

Public Law 111–49
111th Congress

An Act

Aug. 12, 2009
[S. 1107]

To amend title 28, United States Code, to provide for a limited 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Judicial
Survivors
Protection
Act of 2009.
28 USC 376 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Judicial Survivors Protection Act of 2009”.

28 USC 376 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term “judicial official” refers to incumbent officials defined under section 376(a) of title 28, United States Code.

(2) The term “Judicial Survivors' Annuities Fund” means the fund established under section 3 of the Judicial Survivors' Annuities Reform Act (28 U.S.C. 376 note; Public Law 94–554; 90 Stat. 2611).

(3) The term “Judicial Survivors' Annuities System” means the program established under section 376 of title 28, United States Code.

28 USC 376 note.

SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

(a) **ELECTION OF JUDICIAL SURVIVORS' ANNUITIES SYSTEM COVERAGE.**—An eligible judicial official may elect to participate in the Judicial Survivors' Annuities System during the open enrollment period specified in subsection (d).

(b) **MANNER OF MAKING ELECTIONS.**—An election under this section shall be made in writing, signed by the person making the election, and received by the Director of the Administrative Office of the United States Courts before the end of the open enrollment period.

(c) **EFFECTIVE DATE FOR ELECTIONS.**—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Director.

(d) **OPEN ENROLLMENT PERIOD DEFINED.**—The open enrollment period under this section is the 6-month period beginning 30 days after the date of enactment of this Act.

28 USC 376 note.

SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN ENROLLMENT ELECTION.

(a) **CONTRIBUTION RATE.**—Every active judicial official who files a written notification of his or her intention to participate in the

Judicial Survivors' Annuities System during the open enrollment period shall be deemed thereby to consent and agree to having deducted from his or her salary a sum equal to 2.75 percent of that salary or a sum equal to 3.5 percent of his or her retirement salary, except that the deduction from any retirement salary—

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

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

(3) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of title 28, United States Code, shall be an amount equal to 2.75 percent of retirement salary.

(b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Contributions made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE.

28 USC 376 note.

(a) LUMP SUM DEPOSIT.—Any judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period may make a deposit equaling 2.75 percent of salary, plus 3 percent annual, compounded interest, for the last 18 months of prior service, to receive the credit for prior judicial service required for immediate coverage and protection of the official's survivors. Any such deposit shall be made on or before the closure of the open enrollment period.

(b) DEPOSITS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Deposits made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY.

28 USC 376 note.

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

“(y) For each year of Federal judicial service completed, judicial officials who are enrolled in the Judicial Survivors' Annuities System on the date of enactment of the Judicial Survivors Protection Act of 2009 may purchase, in 3-month increments, up to an additional year of service credit, under the terms set forth in this section. In the case of judicial officials who elect to enroll in the Judicial Survivors' Annuities System during the statutory open enrollment period authorized under the Judicial Survivors Protection Act of 2009, for each year of Federal judicial service completed, such an official may purchase, in 3-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in section 4(a) of that Act.”.

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28 USC 376 note. **SEC. 7. EFFECTIVE DATE.**

This Act, including the amendment made by section 6, shall take effect on the date of enactment of this Act.

Approved August 12, 2009.

LEGISLATIVE HISTORY—S. 1107:

CONGRESSIONAL RECORD, Vol. 155 (2009):

July 10, considered and passed Senate.

July 29, considered and passed House.