

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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# H. R. 4566

## 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.

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## 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.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. TECHNICAL AND CLARIFYING AMENDMENTS RE-**  
5 **LATING TO JUDICIAL RETIREMENT PRO-**  
6 **GRAM.**

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

11 (1) In subsection (b)(1)—

12 (A) by striking “title I of the National  
13 Capital Revitalization and Self-Government Im-  
14 provement Act of 1997” and inserting “subtitle  
15 A of title XI of the Balanced Budget Act of  
16 1997”; and

17 (B) by inserting after the second sentence  
18 the following new sentences: “Notwithstanding  
19 any other provision of District law or any other  
20 law, rule, or regulation, any Trustee, contrac-  
21 tor, or enrolled actuary selected by the Sec-  
22 retary under this subsection may, with the ap-  
23 proval of the Secretary, enter into one or more  
24 subcontracts with the District of Columbia gov-  
25 ernment or any person to provide services to  
26 such Trustee, contractor, or enrolled actuary in

1 connection with its performance of its agree-  
2 ment with the Secretary. Such Trustee, con-  
3 tractor, or enrolled actuary shall monitor the  
4 performance of any subcontract to which it is a  
5 party and enforce its provisions.”.

6 (2) In subsection (b)(2)—

7 (A) by striking “chief judges of the Dis-  
8 trict of Columbia Court of Appeals and Supe-  
9 rior Court of the District of Columbia” and in-  
10 sserting “Secretary”;

11 (B) by striking “and the Secretary”;

12 (C) by striking “and appropriations”; and

13 (D) by striking “and deficiency”.

14 (3) By amending subsection (c) to read as fol-  
15 lows:

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

17 “(A) for the payment of judges retirement pay,  
18 annuities, refunds, and allowances under this sub-  
19 chapter;

20 “(B) to cover the reasonable and necessary  
21 expenses of administering the Fund under any  
22 agreement entered into with a Trustee, contrac-  
23 tor, or enrolled actuary under subsection (b)(1),  
24 including any agreement with a department,

1 agency or instrumentality of the United States;  
2 and

3 “(C) to cover the reasonable and necessary  
4 administrative expenses incurred by the Sec-  
5 retary in carrying out the Secretary s respon-  
6 sibilities under this subchapter.

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

10 “(A) the Secretary may review benefit deter-  
11 minations under this subchapter made prior to the  
12 date of the enactment of the Balanced Budget Act  
13 of 1997, and shall make initial benefit determina-  
14 tions after such date; and

15 “(B) the Secretary may recoup or recover, or  
16 waive recoupment or recovery of, any amounts paid  
17 under this subchapter as a result of errors or omis-  
18 sions by any person.”.

19 (4) In subsection (d)(1)—

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

1 (B) by striking “(beginning with the first  
2 fiscal year which ends more than 6 months  
3 after the replacement plan adoption date de-  
4 scribed in section 103(13) of the National Cap-  
5 ital Revitalization and Self-Government Im-  
6 provement Act of 1997)”.

7 (5) In subsection (d)(2)(A)—

8 (A) by striking “June 30, 1997” and in-  
9 serting “September 30, 1997”; and

10 (B) by striking “net the sum of future nor-  
11 mal cost” and inserting “net of the sum of the  
12 present value of future normal costs”.

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

16 (7) By adding at the end the following new sub-  
17 sections:

18 “(h) For purposes of the Employee Retirement In-  
19 come Security Act of 1974, the benefits provided by the  
20 Fund shall be treated as benefits provided under a govern-  
21 mental plan maintained by the District of Columbia.

22 “(i) Federal obligations for benefits under this sub-  
23 chapter are backed by the full faith and credit of the  
24 United States.”.

1 (b) REGULATORY AUTHORITY OF SECRETARY.—Sec-  
2 tion 11251 of the Balanced Budget Act of 1997 (Public  
3 Law 105–33; 111 Stat. 756) is amended—

4 (1) by redesignating subsection (b) as sub-  
5 section (c);

6 (2) by inserting after subsection (a) the follow-  
7 ing new subsection:

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

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

12 ‘(a) The Secretary is authorized to issue regulations  
13 to implement, interpret, administer and carry out the pur-  
14 poses of this subchapter, and, in the Secretary’s discre-  
15 tion, those regulations may have retroactive effect, except  
16 that nothing in this subsection may be construed to permit  
17 the Secretary to issue any regulation to retroactively re-  
18 duce or eliminate the benefits to which any individual is  
19 entitled under this subchapter.

