

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 1.
GOVERNMENT ORGANIZATION.

CHAPTER 8.
DISTRICT OF COLUMBIA RETIREMENT FUNDS.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 8. DISTRICT OF COLUMBIA RETIREMENT FUNDS.

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CHAPTER 8. DISTRICT OF COLUMBIA RETIREMENT FUNDS.

SUBCHAPTER I. SHORT TITLE, FINDINGS, DEFINITIONS.

§ 1-801.01. FINDINGS AND DECLARATION OF POLICY.

(a) *Findings.* -- The Congress finds that:

- (1) State and municipal retirement programs should be funded on an actuarially sound basis;
- (2) The retirement programs for the police officers and firefighters, teachers and judges of the District of Columbia had significant unfunded liabilities totaling approximately \$1,900,000,000 when the Federal government transferred those programs to the District of Columbia, and those liabilities have since increased to nearly \$4,800,000,000, an increase which is almost entirely attributable to the accumulation of interest on the value which existed at the time of transfer;
- (3) The District of Columbia has fully met its financial obligations under the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122);
- (4) The growth of the unfunded liabilities of the three pension funds listed above did not occur because of any action taken or any failure to act that lay within the power of the District of Columbia government or the District of Columbia Retirement Board;
- (5) The presence of the unfunded pension liability is having and will continue to have a negative impact on the District of Columbia's credit rating as it is a legal obligation and the total unfunded liability exceeds the total General Obligation debt of the District, and the costs associated with this liability are a contributing cause of the District's ongoing financial crisis;
- (6) The obligations of the District associated with these pension programs in fiscal year 1997 represents nearly 10 percent of the District's revenue;
- (7) The annual Federal contribution toward these costs under the District of Columbia Retirement Reform Act has remained \$52,000,000;
- (8) If the unfunded pension liability situation is not resolved, in 2004 the District of Columbia would be responsible for annual costs exceeding \$800,000,000, a figure which would be impossible to meet without catastrophic impact on the District government's resources and programs;
- (9) The financial resources of the District of Columbia are not adequate to discharge the unfunded liabilities of the retirement programs; and
- (10) The level of benefits and funding of the current retirement programs were authorized by various Acts of Congress.

(b) *Policy.* -- It is the policy of this chapter:

- (1) To relieve the District of Columbia government of the responsibility for the unfunded pension liabilities transferred to it by the Federal government;
- (2) For the Federal government to assume the legal responsibility for paying certain pension benefits (including certain unfunded pension liabilities which existed as of the day prior to introduction of this legislation) for the retirement plans of teachers, police, and firefighters;
- (3) To provide for a responsible Federal system for payment of benefits accrued prior to the date of introduction of this legislation; and
- (4) To require the establishment of replacement plans by the District of Columbia government for the current retirement plans for teachers, and police and firefighters.

(Aug. 5, 1997, 111 Stat. 715, Pub. L. 105-33, § 11002.)

Prior Codifications

1981 Ed., § 1-761.1.

Effective Dates

Section 11721 of Title XI of Pub. L. 105-33, 111 Stat. 786, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that except as otherwise provided in this title, the provisions of this title shall take effect on the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District government for fiscal year 1998 meet the requirements of section 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this title.

Miscellaneous Notes

District of Columbia Retirement Protection Act of 1997: Section 11001 of subtitle A of Title XI of Pub. L. 105-33, 111 Stat. 715, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that subtitle A may be cited as the "District of Columbia Retirement Protection Act of 1997."

