

Public Law 105-274
105th Congress

An Act

To make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

Oct. 21, 1998
[H.R. 4566]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “District of Columbia Courts and Justice Technical Corrections Act of 1998”.

SEC. 2. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO JUDICIAL RETIREMENT PROGRAM.

(a) ADMINISTRATION OF JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—Section 11-1570, District of Columbia Code, as amended by section 11251 of the Balanced Budget Act of 1997, is amended as follows:

(1) In subsection (b)(1)—

(A) by striking “title I of the National Capital Revitalization and Self-Government Improvement Act of 1997” and inserting “subtitle A of title XI of the Balanced Budget Act of 1997”; and

(B) by inserting after the second sentence the following new sentences: “Notwithstanding any other provision of District law or any other law, rule, or regulation, any Trustee, contractor, or enrolled actuary selected by the Secretary under this subsection may, with the approval of the Secretary, enter into one or more subcontracts with the District of Columbia government or any person to provide services to such Trustee, contractor, or enrolled actuary in connection with its performance of its agreement with the Secretary. Such Trustee, contractor, or enrolled actuary shall monitor the performance of any subcontract to which it is a party and enforce its provisions.”.

(2) In subsection (b)(2)—

(A) by striking “chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia” and inserting “Secretary”;

(B) by striking “and the Secretary”;

(C) by striking “and appropriations”; and

(D) by striking “and deficiency”.

(3) By amending subsection (c) to read as follows:

“(c)(1) Amounts in the Fund are available—

“(A) for the payment of judges retirement pay, annuities, refunds, and allowances under this subchapter;

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Columbia Courts
and Justice
Technical
Corrections Act
of 1998.
5 USC 8401 note.

“(B) to cover the reasonable and necessary expenses of administering the Fund under any agreement entered into with a Trustee, contractor, or enrolled actuary under subsection (b)(1), including any agreement with a department, agency, or instrumentality of the United States; and

“(C) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary’s responsibilities under this subchapter.

“(2) Notwithstanding any other provision of District law or any other law (other than the Internal Revenue Code of 1986), rule, or regulation—

“(A) the Secretary may review benefit determinations under this subchapter made prior to the date of the enactment of the Balanced Budget Act of 1997, and shall make initial benefit determinations after such date; and

“(B) the Secretary may recoup or recover, or waive recoupment or recovery of, any amounts paid under this subchapter as a result of errors or omissions by any person.”.

(4) In subsection (d)(1)—

(A) by striking “Subject to the availability of appropriations, there shall be deposited into the Fund” and inserting “The Secretary shall pay into the Fund from the General Fund of the Treasury”; and

(B) by striking “(beginning with the first fiscal year which ends more than 6 months after the replacement plan adoption date described in section 103(13) of the National Capital Revitalization and Self-Government Improvement Act of 1997)”.

(5) In subsection (d)(2)(A)—

(A) by striking “June 30, 1997” and inserting “September 30, 1997”; and

(B) by striking “net the sum of future normal cost” and inserting “net of the sum of the present value of future normal costs”.

(6) In subsection (d)(3), by striking “shall be taken from sums available for that fiscal year for the payment of the expenses of the Court, and”.

(7) By adding at the end the following new subsections:

“(h) For purposes of the Employee Retirement Income Security Act of 1974, the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

“(i) Federal obligations for benefits under this subchapter are backed by the full faith and credit of the United States.”.

(b) REGULATORY AUTHORITY OF SECRETARY.—Section 11251 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 756) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

“(b) REGULATIONS; EFFECT ON REFORM ACT.—Title 11, District of Columbia Code, is amended by adding the following new section:

‘§ 11-1572. Regulations; effect on Reform Act.

“(a) The Secretary is authorized to issue regulations to implement, interpret, administer, and carry out the purposes of this subchapter, and, in the Secretary’s discretion, those regulations

may have retroactive effect, except that nothing in this subsection may be construed to permit the Secretary to issue any regulation to retroactively reduce or eliminate the benefits to which any individual is entitled under this subchapter.

“(b) This subchapter supersedes any provision of the District of Columbia Retirement Reform Act (Public Law 96-122) inconsistent with this subchapter and the regulations thereunder.”; and

(3) by amending subsection (c) (as so redesignated) to read as follows:

“(c) CLERICAL AMENDMENTS.—

“(1) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by amending the item relating to section 11-1570 to read as follows:

‘11-1570. The District of Columbia Judicial Retirement and Survivors Annuity Fund.’.