20 ‘(b) This subchapter supersedes any provision of the  
21 District of Columbia Retirement Reform Act (Public Law  
22 96-122) inconsistent with this subchapter and the regula-  
23 tions thereunder.’.”; and

24 (3) by amending subsection (c) (as so redesign-  
25 nated) to read as follows:

1 “(c) CLERICAL AMENDMENTS.—

2 “(1) The table of sections for subchapter III of  
3 chapter 15 of title 11, District of Columbia Code, is  
4 amended by amending the item relating to section  
5 11–1570 to read as follows:

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

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

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

10 (c) TERMINATION OF PREVIOUS FUND AND PRO-  
11 GRAM.—Section 124 of the District of Columbia Retire-  
12 ment Reform Act (DC Code, sec. 1–714), as amended by  
13 section 11252(a) of the Balanced Budget Act of 1997, is  
14 amended—

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

18 (2) in subsection (c)(1), by striking “title I of  
19 the National Capital Revitalization and Self-Govern-  
20 ment Improvement Act of 1997” and inserting “sub-  
21 title A of title XI of the Balanced Budget Act of  
22 1997”; and

23 (3) in subsection (c)(2)—

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

4 (B) by striking “in the Treasury” and in-  
5 serting “at the Board”; and

6 (C) by striking “appropriated” and insert-  
7 ing “used”.

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

11 (1) by redesignating subsection (b) as sub-  
12 section (c);

13 (2) by inserting after subsection (a) the follow-  
14 ing new subsection:

15 “(b) TRANSITION FROM DISTRICT OF COLUMBIA AD-  
16 MINISTRATION.—Sections 11023, 11032(b)(2), 11033(d),  
17 and 11041 shall apply to the administration of the District  
18 of Columbia Judges Retirement Fund established under  
19 section 124 of the District of Columbia Retirement Re-  
20 form Act (DC Code, sec. 1–714), the District of Columbia  
21 Judicial Retirement and Survivors Annuity Fund estab-  
22 lished under section 11–1570, District of Columbia Code,  
23 and the retirement program for judges under subchapter  
24 III of chapter 15 of title 11, District of Columbia Code,  
25 except as follows:

1 “(1) In applying each such section—

2 “(A) any reference to this subtitle shall in-  
3 stead refer to subchapter III of chapter 15 of  
4 title 11, District of Columbia Code;

5 “(B) any reference to the District Retire-  
6 ment Program shall be deemed to include the  
7 retirement program for judges under sub-  
8 chapter III of chapter 15 of title 11, District of  
9 Columbia Code;

10 “(C) any reference to the District Retire-  
11 ment Fund shall be deemed to include the Dis-  
12 trict of Columbia Judges Retirement Fund es-  
13 tablished under section 124 of the District of  
14 Columbia Retirement Reform Act;

15 “(D) any reference to Federal benefit pay-  
16 ments shall be deemed to include judges retire-  
17 ment pay, annuities, refunds and allowances  
18 under subchapter III of chapter 15 of title 11,  
19 District of Columbia Code;

20 “(E) any reference to the Trust Fund shall  
21 instead refer to the District of Columbia Judi-  
22 cial Retirement and Survivors Annuity Fund  
23 established under section 11–1570, District of  
24 Columbia Code;

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

5           “(G) any reference to chapter 2 shall in-  
6           stead refer to section 11–1570, District of Co-  
7           lumbia Code.

8           “(2) In applying section 11023—

9           “(A) any reference to the contract shall in-  
10          stead refer to the agreement referred to in sec-  
11          tion 11–1570(b), District of Columbia Code ;  
12          and

13          “(B) any reference to the Trustee shall in-  
14          stead refer to the Trustee or contractor referred  
15          to in section 11–1570(b), District of Columbia  
16          Code.

17          “(3) In applying section 11033(d)—

18          “(A) any reference to this section shall in-  
19          stead refer to section 124 of the District of Co-  
20          lumbia Retirement Reform Act, as amended by  
21          section 11252; and

22          “(B) any reference to the Trustee shall in-  
23          stead refer to the Secretary or the Trustee or  
24          contractor referred to in section 11–1570(b),  
25          District of Columbia Code.

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

5           (3) by adding at the end the following new sub-  
6           section:

7           “(d) EFFECTIVE DATE.—The provisions of sub-  
8           section (c) shall take effect on the date on which the assets  
9           of the District of Columbia Judges Retirement Fund are  
10          transferred to the District of Columbia Judicial Retire-  
11          ment and Survivors Annuity Fund.”.