§ 1-801.02. DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

- (1) The term "contract" means the contract under § 1-807.05 between the Secretary and the Trustee, and includes any agreement with a department, agency, or instrumentality of the United States entered into under that section.
- (2) The term "covered District employee" means a teacher of the District of Columbia public schools, or a member of the Metropolitan Police Force or the Fire Department of the District of Columbia, as defined under the District Retirement Program.
- (3) The term "D.C. Federal Pension Fund" means the District of Columbia Teachers, Police Officers, and Firefighters Federal Pension Fund established under § 1-817.01.
- (4) The term "District Government" means any entity treated as part of the District government under § 47-393(5), including the District of Columbia Retirement Board (as defined in § 1-702(5)).
- (5) The term "District Retirement Fund" means the District of Columbia Police Officers and Fire Fighters Retirement Fund and the District of Columbia Teachers Retirement Fund, as defined in the Reform Act.
- (6) The term "District Retirement Program" means any of the retirement programs for teachers and members of the Metropolitan Police Force and Fire Department, as described in § 1-702(7) as in effect on the day before the freeze date (except as provided under § 1-803.02(e) and (f) and as amended by § 11013 of the District of Columbia Retirement Protection Act of 1997).
- (7) The term "enrolled actuary" means the enrolled actuary engaged by the Trustee under § 1-813.01(a).
- (8) The term "Federal benefit payment" means a payment described in § 1-803.02.
- (9) The term "Federal Supplemental Fund" means the Federal Supplemental District of Columbia Pension Fund created under § 1-811.01.
- (10) The term "freeze date" means June 30, 1997.
- (11) The term "person" means an individual; partnership; joint venture; corporation; mutual company; joint-stock company; trust; estate; unincorporated organization; association; employee organization; or department, agency, or instrumentality of the United States.
- (12) The term "Reform Act" means the District of Columbia Retirement Reform Act (Public Law 96-122).
- (13) The term "replacement plan" means the plan described in § 1-809.02.
- (14) The term "replacement plan adoption date" means the date upon which the legislation establishing the replacement plan becomes effective, or the first day after the expiration of the 1-year period which begins on August 5, 1997, whichever occurs first.
- (15) The term "Trust Fund" means the District of Columbia Federal Pension Liability Trust Fund established under § 1-807.01.
- (16) The term "Secretary" means the Secretary of the Treasury or the Secretary's designee.
- (17) The term "Trustee" means the person or persons selected by the Secretary under § 1-807.05, or, beginning October 1, 2004, the Pension Fund Trustee selected by the Secretary under § 1-817.05.

(Aug. 5, 1997, 111 Stat. 716, Pub. L. 105-33, § 11003; Oct. 21, 1998, 112 Stat. 2681-530, Pub. L. 105-277, § 801(a); Dec. 21, 2000, 114 Stat. 2763, Pub. L. 106-554, § 1(a)(4), H.R. 5666 § 908(b); Nov. 22, 2003, 117 Stat. 1387, Pub. L. 108-133, § 3(b); Dec. 23, 2004, 118 Stat. 3969, Pub. L. 108-489, § 2(c).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-761.2.

Effect of Amendments

Pub.L. 106-554, in par. (5), inserted "provided under § 1-803.02(e) and as" following "(except as".

Pub.L. 108-113, in par. (5), inserted "and (f)" following "§ 1-803.02(e)".

Pub.L. 108-489, in par. (16), inserted ", or, beginning October 1, 2004, the Pension Fund Trustee selected by the Secretary under § 1-817.05" before the period; redesignated pars. (3) through (16) as pars. (4) through (17); and inserted a new par. (3).

Effective Dates

Section 908(c) of Title IX of H.R. 5666, incorporated by reference by Public Law 106-554 stated that the amendments made by section 908 shall apply with respect to federal benefit payments made after December 21, 2000.

SUBCHAPTER II. FEDERAL BENEFIT PAYMENTS UNDER DISTRICT RETIREMENT PROGRAMS.

§ 1-803.01. OBLIGATION OF FEDERAL GOVERNMENT TO MAKE BENEFIT PAYMENTS.

(a) *In general.* -- In accordance with the provisions of this chapter, the Federal Government shall make Federal benefit payments associated with the pension plans for police officers, firefighters, and teachers of the District of Columbia.

(b) *No reversion of federal responsibility to District.* -- At no point after the effective date of this chapter may the responsibility or any part thereof assigned to the federal Government under subsection (a) of this section for making Federal benefit payments revert to the District of Columbia.

(Aug. 5, 1997, 111 Stat. 717, Pub. L. 105-33, § 11011.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-762.1.

