

111TH CONGRESS  
1ST SESSION

# 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.

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## IN THE SENATE OF THE UNITED STATES

MAY 20, 2009

Mr. DURBIN (for himself, Mr. GRAHAM, and Mr. HATCH ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

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.

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) The term “judicial official” refers to incum-  
2           bent officials defined under section 376(a) of title  
3           28, United States Code.

4           (2) The term “Judicial Survivors’ Annuities  
5           Fund” means the fund established under section 3  
6           of the Judicial Survivors’ Annuities Reform Act (28  
7           U.S.C. 376 note; Public Law 94–554; 90 Stat.  
8           2611).

9           (3) The term “Judicial Survivors’ Annuities  
10          System” means the program established under sec-  
11          tion 376 of title 28, United States Code.

12 **SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE**  
13 **JUDICIAL SURVIVORS’ ANNUITIES SYSTEM.**

14          (a) **ELECTION OF JUDICIAL SURVIVORS’ ANNUITIES**  
15 **SYSTEM COVERAGE.**—An eligible judicial official may  
16 elect to participate in the Judicial Survivors’ Annuities  
17 System during the open enrollment period specified in sub-  
18 section (d).

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

24          (c) **EFFECTIVE DATE FOR ELECTIONS.**—Any such  
25 election shall be effective as of the first day of the first

1 calendar month following the month in which the election  
2 is received by the Director.

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

7 **SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN**  
8 **ENROLLMENT ELECTION.**

9 (a) CONTRIBUTION RATE.—Every active judicial offi-  
10 cial who files a written notification of his or her intention  
11 to participate in the Judicial Survivors' Annuities System  
12 during the open enrollment period shall be deemed thereby  
13 to consent and agree to having deducted from his or her  
14 salary a sum equal to 2.75 percent of that salary or a  
15 sum equal to 3.5 percent of his or her retirement salary,  
16 except that the deduction from any retirement salary—

17 (1) of a justice or judge of the United States  
18 retired from regular active service under section  
19 371(b) or 372(a) of title 28, United States Code;

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

23 (3) of a judicial official on recall under section  
24 155(b), 373(c)(4), 375, or 636(h) of title 28, United  
25 States Code,

1 shall be an amount equal to 2.75 percent of retirement  
2 salary.

3 (b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL  
4 SURVIVORS' ANNUITIES FUND.—Contributions made  
5 under subsection (a) shall be credited to the Judicial Sur-  
6 vivors' Annuities Fund.

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

8 (a) LUMP SUM DEPOSIT.—Any judicial official who  
9 files a written notification of his or her intention to par-  
10 ticipate in the Judicial Survivors' Annuities System during  
11 the open enrollment period may make a deposit equaling  
12 2.75 percent of salary, plus 3 percent annual, compounded  
13 interest, for the last 18 months of prior service, to receive  
14 the credit for prior judicial service required for immediate  
15 coverage and protection of the official's survivors. Any  
16 such deposit shall be made on or before the closure of the  
17 open enrollment period.

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

22 **SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SUR-  
23 VIVORS' ANNUITY.**

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

1       “(y) For each year of Federal judicial service com-  
2 pleted, judicial officials who are enrolled in the Judicial  
3 Survivors’ Annuities System on the date of enactment of  
4 the Judicial Survivors Protection Act of 2009 may pur-  
5 chase, in 3-month increments, up to an additional year  
6 of service credit, under the terms set forth in this section.  
7 In the case of judicial officials who elect to enroll in the  
8 Judicial Survivors’ Annuities System during the statutory  
9 open enrollment period authorized under the Judicial Sur-  
10 vivors Protection Act of 2009, for each year of Federal  
11 judicial service completed, such an official may purchase,  
12 in 3-month increments, up to an additional year of service  
13 credit for each year of Federal judicial service completed,  
14 under the terms set forth in section 4(a) of that Act.”.

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

16       This Act, including the amendment made by section  
17 6, shall take effect on the date of enactment of this Act.

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