ACTIONS.

(a) DEFINITION.—In this section the term "Federal prosecutor" has the meaning given under section 3(a)(1).

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Attorney General of the United States shall—

(A) consult with the Office of Personnel Management on this Act (including the amendments made by this Act); and

(B) promulgate regulations for making designations of Federal prosecutors who are not assistant United States attorneys.

(2) CONTENTS.—Any regulations promulgated under paragraph (1) shall ensure that attorneys designated as Federal prosecutors who are not assistant United States attorneys have routine employee responsibilities that are substantially similar to those of assistant United States attorneys assigned to the litigation of criminal cases, such as the representation of the United States before grand juries and in trials, appeals, and related court proceedings.

(c) DESIGNATIONS.—The designation of any Federal prosecutor who is not an assistant United States attorney for purposes of this Act (including the amendments made by this Act) shall be at the discretion of the Attorney General of the United States.

FEDERAL PROSECUTORS RETIREMENT BENEFIT EQUITY ACT OF 2001—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title. Contains the short title, the "Federal Prosecutors Retirement Benefit Equity Act of 2001."

Sec. 2. Inclusion of Federal prosecutors in the definition of a law enforcement officer. Amends 5 U.S.C. §§ 8331 and 8401 to extend the enhanced law enforcement officer ("LEO") retirement benefits to Federal prosecutors, defined to include assistant United States attorneys ("AUSAs") and such other attorneys in the Department of Justice as are designated by the Attorney General of the United States. This section also exempts Federal prosecutors from mandatory retirement provisions for LEO's under the civil service laws.

Sec. 3. Provisions relating to incumbents. Governs the treatment of incumbent federal prosecutors who would be eligible for LEO retirement benefits under this Act. This section requires the Office of Personnel Management to provide notice to incumbents of their rights under this subtitle; allows incumbents to opt out of the LEO retirement program; governs the crediting of prior service by incumbents; and provides for make-up contributions for prior service of incumbents to the Civil Service Retirement and Disability Fund. The section gives incumbents the option of either contributing their own share of any make-up contributions or receiving a proportionally lesser retirement benefit. The section allows the government to contribute its share of any make-up contribution ratably over a ten year period.

Sec. 4. Department of Justice administrative actions. Allows the Attorney General to designate additional Department of Justice attorneys with substantially similar responsibilities, in addition to assistant United States attorneys, as Federal prosecutors for purposes of this Act and thus be eligible for the LEO retirement benefits.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 191—EXPRESSING THE SENSE OF THE SENATE COMMENDING THE INCLUSION OF WOMEN IN THE AFGHAN INTERIM ADMINISTRATION AND COMMENDING THOSE WHO MET AT THE HISTORIC AFGHAN WOMEN'S SUMMIT FOR DEMOCRACY IN BRUSSELS

Mrs. BOXER (for herself, Mr. BROWNBACK, Mr. WELLSTONE, and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Whereas the U.N. sponsored talks in Bonn included the participation of three women delegates and three women advisers;

Whereas women will serve in the Afghan Interim Administration, including in the position of Vice-Chair;

Whereas on December 4-5, 2001, the Afghan Women's Summit for Democracy met at the European Commission in Brussels, Belgium;

Whereas fifty Afghan women leaders, broadly representative of women in Afghanistan, took part in the Summit, ensuring that the voices of Afghan women are heard;

Whereas the Afghan Women's Summit supports the implementation of United Nations Security Council Resolution 1325 on Women and Peace and Security;

Whereas United Nations Security Council Resolution 1325 reaffirms the importance of the equal participation and full involvement of women in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution;

Whereas women under the rule of the Taliban in Afghanistan were denied their basic human rights;

Whereas the Senate has previously adopted a resolution insisting that Afghan women must be included in planning the future reconstruction of Afghanistan: Now, therefore, be it

Resolved, That it is the sense of the Senate that,

(1) it is critically important for the future of Afghanistan that women participated at the United Nations sponsored talks in Bonn and will be included in the Afghan interim administration; and

(2) the Afghan Women's Summit for Democracy recommendations for health, education, political participation, and refugee programs for women should be strongly considered when shaping the future of Afghanistan.

SENATE CONCURRENT RESOLUTION 93—RECOGNIZING AND HONORING THE NATIONAL GUARD ON THE OCCASION OF THE 365TH ANNIVERSARY OF ITS HISTORIC BEGINNING WITH THE FOUNDING OF THE MILITIA OF THE MASSACHUSETTS BAY COLONY.

Mr. LEVIN (for himself, Mr. WARNER, Mr. KENNEDY, Mr. THURMOND, Mr. BYRD, Mr. McCAIN, Mr. LIEBERMAN, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. INHOFE, Ms. LANDRIEU, Mr. SANTORUM, Mr. REED, Mr. ROBERTS, Mr. AKAKA, Mr. ALLARD, Mr. NELSON of Florida, Mr. HUTCHINSON, Mr. NELSON