Miscellaneous Notes

Reference to New Federal Program for Retirement of Judges of D.C. Courts: See § 11085 of Title XI of Pub. L. 105-33, 111 Stat. 730,.

§ 1-803.02. FEDERAL BENEFIT PAYMENTS DESCRIBED.

(a) *In general.* -- Subject to the succeeding provisions of this chapter, a "Federal benefit payment" is any benefit payment to which an individual is entitled under a District Retirement Program, in such amount and under such terms and conditions as may apply under such Program.

(b) *Treatment of service occurring after freeze date.* -- Service after the freeze date shall not be credited for purposes of determining the amount of any Federal benefit payment. Nothing in this subsection shall be construed to affect the crediting of such service for any other purpose under the District Retirement Program.

(c) *Special rule regarding disability benefits.* -- To the extent that any portion of a benefit payment to which an individual is entitled under a District Retirement Program is based on a determination of disability made by the District Government or the Trustee after the freeze date, the Federal benefit payment determined with respect to the individual shall be an amount equal to the deferred retirement benefit or normal retirement benefit the individual would receive if the individual left service on the day before the commencement of disability retirement benefits.

(d) *Special rule regarding certain death benefits.* --

(1) *In general.* -- In the case of a benefit payment to which an individual is entitled under a District Retirement Program which is payable on the death of a covered District employee or former covered District employee and which is not determined by the length of service of the employee or former employee, the Federal benefit payment determined with respect to the individual shall be equal to the pre-freeze date percentage of the amount otherwise payable.

(2) *Pre-freeze date percentage defined.* -- In paragraph (1) of this subsection, the "pre-freeze date percentage" with respect to a covered District employee or former covered District employee is the amount (expressed as a percentage) equal to the quotient of:

(A) The number of months of the covered District employee's or former covered District employee's service prior to the freeze date; divided by

(B) The total number of months of the covered District employee's or former covered District employee's service.

(e) *Treatment of increases in certain police service longevity payments.* -- For purposes of subsection (a) of this section, in determining the amount of a Federal benefit payment made to an officer or member of the Metropolitan Police Department, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment under such Program if the amendments made by the Police Recruiting and Retention Enhancement Amendment Act of 1999 (D.C. Law 13-101) had taken effect prior to the freeze date. The Secretary of the Treasury is authorized to estimate the additional compensation for service longevity for purposes of determining the amount of a federal benefit payment for annuitants who retire on or after August 29, 1972, and on or before December 31, 2001, and to make federal benefit payments based upon such estimates.

(f) *Treatment of military service credit purchased by certain police and fire retirees.* -- For purposes of subsection (a) of this section, in determining the amount of a Federal benefit payment made to an officer or member, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment under such Program if the amendments made by the District of Columbia Military Retirement Equity Act of 2003 had taken effect prior to the freeze date.

(Aug. 5, 1997, 111 Stat. 718, Pub. L. 105-33, § 11012; Oct. 21, 1998, 112 Stat. 2681-531, Pub. L. 105-277, § 801(g)(1); Dec. 21, 2000, 114 Stat. 2763, Pub. L. 106-554, § 1(a)(4) H.R. 5666 § 908(a); Nov. 7, 2002, 116 Stat. 2051, Pub. L. 107-290, § 1; Nov. 22, 2003, 117 Stat. 1387, Pub. L. 108-133, § 3(a); Apr. 13, 2005, D.C. Law 15-354, § 6, 52 DCR 2638.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-762.2.

Effect of Amendments

Pub.L. 106-554 added subsec. (e).

Pub.L. 107-290, in subsec. (e), added the last sentence.

Pub.L. 108-133 added subsec. (f)

D.C. Law 15-354, in subsec. (f), validated a previously made technical correction.

Legislative History of Laws

For Law 15-354, see notes following § 1-523.01.

Effective Dates

Section 908(c) of Title IX of H.R. 5666, incorporated by reference by Public Law 106-554 stated that the amendments made by section 908 shall apply with respect to federal benefit payments made after December 21, 2000.