12          (e) MISCELLANEOUS TECHNICAL AND CLERICAL  
13          AMENDMENTS.—(1) Sections 11-1568(d) and 11-1569,  
14          District of Columbia Code, are each amended by striking  
15          “Mayor” each place it appears and inserting “Secretary  
16          of the Treasury”.

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

21          (3) Section 121(b)(1)(A) of the District of Columbia  
22          Retirement Reform Act (DC Code, sec. 1-711(b)(1)(A)),  
23          as amended by section 11252(c)(1) of the Balanced Budg-  
24          et Act of 1997 (as redesignated by subsection (d)(1)), is

1 amended in the matter preceding clause (i), by striking  
2 “11” and inserting “12”.

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

7 (5) Section 11253(c) of the Balanced Budget Act of  
8 1997 (Public Law 105–33; 111 Stat. 759) is amended to  
9 read as follows:

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

13 “(1) in subsection (d)(2)(A), by striking ‘sec-  
14 tion 1-1814)’ and inserting ‘section 1-714) or the  
15 District of Columbia Judicial Retirement and Sur-  
16 vivors Annuity Fund (established by section 11–  
17 1570)’; and

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

23 (6) Section 11253 of the Balanced Budget Act of  
24 1997 (Public Law 105–33; 111 Stat. 759) is amended by  
25 adding at the end the following new subsection:



1 after the date on which the Agency assumes its duties,  
2 whichever is later.

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

7 (c) REGULATIONS.—The election authorized by sub-  
8 section (a) shall be in accordance with regulations issued  
9 by the Office of Personnel Management after consulting  
10 with the Department of Justice, the Agency, and the gov-  
11 ernment of the District of Columbia. The government of  
12 the District of Columbia shall administer the retirement  
13 coverage for any employee making such an election.

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

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

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

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

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

16          (b) TERMINATION.—Subsection (a) is not applicable  
17          to any former employee of the District of Columbia who  
18          is hired by the Department of Justice or the Agency more  
19          than one year after the date on which the Lorton Correc-  
20          tional Complex is closed, or more than one year after the  
21          date on which the Agency assumes its duties, whichever  
22          is later.

1 **SEC. 5. CLARIFICATION OF PROVISIONS RELATING TO PRI-**  
2 **ORITY CONSIDERATION FOR SEPARATED EM-**  
3 **PLOYEES OF THE DISTRICT OF COLUMBIA**  
4 **DEPARTMENT OF CORRECTIONS.**

5 (a) IN GENERAL.—Section 11203(b) of the Balanced  
6 Budget Act of 1997 (DC Code, sec. 24–1203(b)) is  
7 amended by amending the second sentence to read as fol-  
8 lows: “The priority consideration program shall also in-  
9 clude provisions under which an employee described in  
10 subsection (a) who has not been appointed to a Federal  
11 Bureau of Prisons law enforcement position and who ap-  
12 plies for another Federal position in the competitive serv-  
13 ice shall receive priority consideration and may be given  
14 a competitive service appointment noncompetitively to  
15 such a competitive service position.”.

16 (b) RELOCATION ALLOWANCE.—Section 11203(b) of  
17 such Act (DC Code, sec. 24–1203(b)) is amended by in-  
18 serting after the second sentence the following: “The Di-  
19 rector of the Bureau of Prisons may provide a relocation  
20 allowance to any individual who is hired by the Director  
21 under the program established under this section for a po-  
22 sition outside of the Washington Metropolitan Area.”.

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

1           (2) Individuals who have been appointed with ex-  
 2 cepted service appointments under section 11203(b) of the  
 3 Balanced Budget Act of 1997 prior to the date of the en-  
 4 actment of this Act shall be converted noncompetitively  
 5 to competitive service appointments in their current posi-  
 6 tions.

7 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS RE-**  
 8 **LATING TO DISTRICT OF COLUMBIA COURTS.**

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

13           “(9) The Joint Committee on Judicial Administration  
 14 in the District of Columbia may exclude from the oper-  
 15 ation of this chapter an employee of the District of Colum-  
 16 bia Courts whose employment is temporary or of uncertain  
 17 duration.”.

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

20           (1) **FUNDING OF COURTS.**—Section 11241(a) of  
 21 the Balanced Budget Act of 1997 (DC Code, sec.  
 22 11–1743 note) and section 11–2608, District of Co-  
 23 lumbia Code (as amended by section 11262(b) of the  
 24 Balanced Budget Act of 1997) are each amended by  
 25 striking “through the State Justice Institute” and

1 inserting “for payment to the Joint Committee on  
2 Judicial Administration in the District of Colum-  
3 bia”.