“(2) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

‘11-1572. Regulations; effect on Reform Act.’.”.

(c) TERMINATION OF PREVIOUS FUND AND PROGRAM.—Section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1-714), as amended by section 11252(a) of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a), by inserting “(except as provided in section 11-1570, District of Columbia Code)” after “the following”;

(2) in subsection (c)(1), by striking “title I of the National Capital Revitalization and Self-Government Improvement Act of 1997” and inserting “subtitle A of title XI of the Balanced Budget Act of 1997”; and

(3) in subsection (c)(2)—

(A) by striking “(2) The” and inserting “(2) In accordance with the direction of the Secretary, the”;

(B) by striking “in the Treasury” and inserting “at the Board”; and

(C) by striking “appropriated” and inserting “used”.

(d) ADMINISTRATION OF RETIREMENT FUNDS.—Section 11252 of the Balanced Budget Act of 1997 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

“(b) TRANSITION FROM DISTRICT OF COLUMBIA ADMINISTRATION.—Sections 11023, 11032(b)(2), 11033(d), and 11041 shall apply to the administration of the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1-714), the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11-1570, District of Columbia Code, and the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code, except as follows:

“(1) In applying each such section—

“(A) any reference to this subtitle shall instead refer to subchapter III of chapter 15 of title 11, District of Columbia Code;

“(B) any reference to the District Retirement Program shall be deemed to include the retirement program for

111 Stat. 758.

Applicability.

judges under subchapter III of chapter 15 of title 11, District of Columbia Code;

“(C) any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act;

“(D) any reference to Federal benefit payments shall be deemed to include judges retirement pay, annuities, refunds, and allowances under subchapter III of chapter 15 of title 11, District of Columbia Code;

“(E) any reference to the Trust Fund shall instead refer to the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11-1570, District of Columbia Code;

“(F) any reference to section 11033 shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

“(G) any reference to chapter 2 shall instead refer to section 11-1570, District of Columbia Code.

“(2) In applying section 11023—

“(A) any reference to the contract shall instead refer to the agreement referred to in section 11-1570(b), District of Columbia Code; and

“(B) any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11-1570(b), District of Columbia Code.

“(3) In applying section 11033(d)—

“(A) any reference to this section shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

“(B) any reference to the Trustee shall instead refer to the Secretary or the Trustee or contractor referred to in section 11-1570(b), District of Columbia Code.

“(4) In applying section 11041(b), any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11-1570(b), District of Columbia Code.”; and

(3) by adding at the end the following new subsection:

“(d) EFFECTIVE DATE.—The provisions of subsection (c) shall take effect on the date on which the assets of the District of Columbia Judges Retirement Fund are transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund.”.

(e) MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS.—

(1) Sections 11-1568(d) and 11-1569, District of Columbia Code, are each amended by striking “Mayor” each place it appears and inserting “Secretary of the Treasury”.

(2) Section 11-1568.2, District of Columbia Code, is amended by striking “Mayor of the District of Columbia” each place it appears and inserting “Secretary of the Treasury”.

(3) Section 121(b)(1)(A) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1-711(b)(1)(A)), as amended by section 11252(c)(1) of the Balanced Budget Act of 1997 (as redesignated by subsection (d)(1)), is amended in the matter preceding clause (i), by striking “11” and inserting “12”.

(4) Section 11-1561(4), District of Columbia Code, as amended by section 11253(b) of the Balanced Budget Act of 1997, is amended by striking “sections” and inserting “section”.

(5) Section 11253(c) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 759) is amended to read as follows:

“(C) TREATMENT OF FEDERAL SERVICE OF JUDGES.—Section 11-1564, District of Columbia Code, is amended—

“(1) in subsection (d)(2)(A), by striking ‘section 1-1814’ and inserting ‘section 1-714) or the District of Columbia Judicial Retirement and Survivors Annuity Fund (established by section 11-1570)’; and

“(2) in subsection (d)(4), by striking ‘Judges Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act’ and inserting ‘Judicial Retirement and Survivors Annuity Fund under section 11-1570’.”.