Section 2 of Public Law 107-290 stated that the amendment made by section 1 shall take effect as if included in the enactment of title IX of division A of the Miscellaneous Appropriations Act, 2001 (as enacted by reference in section 1(a)(4) of the Consolidated Appropriations Act, 2001) (Public Law 106-554).

References in Text

The District of Columbia Military Retirement Equity Act of 2003, referred to in subsec. (f), is Pub. L. 108-133, 117 Stat. 1386.

SUBCHAPTER III. DETERMINATIONS AND REVIEW OF ELIGIBILITY AND PAYMENTS; INFORMATION

SHARING.

§ 1-805.01. DETERMINATION OF ELIGIBILITY FOR AND AMOUNT OF FEDERAL BENEFIT PAYMENTS MADE BY TRUSTEE.

Notwithstanding any provision of a District Retirement Program or any other law, rule, or regulation, the Trustee:

- (1) Shall determine whether an individual is eligible to receive a Federal benefit payment under this chapter;
- (2) Shall determine the amount and form of an individual's Federal benefit payment under this chapter; and
- (3) May recoup or recover, or waive recoupment or recovery of, any amounts paid under this chapter as a result of errors or omissions by the Trustee, the District Government, or any other person.

(Aug. 5, 1997, 111 Stat. 720, Pub. L. 105-33, § 11021; Oct. 21, 1998, 112 Stat. 2681-531, Pub. L. 105-277, § 801(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-763.1.

§ 1-805.02. PROCEDURES FOR RESOLVING CLAIMS ARISING FROM DENIED BENEFIT PAYMENTS.

(a) *Requiring notice and opportunity for review.* -- In accordance with procedures approved by the Secretary, the Trustee shall provide to any individual whose claim for a Federal benefit payment under this chapter has been denied in whole or in part:

- (1) Adequate written notice of such denial, setting forth the specific reasons for the denial in a manner calculated to be understood by the average participant in the District Retirement Program; and
- (2) A reasonable opportunity for a full and fair review of the decision denying such claim.

(b) *Standard for review.* -- Any factual determination made by the Trustee shall be presumed correct unless rebutted by clear and convincing evidence. The Trustee's interpretation and construction of the benefit provisions of the District Retirement Program and this chapter shall be entitled to great deference.

(Aug. 5, 1997, 111 Stat. 720, Pub. L. 105-33, § 11022.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-763.2.

§ 1-805.03. TRANSFER OF AND ACCESS TO RECORDS OF DISTRICT GOVERNMENT.

(a) *In general.* -- Within 30 days after the Secretary or the Trustee requests, the District Government shall furnish copies of all records, documents, information, or data the Secretary or the Trustee deems necessary to carry out responsibilities under this chapter and the contract. Upon request, the District Government shall grant the Secretary or the Trustee direct access to such information systems, records, documents, information or data as the Secretary or Trustee requires to carry out responsibilities under this chapter or the contract.

(b) *Repayment by District Government.* -- The District Government shall reimburse the Trust Fund for all costs, including benefit costs, that are attributable to errors or omissions in the transferred records that are identified within 3 years after such records are transferred.

(Aug. 5, 1997, 111 Stat. 721, Pub. L. 105-33, § 11023.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-763.3.

§ 1-805.04. FEDERAL INFORMATION SHARING FOR VERIFICATION OF BENEFIT DETERMINATIONS.

(a) *In general.* -- Except with respect to taxpayer returns and return information subject to § 6103 of the Internal Revenue Code of 1986, the Secretary may:

- (1) Secure directly from any department or agency of the United States information necessary to enable the Secretary to verify or confirm benefit determinations under this chapter; and
- (2) By regulation authorize the Trustee to review such information for purposes of administering this chapter and the contract.

(b) Omitted.

(c) *Confidentiality.* -- The Secretary may issue regulations governing the confidentiality of the information obtained pursuant to subsection (a) of this section and the provisions of law amended by § 11024(b) of the District of Columbia Retirement Protection Act of 1997.