4 (2) FUNDING OF OTHER AGENCIES.—Section  
5 11234 of such Act (DC Code, sec. 24–1234) is  
6 amended by striking “through the State Justice In-  
7 stitute”.

8 (c) OTHER MISCELLANEOUS TECHNICAL AND CON-  
9 FORMING AMENDMENTS.—(1) Section 11241(b) of the  
10 Balanced Budget Act of 1997 (Sec. 11–1743 note, Dis-  
11 trict of Columbia Code) is amended by striking “Superior  
12 Court for” and inserting “Superior Court of”.

13 (2)(A) Section 1 of the Act entitled “An Act for the  
14 establishment of a probation system for the District of Co-  
15 lumbia”, approved June 25, 1910 (36 Stat. 864), as  
16 amended and reenacted by the Act entitled “An Act to  
17 amend and reenact an Act for the establishment of a pro-  
18 bation system for the District of Columbia”, approved  
19 March 4, 1919 (40 Stat. 1324-25; DC Code, sec. 24–101),  
20 is repealed.

21 (B) Section 5 of the Act entitled “An Act for the es-  
22 tablishment of a probation system for the District of Co-  
23 lumbia”, approved June 25, 1910 (36 Stat. 865), as  
24 amended and reenacted by the Act entitled “An Act to  
25 amend and reenact an Act for the establishment of a pro-

1 bation system for the District of Columbia”, approved  
2 March 14, 1919 (40 Stat. 1324-25; DC Code, sec. 24–  
3 105), is repealed.

4 **SEC. 7. DISTRICT OF COLUMBIA PUBLIC DEFENDER SERV-**  
5 **ICE.**

6 (a) REMOVING SERVICE FROM JURISDICTION OF OF-  
7 FENDER SUPERVISION TRUSTEE AND AGENCY.—

8 (1) AUTHORITY OF TRUSTEE.—Section  
9 11232(b)(2) of the Balanced Budget Act of 1997  
10 (DC Code, sec. 24–1232(b)(2)) is amended by strik-  
11 ing “, except that” and all that follows through  
12 “Service”.

13 (2) AUTHORITY OF AGENCY.—Section 11233(e)  
14 of such Act (DC Code, sec. 24–1233(e)) is amended  
15 as follows:

16 (A) In the heading, striking “AND PUBLIC  
17 DEFENDER SERVICE”.

18 (B) Amend paragraph (1) to read as fol-  
19 lows:

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

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

4 (D) In paragraph (3) (as so redesign-  
5 nated)—

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

8 (ii) strike “or the District of Colum-  
9 bia Public Defender Service”.

10 (E) In paragraph (4)(A) (as so redesign-  
11 nated), strike “and the District of Columbia  
12 Public Defender Service” each place it appears.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—  
14 Section 11234 of such Act (DC Code, sec. 24–1234)  
15 is amended by striking paragraph (2) and redesign-  
16 nating the succeeding paragraphs accordingly.

17 (4) PERMITTING TRUSTEE TO EXERCISE AU-  
18 THORITIES ON BEHALF OF SERVICE AT REQUEST OF  
19 DIRECTOR OF THE SERVICE.—Section 11232 of such  
20 Act (DC Code, sec. 24–1232) is amended by adding  
21 at the end the following new subsection:

22 “(i) EXERCISE OF AUTHORITY ON BEHALF OF PUB-  
23 LIC DEFENDER SERVICE.—At the request of the Director  
24 of the District of Columbia Public Defender Service, the  
25 Trustee may exercise any of the powers and authorities

1 of the Trustee on behalf of such Service in the same man-  
2 ner and to the same extent as the Trustee may exercise  
3 such powers and authorities in relation to any agency de-  
4 scribed in subsection (b).”.

5 (b) REVISING NAME OF TRUSTEE.—

6 (1) IN GENERAL.—Section 11232 of the Bal-  
7 anced Budget Act of 1997 (DC Code, sec. 24–1233)  
8 is amended—

9 (A) in the heading, by striking “**DE-**  
10 **FENSE SERVICES,**”; and

11 (B) in subsection (a)(1), by striking “De-  
12 fense Services,”.

13 (2) CLERICAL AMENDMENT.—The table of con-  
14 tents for title XI of the Balanced Budget Act of  
15 1997 is amended in the item relating to section  
16 11232 by striking “Defense Services,”.