(6) Section 11253 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 759) is amended by adding at the end the following new subsection:

“(d) REDEPOSITS TO FUND.—Section 11-1568.1(4)(A), District of Columbia Code, is amended by striking ‘Judges Retirement Fund’ and inserting ‘Judicial Retirement and Survivors Annuity Fund’.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (a)(2), (a)(4), and (a)(6) shall take effect October 1, 1998.

SEC. 3. RETIREMENT ELECTION FOR CERTAIN FORMER EMPLOYEES OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Notwithstanding any provision of the District of Columbia Code, or of chapter 83 or chapter 84 of title 5, United States Code, a former employee of the District of Columbia who is hired by the Department of Justice, or by the agency established by section 11233(a) of the Balanced Budget Act of 1997 (hereafter in this section referred to as the “Agency”), on or after August 5, 1997, may elect, within 60 days after the issuance of regulations pursuant to subsection (c), or within 60 days of being hired, if later, to be covered by the retirement system of the District of Columbia under which the person was most recently covered. No election under this subsection may be made by a person who is hired more than one year after the date on which the Lorton Correctional Complex is closed, or more than one year after the date on which the Agency assumes its duties, whichever is later.

(b) PERIOD OF ELECTION.—The election authorized by subsection (a) shall remain in force until the employee is no longer employed by the agency in which he or she was employed at the time the election was made.

(c) REGULATIONS.—The election authorized by subsection (a) shall be in accordance with regulations issued by the Office of Personnel Management after consulting with the Department of Justice, the Agency, and the government of the District of Columbia. The government of the District of Columbia shall administer the retirement coverage for any employee making such an election.

SEC. 4. LEAVE FOR CERTAIN FORMER EMPLOYEES OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Notwithstanding any provision of law, a former employee of the District of Columbia who is hired by the Department of Justice, or by the agency established by section 11233(a) of the Balanced Budget Act of 1997 (hereafter in this section referred to as the “Agency”), on or after August 5, 1997, shall—

(1) in determining the rate of accrual of annual leave under section 6303 of title 5, United States Code, be entitled to credit for service as an employee of the District of Columbia;

(2) to the extent that the employee has not used or otherwise been compensated for annual leave accrued as an employee of the District of Columbia, have all such accrued annual leave transferred, in accordance with the procedures established under section 6308 of title 5, United States Code, to the credit of the employee in the new employing agency; and

(3) to the extent the employee has not used or otherwise been compensated for sick leave accrued as an employee of the District of Columbia, have all such accrued sick leave transferred, in accordance with the procedures established under section 6308 of title 5, United States Code, to the credit of the employee in the new employing agency.

(b) **TERMINATION.**—Subsection (a) is not applicable to any former employee of the District of Columbia who is hired by the Department of Justice or the Agency more than one year after the date on which the Lorton Correctional Complex is closed, or more than one year after the date on which the Agency assumes its duties, whichever is later.

SEC. 5. CLARIFICATION OF PROVISIONS RELATING TO PRIORITY CONSIDERATION FOR SEPARATED EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS.

111 Stat. 738.

(a) **IN GENERAL.**—Section 11203(b) of the Balanced Budget Act of 1997 (D.C. Code, sec. 24-1203(b)) is amended by amending the second sentence to read as follows: “The priority consideration program shall also include provisions under which an employee described in subsection (a) who has not been appointed to a Federal Bureau of Prisons law enforcement position and who applies for another Federal position in the competitive service shall receive priority consideration and may be given a competitive service appointment noncompetitively to such a competitive service position.”

(b) **RELOCATION ALLOWANCE.**—Section 11203(b) of such Act (D.C. Code, sec. 24-1203(b)) is amended by inserting after the second sentence the following: “The Director of the Bureau of Prisons may provide a relocation allowance to any individual who is hired by the Director under the program established under this section for a position outside of the Washington Metropolitan Area.”

(c) **EFFECTIVE DATE; TREATMENT OF INDIVIDUALS GIVEN PRIORITY PRIOR TO ENACTMENT.**—(1) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) Individuals who have been appointed with excepted service appointments under section 11203(b) of the Balanced Budget Act of 1997 prior to the date of the enactment of this Act shall be converted noncompetitively to competitive service appointments in their current positions.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO DISTRICT OF COLUMBIA COURTS.