(Aug. 5, 1997, 111 Stat. 721, Pub. L. 105-33, § 11024.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-763.4.

References in Text

Section 6103 of the Internal Revenue Code of 1986, referred to in the introductory paragraph of (a), is 26 U.S.C § 6103.

Section 11024(b) of the District of Columbia Retirement Protection Act of 1997, referred to in (c), is § 11024(b) of subtitle A of Title XI of Pub. L. 105-33, 111 Stat. 715.

Miscellaneous Notes

Amendments to Internal Revenue Code: For amendments to the Internal Revenue Code related to District of Columbia Retirement Programs, see § 11024(b) of Title XI of Pub. L. 105-33, 111 Stat. 721, the National Capital Revitalization and Self-Government Improvement Act of 1997.

SUBCHAPTER IV. DISTRICT OF COLUMBIA FEDERAL PENSION LIABILITY TRUST FUND.

§ 1-807.01. CREATION OF TRUST FUND.

(a) *Establishment.* -- There is established on the books of the Treasury the District of Columbia Federal Pension Liability Trust Fund, consisting of the assets transferred pursuant to § 1-807.03 and any income earned on the investment of such assets pursuant to subsection (b) of this section.

(b) *Investment of assets.* -- The Trustee may invest the assets of the Trust Fund in private securities and any other form of investment deemed appropriate by the Secretary.

(Aug. 5, 1997, 111 Stat. 723, Pub. L. 105-33, § 11031.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-764.1.

Miscellaneous Notes

Payment of attorney fees: Section 130 of Pub. L. 105-277, 112 Stat. 2681-138, provides that "none of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if: (1) the hourly rate of compensation of the attorney exceeds the hourly rate of compensation under § 11-2604(a), or (2) the maximum amount of compensation of the attorney exceeds the maximum amount of compensation under § 11-2604(b)(1), except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with § 11-2604(c)."

§ 1-807.02. USES OF AMOUNTS IN TRUST FUND.

(a) *In general.* -- Amounts in the Trust Fund shall be used:

- (1) To make Federal benefit payments under this chapter;
- (2) subject to subsection (b)(1) of this section, to cover the reasonable and necessary expenses of administering the Trust Fund under the contract entered into pursuant to § 1-807.05(b);
- (3) To cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this chapter; and
- (4) For such other purposes as are specified in this chapter.

(b) *Special rules regarding administrative expenses.* --

(1) *Budgeting; certification and approval.* -- The administrative expenses of the Trust Fund shall be paid in accordance with an annual budget set forth by the Trustee which shall be subject to certification and approval by the Secretary.

(2) *Use of District Retirement Fund for interim administration.* -- The Secretary is authorized to requisition from the District Retirement Fund such sums as are necessary to administer the Trust Fund (including expenses described in § 1-809.01(b)) until assets are transferred to the Trust Fund pursuant to § 1-807.03.

(Aug. 5, 1997, 111 Stat. 723, Pub. L. 105-33, § 11032; Oct. 21, 1998, 112 Stat. 2681-531, Pub. L. 105-277, § 801(c).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-764.2.

§ 1-807.03. TRANSFER OF ASSETS AND OBLIGATIONS OF DISTRICT RETIREMENT FUNDS.

(a) *In general.* -- As of the replacement plan adoption date, all obligations to make Federal benefit payments and all assets of the District Retirement Fund as of the replacement plan adoption date (except as provided in subsections (b) and (c) of this section) shall be transferred to the Trust Fund.

(b) *Designation of assets to be retained by District Retirement Fund.* -- The Secretary shall designate assets with a value of \$1.275 billion that shall not be transferred from the District Retirement Fund under subsection (a) of this section. The Secretary's designation and valuation of the assets shall be final and binding.

(c) *Exception for certain employee contributions.* --

(1) *In general.* -- Subsection (a) of this section shall not apply to assets of the District Retirement Fund consisting of any employee contributions deducted and withheld after the freeze date or any interest thereon (computed at a rate and in a manner determined by the Secretary).