17 (c) REVISING NAME OF AGENCY.—

18 (1) IN GENERAL.—Section 11233 of the Bal-  
19 anced Budget Act of 1997 (DC Code, sec. 24–1233)  
20 is amended—

21 (A) in the heading, by striking “**OF-**  
22 **FENDER SUPERVISION, DEFENDER**  
23 **AND COURTS SERVICES**” and inserting  
24 “**COURT SERVICES AND OFFENDER**  
25 **SUPERVISION**”; and

1 (B) in subsection (a), by striking “the Dis-  
2 trict of Columbia Offender Supervision, De-  
3 fender, and Courts Services Agency” and in-  
4 serting “the Court Services and Offender Su-  
5 pervision Agency for the District of Columbia”.

6 (2) CONFORMING AMENDMENTS.—(A) Section  
7 11231 of the Balanced Budget Act of 1997 (DC  
8 Code, sec. 24–1231) is amended by striking “the  
9 District of Columbia Offender Supervision, De-  
10 fender, and Courts Services Agency” each place it  
11 appears in subsections (a)(2), (a)(3), and (b) and in-  
12 serting “the Court Services and Offender Super-  
13 vision Agency for the District of Columbia”.

14 (B) Section 11232 of such Act (DC Code, sec.  
15 24–1232) is amended by striking “the District of  
16 Columbia Offender Supervision, Defender, and  
17 Courts Services Agency” each place it appears in  
18 subsections (b) and (h) and inserting “the Court  
19 Services and Offender Supervision Agency for the  
20 District of Columbia”.

21 (C) Section 23–1304(a), District of Columbia  
22 Code (as amended by section 11271(a) of the Bal-  
23 anced Budget Act of 1997) is amended by striking  
24 “the District of Columbia Offender Supervision, De-  
25 fender, and Courts Services Agency” and inserting

1 “the Court Services and Offender Supervision Agen-  
2 cy for the District of Columbia”.

3 (D) Section 23–1307, District of Columbia  
4 Code (as amended by section 11271(a) of the Bal-  
5 anced Budget Act of 1997) is amended—

6 (i) by striking “(a)”; and

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

12 (E) Section 23–1308, District of Columbia  
13 Code (as amended by section 11271(a) of the Bal-  
14 anced Budget Act of 1997) is amended by striking  
15 “the District of Columbia Offender Supervision, De-  
16 fender, and Courts Services Agency” each place it  
17 appears and inserting “the Court Services and Of-  
18 fender Supervision Agency for the District of Colum-  
19 bia”.

20 (3) CLERICAL AMENDMENT.—The table of con-  
21 tents for title XI of the Balanced Budget Act of  
22 1997 is amended in the item relating to section  
23 11233 by striking “Offender Supervision, Defender  
24 and Courts Services” and inserting “Court Services  
25 and Offender Supervision”.

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

7 (e) TRANSFER OF EMPLOYEES OF SERVICE TO FED-  
8 ERAL RETIREMENT AND BENEFIT PROGRAMS.—

9 (1) IN GENERAL.—Section 305 of the District  
10 of Columbia Court Reform and Criminal Procedure  
11 Act of 1970 (DC Code, sec. 1–2705) is amended by  
12 inserting at the end the following:

13 “(c)(1) Employees of the Service shall be treated as  
14 employees of the Federal Government solely for purposes  
15 of any of the following provisions of title 5, United States  
16 Code: subchapter 1 of chapter 81 (relating to compensa-  
17 tion for work injuries), chapter 83 (relating to retirement),  
18 chapter 84 (relating to Federal Employees’ Retirement  
19 System), chapter 87 (relating to life insurance), and chap-  
20 ter 89 (relating to health insurance).

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

24 “(3) An individual who is an employee of the Service  
25 on the date of the enactment of this subsection may make,

1 within 60 days after the issuance of regulations under  
2 paragraph (4), an election under section 8351 or 8432 of  
3 title 5, United States Code, to participate in the Thrift  
4 Savings Plan for Federal employees.

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

9 “(5) For purposes of vesting pursuant to section  
10 2610(b) of the District of Columbia Government Com-  
11 prehensive Merit Personnel Act of 1978 (DC Code, sec.  
12 1–627.10(b)), creditable service with the District for em-  
13 ployees whose participation in the District Defined Con-  
14 tribution Plan ceases as a result of implementation of this  
15 subsection shall include service performed thereafter for  
16 the Service.”.