(a) **AUTHORITY OF JOINT COMMITTEE ON JUDICIAL ADMINISTRATION TO EXCLUDE TEMPORARY EMPLOYEES FROM FERS.**—Section 8402(c) of title 5, United States Code, is amended by adding at the end the following:

“(9) The Joint Committee on Judicial Administration in the District of Columbia may exclude from the operation of this chapter an employee of the District of Columbia Courts whose employment is temporary or of uncertain duration.”

(b) REPEAL OF FUNDING THROUGH STATE JUSTICE INSTITUTE.—

(1) FUNDING OF COURTS.—Section 11241(a) of the Balanced Budget Act of 1997 (D.C. Code, sec. 11-1743 note) and section 11-2608, District of Columbia Code (as amended by section 11262(b) of the Balanced Budget Act of 1997) are each amended by striking “through the State Justice Institute” and inserting “for payment to the Joint Committee on Judicial Administration in the District of Columbia”.

111 Stat. 751.

(2) FUNDING OF OTHER AGENCIES.—Section 11234 of such Act (D.C. Code, sec. 24-1234) is amended by striking “through the State Justice Institute”.

111 Stat. 751.

(c) OTHER MISCELLANEOUS TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 11241(b) of the Balanced Budget Act of 1997 (D.C. Code, sec. 11-1743 note) is amended by striking “Superior Court for” and inserting “Superior Court of”.

(2)(A) Section 1 of the Act entitled “An Act for the establishment of a probation system for the District of Columbia”, approved June 25, 1910 (36 Stat. 864), as amended and reenacted by the Act entitled “An Act to amend and reenact an Act for the establishment of a probation system for the District of Columbia”, approved March 4, 1919 (40 Stat. 1324-25; D.C. Code, sec. 24-101), is repealed.

(B) Section 5 of the Act entitled “An Act for the establishment of a probation system for the District of Columbia”, approved June 25, 1910 (36 Stat. 865), as amended and reenacted by the Act entitled “An Act to amend and reenact an Act for the establishment of a probation system for the District of Columbia”, approved March 14, 1919 (40 Stat. 1324-25; D.C. Code, sec. 24-105), is repealed.

SEC. 7. DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.

(a) REMOVING SERVICE FROM JURISDICTION OF OFFENDER SUPERVISION TRUSTEE AND AGENCY.—

(1) AUTHORITY OF TRUSTEE.—Section 11232(b)(2) of the Balanced Budget Act of 1997 (D.C. Code, sec. 24-1232(b)(2)) is amended by striking “, except that” and all that follows through “Service”.

111 Stat. 746.

(2) AUTHORITY OF AGENCY.—Section 11233(e) of such Act (D.C. Code, sec. 24-1233(e)) is amended as follows:

111 Stat. 748.

(A) In the subsection heading strike “AND PUBLIC DEFENDER SERVICE”.

(B) Amend paragraph (1) to read as follows:

“(1) INDEPENDENT ENTITY.—The District of Columbia Pretrial Services Agency established by subchapter I of chapter 13 of title 23, District of Columbia Code shall function as an independent entity within the Agency.”

(C) Strike paragraph (3) and redesignate paragraphs (4) and (5) as paragraphs (3) and (4).

(D) In paragraph (3) (as so redesignated)—

(i) strike “, the District of Columbia Public Defender Service,”; and

(ii) strike “or the District of Columbia Public Defender Service”.

(E) In paragraph (4)(A) (as so redesignated), strike “and the District of Columbia Public Defender Service” each place it appears.

111 Stat. 751. (3) AUTHORIZATION OF APPROPRIATIONS.—Section 11234 of such Act (D.C. Code, sec. 24-1234) is amended by striking paragraph (2) and redesignating the succeeding paragraphs accordingly.

111 Stat. 746. (4) PERMITTING TRUSTEE TO EXERCISE AUTHORITIES ON BEHALF OF SERVICE AT REQUEST OF DIRECTOR OF THE SERVICE.—Section 11232 of such Act (D.C. Code, sec. 24-1232) is amended by adding at the end the following new subsection:

“(i) EXERCISE OF AUTHORITY ON BEHALF OF PUBLIC DEFENDER SERVICE.—At the request of the Director of the District of Columbia Public Defender Service, the Trustee may exercise any of the powers and authorities of the Trustee on behalf of such Service in the same manner and to the same extent as the Trustee may exercise such powers and authorities in relation to any agency described in subsection (b).”.