(2) *Employee contributions defined.* -- In paragraph (1) of this subsection, the term "employee contributions" means amounts deducted and withheld from the salaries of covered District employees and paid to the District Retirement Fund (and, in the case of teachers, amounts of additional deposits paid to the District Retirement Fund), pursuant to the District Retirement Program.

(d) *Responsibilities of District Government.* --

(1) *In general.* -- The transfer of assets from the District Retirement Fund under this section shall be made in accordance with the direction of the Secretary. The District Government shall promptly take all steps, and execute all documents, that the Secretary deems necessary to effect the transfer.

(2) *Final reconciliation of accounts.* -- As soon as practicable after the replacement plan adoption date, the District Government shall furnish the Trustee a final reconciliation of accounts in connection with the transfer of assets and obligations to the Trust Fund. The allocation of assets under this section shall be adjusted in accordance with this reconciliation.

(e) *Methodology for designating assets.* --

(1) *In general.* -- In carrying out subsection (b), the Secretary may develop and implement a methodology for designating assets after the replacement plan adoption date that takes into account the value of the District Retirement Fund as of the replacement plan adoption date and the proportion of such value represented by \$1.275 billion, together with the income (including returns on investments) earned on the assets of and withdrawals from and deposits to the Fund during the period between such date and the date on which the Secretary designates assets under subsection (b). In implementing a methodology under the previous sentence, the Secretary shall not be required to determine the value of designated assets as of the replacement plan adoption date. Nothing in this paragraph may be deemed to effect the entitlement of the District Retirement Fund to income

(including returns on investments) earned after the replacement plan adoption date on assets designated for retention by the Fund.

(2) *Employee contributions; Judicial Retirement and Survivors Annuity Fund.* -- The Secretary may develop and implement a methodology comparable to the methodology described in paragraph (1) in carrying out the requirements of subsection (c) and in designating assets to be transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund pursuant to § 1-714(c)(1).

(3) *Discretion of the Secretary.* -- The Secretary's development and implementation of methodologies for designating assets under this subsection shall be final and binding.

(Aug. 5, 1997, 111 Stat. 723, Pub. L. 105-33, § 11033; Oct. 21, 1998, 112 Stat. 2681-532, Pub. L. 105-277, §§ 801(g)(2), 803.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-764.3.

§ 1-807.04. TREATMENT OF TRUST FUND UNDER CERTAIN LAWS.

(a) *Internal Revenue Code.* -- For purposes of the Internal Revenue Code of 1986:

(1) The Trust Fund shall be treated as a trust described in § 401(a) of the Code which is exempt from taxation under § 501(a) of the Code;

(2) Any transfer to or distribution from the Trust Fund shall be treated in the same manner as a transfer to or distribution from a trust described in § 401(a) of the Code; and

(3) The benefits provided by the Trust Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

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

(c) *Application of certain future amendments to Internal Revenue Code.* -- To the extent that any provision of subpart A of part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 401 et seq.) is amended August 5, 1997, such provision as amended shall apply to the Trust Fund only to the extent the Secretary determines that application of the provision as amended is consistent with the administration of this chapter.

(Aug. 5, 1997, 111 Stat. 724, Pub. L. 105-33, § 11034.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-764.4.

References in Text

Sections 401 and 501 of the Internal Revenue Code, referred to in (a), are codified as 26 U.S.C. §§ 401 and 501, respectively.

The "Employee Retirement Income Security Act of 1974," referred to in (b), is codified as 29 U.S.C. § 1001 et seq.

§ 1-807.05. ADMINISTRATION THROUGH TRUSTEE.

(a) *In general.* -- As soon as practicable after the enactment of this chapter, the Secretary shall select a Trustee to administer the Trust Fund and otherwise carry out the responsibilities and duties specified in this chapter in accordance with the contract described in subsection (b) of this section.

(b) *Contract.* -- The Secretary shall enter into a contract with the Trustee to provide for the management, investment, control and auditing of Trust Fund assets, the making of Federal benefit payments under this chapter from the Trust Fund, and such other matters as the Secretary deems appropriate. The Secretary shall enforce the provisions of the contract and otherwise monitor the administration of the Trust Fund.