17 (2) CONFORMING AMENDMENTS.—(A) Section  
18 306 of the District of Columbia Court Reform and  
19 Criminal Procedure Act of 1970 (DC Code, sec. 1–  
20 2706) is amended—

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

24 (ii) in subsection (b), by striking “Admin-  
25 istrative Office of the United States Courts”

1           and inserting “Office of Management and  
2           Budget”.

3           (B) Section 307(a) of the District of Columbia  
4           Court Reform and Criminal Procedure Act of 1970  
5           (DC Code, sec. 1–2707(a)) is amended to read as  
6           follows:

7           “(a) There are authorized to be appropriated through  
8           the Court Services and Offender Supervision Agency for  
9           the District of Columbia (or, until such Agency assumes  
10          its duties pursuant to section 11233(a) of the Balanced  
11          Budget Act of 1997, through the Trustee appointed pur-  
12          suant to section 11232 of such Act) in each fiscal year  
13          such sums as may be necessary to carry out this chapter.  
14          Funds appropriated pursuant to this subsection shall be  
15          transmitted by the Agency (or, if applicable, by the Trust-  
16          ee) to the Service. The Service may arrange by contract  
17          or otherwise for the disbursement of appropriated funds,  
18          procurement, and the provision of other administrative  
19          support functions by the General Services Administration  
20          or by other agencies or entities, not subject to the provi-  
21          sions of the District of Columbia Code or any law or regu-  
22          lation adopted by the District of Columbia Government  
23          concerning disbursement of funds, procurement, or other  
24          administrative support functions. The Service shall submit

1 an annual appropriations request to the Office of Manage-  
2 ment and Budget.”.

3 (C) Section 11233 of the Balanced Budget Act  
4 of 1997 (DC Code, sec. 24–1233) is amended by  
5 adding at the end the following new subsection:

6 “(f) RECEIPT AND TRANSMITTAL OF APPROPRIA-  
7 TIONS FOR PUBLIC DEFENDER SERVICE.—The Director  
8 of the Agency shall receive and transmit to the District  
9 of Columbia Public Defender Service all funds appro-  
10 priated for such agency.”.

11 (f) EXEMPTION OF SERVICE FROM PERSONNEL AND  
12 BUDGET CEILINGS.—Section 307 of the District of Co-  
13 lumbia Court Reform and Criminal Procedure Act of 1970  
14 (DC Code, sec. 1–2707) is amended by adding at the end  
15 the following new subsection:

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

20 **SEC. 8. SICK LEAVE BUYOUT FOR DEPARTMENT OF COR-**  
21 **RECTIONS EMPLOYEES.**

22 Notwithstanding any provision of District of Colum-  
23 bia law, the Corrections Trustee appointed pursuant to  
24 section 11202 of the Balanced Budget Act of 1997 may  
25 set conditions and may provide that an employee of the

1 District of Columbia Department of Corrections who  
2 meets such conditions will receive a lump-sum payment  
3 for his or her accumulated and accrued sick leave, if the  
4 employee is separated involuntarily and is not subse-  
5 quently employed, without a break in service of more than  
6 3 days, by the Bureau of Prisons or another Federal agen-  
7 cy. The lump-sum payment for sick leave shall be cal-  
8 culated by multiplying 50 percent of the employee's rate  
9 of basic pay, exclusive of additional payments of any kind,  
10 by the number of hours of accumulated sick leave to the  
11 employee's credit at the time of separation. The lump-sum  
12 payment shall be considered pay for taxation purposes  
13 only and shall not be used to confer any other benefit to  
14 the employee.

15 **SEC. 9. WAIVER OF MAXIMUM ENTRY AGE REQUIREMENT**  
16 **FOR LAW ENFORCEMENT OFFICER POSI-**  
17 **TIONS IN THE DEPARTMENT OF JUSTICE.**

18 (a) IN GENERAL.—Notwithstanding any maximum  
19 entry age which the Attorney General may have estab-  
20 lished for law enforcement officers in the Department of  
21 Justice under section 3307 of title 5, United States Code,  
22 an employee of the District of Columbia Department of  
23 Corrections may be hired by the Department of Justice  
24 pursuant to section 11203(b) of the Balanced Budget Act  
25 of 1997 in a law enforcement officer position if such em-

1 ployee will have completed at least 10 years of covered  
2 service when the employee attains the minimum retire-  
3 ment age described in section 8412(g) of title 5, United  
4 States Code.

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

15 **SEC. 10. EFFECTIVE DATE.**

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

Passed the House of Representatives October 10,  
1998.

Attest:

*Clerk.*