(b) REVISING NAME OF TRUSTEE.—

(1) IN GENERAL.—Section 11232 of the Balanced Budget Act of 1997 (D.C. Code, sec. 24-1233) is amended—

(A) in the heading, by striking “**DEFENSE SERVICES**”; and

(B) in subsection (a)(1), by striking “Defense Services”.

(2) CLERICAL AMENDMENT.—The table of contents for title XI of the Balanced Budget Act of 1997 is amended in the item relating to section 11232 by striking “Defense Services”.

(c) REVISING NAME OF AGENCY.—

111 Stat. 748. (1) IN GENERAL.—Section 11233 of the Balanced Budget Act of 1997 (D.C. Code, sec. 24-1233) is amended—

(A) in the heading, by striking “**OFFENDER SUPERVISION, DEFENDER AND COURTS SERVICES**” and inserting “**COURT SERVICES AND OFFENDER SUPERVISION**”; and

(B) in subsection (a), by striking “the District of Columbia Offender Supervision, Defender, and Courts Services Agency” and inserting “the Court Services and Offender Supervision Agency for the District of Columbia”.

111 Stat. 745. (2) CONFORMING AMENDMENTS.—(A) Section 11231 of the Balanced Budget Act of 1997 (D.C. Code, sec. 24-1231) is amended by striking “the District of Columbia Offender Supervision, Defender, and Courts Services Agency” each place it appears in subsections (a)(2), (a)(3), and (b) and inserting “the Court Services and Offender Supervision Agency for the District of Columbia”.

(B) Section 11232 of such Act (D.C. Code, sec. 24-1232) is amended by striking “the District of Columbia Offender Supervision, Defender, and Courts Services Agency” each place it appears in subsections (b) and (h) and inserting “the Court Services and Offender Supervision Agency for the District of Columbia”.

(C) Section 23-1304(a), District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended by striking “the District of Columbia Offender Supervision, Defender, and Courts Services Agency” and inserting “the Court Services and Offender Supervision Agency for the District of Columbia”.

(D) Section 23-1307, District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended—

(i) by striking “(a)”; and

(ii) by striking “the District of Columbia Offender Supervision, Defender, and Courts Services Agency” and inserting “the Court Services and Offender Supervision Agency for the District of Columbia”.

(E) Section 23-1308, District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended by striking “the District of Columbia Offender Supervision, Defender, and Courts Services Agency” each place it appears and inserting “the Court Services and Offender Supervision Agency for the District of Columbia”.

(3) CLERICAL AMENDMENT.—The table of contents for title XI of the Balanced Budget Act of 1997 is amended in the item relating to section 11233 by striking “Offender Supervision, Defender and Courts Services” and inserting “Court Services and Offender Supervision”.

111 Stat. 714.

(d) REPEAL OF CERTAIN AMENDMENTS AFFECTING PUBLIC DEFENDER SERVICES.—Section 11272 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 762) is hereby repealed, and any provision of law amended or repealed by such section shall be restored or revived as if such section had not been enacted into law.

(e) TRANSFER OF EMPLOYEES OF SERVICE TO FEDERAL RETIREMENT AND BENEFIT PROGRAMS.—

(1) IN GENERAL.—Section 305 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (D.C. Code, sec. 1-2705) is amended by inserting at the end the following: “(c)(1) Employees of the Service shall be treated as employees of the Federal Government solely for purposes of any of the following provisions of title 5, United States Code: subchapter 1 of chapter 81 (relating to compensation for work injuries), chapter 83 (relating to retirement), chapter 84 (relating to Federal Employees’ Retirement System), chapter 87 (relating to life insurance), and chapter 89 (relating to health insurance).”

“(2) The Service shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

“(3) An individual who is an employee of the Service on the date of the enactment of this subsection may make, within 60 days after the issuance of regulations under paragraph (4), an election under section 8351 or 8432 of title 5, United States Code, to participate in the Thrift Savings Plan for Federal employees.

“(4) This subsection shall apply with respect to all months beginning after the date on which the Director of the Office of Personnel Management issues regulations to carry out this subsection.

Applicability.
Regulations.

