

117TH CONGRESS
1ST SESSION

H. R. 282

To amend certain retirement provisions for judges serving in territorial district courts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2021

Mr. SAN NICOLAS (for himself, Ms. PLASKETT, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend certain retirement provisions for judges serving in territorial district courts, 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 “Territorial Judgeship
5 Retirement Equity Act of 2021”.

6 **SEC. 2. RETIREMENT FOR JUDGES IN TERRITORIES AND**
7 **POSSESSIONS.**

8 (a) JUDGES IN TERRITORIES AND POSSESSIONS.—
9 Section 373 of title 28, United States Code, is amended—

1 (1) by striking subsection (a) and redesignating
2 subsection (b) as subsection (a);

3 (2) in subsection (a), as redesignated by para-
4 graph (1), by striking “The age and service require-
5 ments for retirement under subsection (a) of this
6 section” and inserting “IN GENERAL—A judge of
7 the District Court of Guam, the District Court of
8 the Northern Mariana Islands, or the District Court
9 of the Virgin Islands who retires from office after
10 attaining the age and meeting the service require-
11 ments (whether continuous or otherwise) of this sub-
12 section shall during the remainder of the judge’s
13 lifetime receive an annuity equal to the salary the
14 judge is receiving at the time the judge retires. The
15 age and service requirements for retirement under
16 this subsection”;

17 (3) by inserting after subsection (a), as redesign-
18 ated by paragraph (1), the following new sub-
19 section:

20 “(b) SPECIAL RULE FOR RETIREMENT FOR JUDGES
21 IN TERRITORIES AND POSSESSIONS.—

22 “(1) IN GENERAL.—Notwithstanding subsection
23 (a), a judge of the District Court of Guam, the Dis-
24 trict Court of the Northern Mariana Islands, or the
25 District Court of the Virgin Islands, who is not re-

1 appointed following the expiration of the term of of-
2 fice of such judge, and who retires upon the comple-
3 tion of such term shall, upon attaining the age of
4 fifty years and during the remainder of the judge's
5 lifetime, receive an annuity equal to the salary the
6 judge is receiving at the time the judge retires, if—

7 “(A) such judge has served a term of ten
8 years as a judge on a court identified in this
9 subsection; and

10 “(B) such judge advised the President, in
11 writing, that they are willing to accept re-
12 appointment as a judge on the court on which
13 the judge is serving—

14 “(i) not earlier than nine months and
15 not later than six months before the date
16 that is ten years after the date on which
17 the judge was appointed to the court on
18 which the judge is serving; and

19 “(ii) not later than sixty days after
20 each Congress is convened following the
21 Congress that is in session at the time of
22 the initial notification required under
23 clause (i).

24 A judge or former judge who is receiving an an-
25 nuity pursuant to this subsection and who

1 thereafter accepts compensation for civil office
2 or employment by the Government of the
3 United States (other than the performance of
4 judicial duties pursuant to recall under sub-
5 section (c)) or in the practice of law represents
6 (or supervises or directs the representation of)
7 a client in making any civil claim against the
8 United States or any agency thereof shall for-
9 feit all rights to an annuity under this sub-
10 section for the period in which such compensa-
11 tion is received or legal representation is under-
12 taken.

13 “(2) APPLICATION DATE.—

14 “(A) IN GENERAL.—A judge of the Dis-
15 trict Court of Guam, the District Court of the
16 Northern Mariana Islands, or the District
17 Court of the Virgin Islands, in active service,
18 shall be subject to the requirements of this sub-
19 section beginning on January 1, 2019.

20 “(B) EXCEPTION TO ADVICE REQUIRE-
21 MENT.—A judge of the District Court of Guam,
22 the District Court of the Northern Mariana Is-
23 lands, or the District Court of the Virgin Is-
24 lands, in active service on January 1, 2019,

1 shall be deemed to have met the advice require-
2 ment under paragraph (1)(B).”;

3 (4) in subsection (c)—

4 (A) in the matter preceding paragraph (1)
5 by inserting “REQUIREMENTS FOR SENIOR
6 JUDGE”;

7 (B) in paragraph (1)—

8 (i) by striking “Any” and inserting
9 “A”; and

10 (ii) by striking “this section may elect
11 to become a senior judge of the court upon
12 which he served before retiring.” and in-
13 serting “subsection (a) or (b), with 15
14 years or more of judicial service (whether
15 continuous or otherwise), may elect to be-
16 come a senior judge of the court upon
17 which the judge served before retiring. Any
18 judge or former judge who is receiving an
19 annuity pursuant to subsection (b), with
20 less than 15 years of judicial service
21 (whether continuous or otherwise), may
22 elect to become a senior judge of the court
23 upon which the judge served before retir-
24 ing upon attaining the age of sixty-five
25 years.”;

1 (C) in paragraph (2), by striking “he” and
2 inserting “the judge”;

3 (D) in paragraph (3), by striking “he” and
4 inserting “the senior judge”;

5 (E) in paragraph (4)—

6 (i) by striking “Any” and inserting
7 “A”; and

8 (ii) by striking “subsection (a) of this
9 section” and inserting “subsection (a) or
10 (b)”;

11 (F) in paragraph (5), by striking “Any”
12 and inserting “A”;

13 (5) in subsection (d), by striking “Any” and in-
14 serting “EMPLOYMENT OF SENIOR JUDGE—A”;

15 (6) in subsection (f), by striking “Service” and
16 inserting “COMPUTATION OF AGGREGATE JUDICIAL
17 SERVICE—Service”;

18 (7) in subsection (e)—

19 (A) by striking “Any” and inserting
20 “MENTAL OR PHYSICAL DISABILITY—A”;

21 (B) by striking “who is removed by the
22 President of the United States” and inserting
23 “who has served at least five years (whether
24 continuous or otherwise) and who retires or is
25 removed from office”;

1 (C) by striking “or who is not reappointed
2 (as judge of such court),”;

3 (D) by striking “, upon attaining the age
4 of sixty-five years or upon relinquishing office if
5 he is then beyond the age of sixty-five years, (1)
6 if his judicial service, continuous or otherwise,
7 aggregates fifteen years or more, to receive dur-
8 ing the remainder of his life an annuity equal
9 to the salary he received when he left office, or
10 (2) if his judicial service, continuous or other-
11 wise, aggregated less than fifteen years but not
12 less than ten years,”;

13 (E) by striking “his life an annuity equal
14 to that proportion of such salary which the ag-
15 gregate number of his years of his judicial serv-
16 ice bears to fifteen.” and inserting “the judge’s
17 lifetime—”; and

18 (F) by adding at the end the following new
19 paragraphs:

20 “(1) an annuity equal to 50 percent of the sal-
21 ary payable to a judge on a court identified in this
22 subsection in regular active service, if before retire-
23 ment or removal such judge served less than 10
24 years; or

1 “(2) an annuity equal to the salary payable to
2 a judge on a court identified in this subsection in
3 regular active service, if before retirement or re-
4 moval such judge served at least 10 years.”; and

5 (8) in subsection (g)—

6 (A) by striking “Any retired judge” and
7 inserting “COST OF LIVING ADJUSTMENT—A
8 retired judge”;

9 (B) by striking “under subsection (a)” and
10 inserting “under subsection (a) or (b), with at
11 least 15 years of judicial service (whether con-
12 tinuous or otherwise), or is entitled to receive
13 an annuity under subsection (e)”;

14 (C) by striking “him” and inserting “such
15 judge”; and

16 (D) by striking “95” and inserting “100”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
18 this section shall take effect on the date of the enactment
19 of this Act.

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