

105TH CONGRESS
2D SESSION

H. R. 4299

To provide that the provisions of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, that apply with respect to law enforcement officers be made applicable with respect to Assistant United States Attorneys.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1998

Mr. DAVIS of Virginia introduced the following bill; which was referred to the Committee on Government Reform and Oversight

A BILL

To provide that the provisions of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, that apply with respect to law enforcement officers be made applicable with respect to Assistant United States Attorneys.

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 “Assistant United
5 States Attorneys Retirement Benefit Equity Act of 1998”.

1 **SEC. 2. TREATMENT OF ASSISTANT UNITED STATES ATTOR-**
2 **NEYS.**

3 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

4 (1) INCLUSION IN DEFINITION OF A LAW EN-
5 FORCEMENT OFFICER.—Paragraph (20) of section
6 8331 of title 5, United States Code, is amended by
7 striking “position.” and inserting “position; such
8 term includes an Assistant United States Attor-
9 ney;”.

10 (2) DEFINITION OF AN ASSISTANT UNITED
11 STATES ATTORNEY.—Section 8331 of title 5, United
12 States Code, is amended by striking “and” at the
13 end of paragraph (25), by striking the period at the
14 end of paragraph (26) and inserting “; and”, and by
15 adding after paragraph (26) the following:

16 “(27) ‘Assistant United States Attorney’ means
17 an assistant United States attorney appointed under
18 section 542 of title 28.”.

19 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

20 (1) INCLUSION IN DEFINITION OF A LAW EN-
21 FORCEMENT OFFICER.—Paragraph (17) of section
22 8401 of title 5, United States Code, is amended by
23 striking “and” at the end of subparagraph (C), by
24 adding “and” after the semicolon at the end of sub-
25 paragraph (D), and by adding after subparagraph
26 (D) the following:

1 “(E) an Assistant United States Attor-
2 ney;”.

3 (2) DEFINITION OF AN ASSISTANT UNITED
4 STATES ATTORNEY.—Section 8401 of title 5, United
5 States Code, is amended by striking “and” at the
6 end of paragraph (31), by striking the period at the
7 end of paragraph (32) and inserting “; and”, and by
8 adding after paragraph (32) the following:

9 “(33) ‘Assistant United States Attorney’ means
10 an assistant United States attorney appointed under
11 section 542 of title 28.”.

12 (c) EFFECTIVE DATE.—Except as otherwise provided
13 in section 3, this Act and the amendments made by this
14 Act shall take effect on the first day of the first applicable
15 pay period beginning after the expiration of the 90-day
16 period beginning on the date of enactment of this Act.

17 **SEC. 3. PROVISIONS RELATING TO INCUMBENTS.**

18 (a) INCUMBENT DEFINED.—For purposes of this sec-
19 tion, the term “incumbent” means an individual first ap-
20 pointed as an Assistant United States Attorney before the
21 effective date of this Act who is serving in that capacity
22 on such effective date.

23 (b) NOTICE REQUIREMENT.—Not later than 6
24 months after the effective date of this Act, the Depart-
25 ment of Justice shall take measures reasonably designed

1 to provide notice to incumbents as to their election rights
2 under this Act, and the consequences of making or not
3 making a timely election.

4 (c) ELECTION AVAILABLE TO INCUMBENTS.—

5 (1) IN GENERAL.—An incumbent may elect, for
6 all purposes, either—

7 (A) to be treated in accordance with the
8 amendments made by this Act; or

9 (B) to be treated in the same way as if
10 this Act had never been enacted.

11 Failure to make a timely election under this sub-
12 section shall be treated in the same way as an elec-
13 tion under subparagraph (A) made on the last day
14 allowable under paragraph (2).

15 (2) DEADLINE.—An election under this sub-
16 section shall not be effective unless it is made before
17 the 90th day after the date on which the notice
18 under subsection (b) is provided or the date on
19 which the incumbent involved separates from service,
20 whichever is earlier.

21 (3) INTERIM STATUS.—Notwithstanding any
22 other provision of this Act, no change in the retire-
23 ment coverage of any incumbent shall occur, by rea-
24 son of the enactment of this Act, before the date on

1 which an election under paragraph (1)(A) is made
2 (or deemed to have been made).

3 (d) RETROACTIVE EFFECT.—In the case of any in-
4 cumbent who elects (or is deemed to have elected) the op-
5 tion under subsection (c)(1)(A), all service performed by
6 such individual as an Assistant United States Attorney
7 shall—

8 (1) to the extent performed on or after the ef-
9 fective date of that election, be treated in accordance
10 with applicable provisions of chapter 83 or 84 of
11 title 5, United States Code, as amended by this Act;
12 and

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

18 (e) MAKEUP CONTRIBUTIONS.—

19 (1) IN GENERAL.—In addition to any other
20 payment that it is required to make under sub-
21 chapter III of chapter 83 or chapter 84 of title 5,
22 United States Code—

23 (A) the Department of Justice shall remit
24 to the Office of Personnel Management, in such
25 time, form, and manner as the Office may re-

1 quire, the amount described in paragraph (2);
2 and

3 (B) any amount so remitted shall be de-
4 posited in the Treasury of the United States to
5 the credit of the Civil Service Retirement and
6 Disability Fund.

7 (2) AMOUNT TO BE REMITTED.—The amount
8 described in this paragraph is the total amount of
9 additional individual and Government contributions
10 to the Civil Service Retirement and Disability Fund
11 that would have been required (for all incumbents
12 described in subsection (d), for all service performed
13 by them as an Assistant United States Attorney be-
14 fore the effective date of their election under sub-
15 section (c)), if the amendments made by this Act
16 had then been in effect, plus interest.

17 (3) NO INDIVIDUAL LIABILITY.—Nothing in
18 this Act or in chapter 83 or 84 of title 5, United
19 States Code (as amended by this Act) shall be con-
20 sidered to create any individual liability for any
21 shortfall in any contributions required to be made
22 up in the manner provided for under this subsection.

23 (f) REGULATIONS.—The Office of Personnel Manage-
24 ment shall prescribe any regulations necessary to carry out
25 this Act, including provisions under which any interest due

1 on the amount described in subsection (e) shall be deter-
2 mined.

3 (g) DEFINITION.—For purposes of this section, the
4 term “Assistant United States Attorney” means an assist-
5 ant United States attorney appointed under section 542
6 of title 28, United States Code.

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