

Public Law 100-53
100th Congress

An Act

To amend title 5, United States Code, to provide enhanced retirement credit for United States magistrates.

June 18, 1987

[H.R. 1947]

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

Magistrates'
Retirement
Parity Act
of 1987.

5 USC 8331 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Magistrates' Retirement Parity Act of 1987".

SEC. 2. ANNUITIES UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) by amending paragraph (22) to read as follows:

"(22) 'bankruptcy judge' means an individual—

"(A) who is appointed under section 34 of the Bankruptcy Act (11 U.S.C. 62) or under section 404(d) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), and—

28 USC note
prec. 151.

"(i) who is serving as a United States bankruptcy judge on March 31, 1984; or

"(ii) whose service as a United States bankruptcy judge at any time in the period beginning on October 1, 1979, and ending on July 10, 1984, is terminated by reason of death or disability; or

"(B) who is appointed as a bankruptcy judge under section 152 of title 28;"

(2) by striking out "and" at the end of paragraph (23);

(3) by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and"; and

(4) by adding at the end the following new paragraph:

"(25) 'magistrate' or 'United States magistrate' means an individual appointed under section 631 of title 28."

(b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "and" after "Member" and inserting in lieu thereof ", a United States magistrate,"; and

(B) by inserting a comma after "Military Appeals"; and

(2) in subsection (c), by inserting at the end of the table the following:

"United States magistrate	2½.....	August 1, 1920, to June 30, 1926.
	3½.....	July 1, 1926, to June 30, 1942.
	5.....	July 1, 1942, to June 30, 1948.
	6.....	July 1, 1948, to October 31, 1956.
	6½.....	November 1, 1956, to December 31, 1969.
	7.....	January 1, 1970, to September 30, 1987.
	8.....	After September 30, 1987."

(c) **IMMEDIATE RETIREMENT.**—Section 8336(k) of title 5, United States Code, is amended to read as follows:

"(k) A bankruptcy judge or United States magistrate who is separated from service, except by removal, after becoming 62 years of age and completing 5 years of civilian service, or after becoming 60 years of age and completing 10 years of service as a bankruptcy judge or United States magistrate, is entitled to an annuity."

(d) **COMPUTATION OF ANNUITY.**—Section 8339(n) of title 5, United States Code, is amended to read as follows:

"(n) The annuity of an employee who is a bankruptcy judge or United States magistrate is computed, with respect to service as a referee in bankruptcy, as a bankruptcy judge, as a United States magistrate, and as a United States commissioner and with respect to the military service of any such individual (not exceeding 5 years) creditable under section 8332 of this title, by multiplying 2½ percent of the individual's average pay by the years of that service."

5 USC 8331 note. **SEC. 3. EFFECTIVE DATE.**

This Act shall take effect on October 1, 1987, and shall apply to bankruptcy judges and United States magistrates in office on that date and to individuals subsequently appointed to such positions to whom chapter 83 of title 5, United States Code, otherwise applies.

5 USC 8301 et seq.

Approved June 18, 1987.

LEGISLATIVE HISTORY—H.R. 1947:

CONGRESSIONAL RECORD, Vol. 133 (1987):

May 27, considered and passed House.

June 3, considered and passed Senate.