“(5) For purposes of vesting pursuant to section 2610(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-627.10(b)), creditable service with the District for employees whose participation in the District Defined Contribution Plan ceases as a result of implementation of this subsection shall include service performed thereafter for the Service.”

(2) CONFORMING AMENDMENTS.—(A) Section 306 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (D.C. Code, sec. 1-2706) is amended—

(i) in subsection (a), by striking “Mayor of the District of Columbia” and inserting “Office of Management and Budget”; and

(ii) in subsection (b), by striking “Administrative Office of the United States Courts” and inserting “Office of Management and Budget”.

(B) Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (D.C. Code, sec. 1-2707(a)) is amended to read as follows:

Appropriation
authorization.

“(a) There are authorized to be appropriated through the Court Services and Offender Supervision Agency for the District of Columbia (or, until such Agency assumes its duties pursuant to section 11233(a) of the Balanced Budget Act of 1997, through the Trustee appointed pursuant to section 11232 of such Act) in each fiscal year such sums as may be necessary to carry out this chapter. Funds appropriated pursuant to this subsection shall be transmitted by the Agency (or, if applicable, by the Trustee) to the Service. The Service may arrange by contract or otherwise for the disbursement of appropriated funds, procurement, and the provision of other administrative support functions by the General Services Administration or by other agencies or entities, not subject to the provisions of the District of Columbia Code or any law or regulation adopted by the District of Columbia Government concerning disbursement of funds, procurement, or other administrative support functions. The Service shall submit an annual appropriations request to the Office of Management and Budget.”.

111 Stat. 748.

(C) Section 11233 of the Balanced Budget Act of 1997 (D.C. Code, sec. 24-1233) is amended by adding at the end the following new subsection:

“(f) RECEIPT AND TRANSMITTAL OF APPROPRIATIONS FOR PUBLIC DEFENDER SERVICE.—The Director of the Agency shall receive and transmit to the District of Columbia Public Defender Service all funds appropriated for such agency.”.

(f) EXEMPTION OF SERVICE FROM PERSONNEL AND BUDGET CEILINGS.—Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (D.C. Code, sec. 1-2707) is amended by adding at the end the following new subsection:

“(c) The Service shall not be subject to any general personnel or budget limitations which otherwise apply to the District of Columbia government or its agencies in any appropriations Act.”.

SEC. 8. SICK LEAVE BUYOUT FOR DEPARTMENT OF CORRECTIONS EMPLOYEES.

Notwithstanding any provision of District of Columbia law, the Corrections Trustee appointed pursuant to section 11202 of the Balanced Budget Act of 1997 may set conditions and may provide that an employee of the District of Columbia Department of Corrections who meets such conditions will receive a lump-sum payment for his or her accumulated and accrued sick leave, if the employee is separated involuntarily and is not subsequently employed, without a break in service of more than 3 days, by the Bureau of Prisons or another Federal agency. The lump-sum payment for sick leave shall be calculated by multiplying 50 percent of the employee's rate of basic pay, exclusive of additional payments

of any kind, by the number of hours of accumulated sick leave to the employee's credit at the time of separation. The lump-sum payment shall be considered pay for taxation purposes only and shall not be used to confer any other benefit to the employee.

SEC. 9. WAIVER OF MAXIMUM ENTRY AGE REQUIREMENT FOR LAW ENFORCEMENT OFFICER POSITIONS IN THE DEPARTMENT OF JUSTICE.

(a) **IN GENERAL.**—Notwithstanding any maximum entry age which the Attorney General may have established for law enforcement officers in the Department of Justice under section 3307 of title 5, United States Code, an employee of the District of Columbia Department of Corrections may be hired by the Department of Justice pursuant to section 11203(b) of the Balanced Budget Act of 1997 in a law enforcement officer position if such employee will have completed at least 10 years of covered service when the employee attains the minimum retirement age described in section 8412(g) of title 5, United States Code.

(b) **SEPARATION.**—Notwithstanding section 8425(b) of title 5, United States Code, any employee hired by the Department of Justice in a law enforcement position who is described in subsection (a) shall be separated from service with the Department on the last day of the month in which such employee becomes 57 years of age, except that if the Attorney General judges that the public interest so requires, the Attorney General may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age.

SEC. 10. EFFECTIVE DATE.

5 USC 8402 note.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

Approved October 21, 1998.

LEGISLATIVE HISTORY—H.R. 4566:

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