(c) *Subcontracts.* -- Notwithstanding any provision of a District Retirement Program or any other law, rule, or regulation, the Trustee may, with the approval of the Secretary, enter into one or more subcontracts with the District Government or any person to provide services to the Trustee in connection with its performance of the contract. The Trustee shall monitor the performance of any such subcontract and enforce its provisions.

(d) *Determination by the Secretary.* -- Notwithstanding subsection (b) or any other provision of this chapter, the Secretary may determine, with respect to any function otherwise to be performed by the Trustee, that in the interest of economy and efficiency such function shall be performed by the Secretary rather than the Trustee.

(e) *Reports.* -- The Trustee shall report to the Secretary, in a form and manner and at such intervals as the Secretary may prescribe, on any matters or transactions relating to the Trust Fund, including financial matters, as the Secretary may require.

(Aug. 5, 1997, 111 Stat. 724, Pub. L. 105-33, § 11035; Oct. 21, 1998, 112 Stat. 2681-531, Pub. L. 105-277, § 801(d).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-764.5.

§ 1-807.06. TERMINATION OF TRUST FUND.

Effective upon the transfer of the obligations and assets of the Trust Fund to the D.C. Federal Pension Fund under § 1-817.03:

(1) The Trust Fund shall terminate; and

(2) The obligation to make Federal benefit payments from the Trust Fund, and any duty imposed on any person with respect to the Trust Fund, shall terminate.

(Aug. 5, 1997, 111 Stat. 724, Pub. L. 105-33, § 11036, as added Dec. 23, 2004, 118 Stat. 3969, Pub. L. 108-489, § 2(b)(1).)

SUBCHAPTER V. RESPONSIBILITIES OF DISTRICT GOVERNMENT.

§ 1-809.01. INTERIM ADMINISTRATION.

(a) *Administration of benefits until appointment of trustee.* -- Notwithstanding subchapter II of this chapter, after the enactment of this chapter the District Government shall continue to discharge its duties and responsibilities under the District Retirement Program and the District Retirement Fund (as such duties and responsibilities are modified by this chapter), including the responsibility for Federal benefit payments, until such time as the Secretary notifies the District Government that the Secretary has directed the Trustee to carry out the duties and responsibilities required under the contract.

(b) *Reimbursement.* -- The Secretary or the Trustee shall, at such times during or after the period of interim administration described in subsection (a) of this section as are deemed appropriate by the Secretary or the Trustee, reimburse the District Government for any administrative expenses incurred by the District Government in carrying out subsection (a) of this section:

(1) If the Secretary or the Trustee finds such expenses to be reasonable and necessary; and

(2) To the extent that the District Government is not reimbursed for such expenses from other sources.

(c) *Making District Retirement Fund whole.* -- The District Government shall reimburse the District Retirement Fund for any benefits paid inconsistent with this chapter from the District Retirement Fund between the freeze date and such time as the Secretary notifies the District government that the Secretary has directed the Trustee to carry out the duties and responsibilities required under the contract.

(Aug. 5, 1997, 111 Stat. 725, Pub. L. 105-33, § 11041; Oct. 21, 1998, 112 Stat. 2681-531, Pub. L. 105-277, § 801(e); Apr. 12, 2000, D.C. Law 13-91, § 112, 47 DCR 520; Dec. 23, 2004, 118 Stat. 3969, Pub. L. 108-489, § 2(d).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-765.1.

Effect of Amendments

D.C. Law 13-91 validated a previously made technical amendment in subsec. (b).

Pub. L. 108-489, in subsec. (b), deleted "from Trust Fund" from the heading.

Legislative History of Laws

Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

§ 1-809.02. REPLACEMENT PLAN.

(a) *Adoption by District Government.* -- Not later than one year after August 5, 1997, the District Government shall adopt a replacement plan for pension benefits for covered District employees, effective as of the freeze date.

(b) *Replacement plan imposed if District Government fails to adopt plan.* -- If the District Government fails to adopt a replacement plan within the period prescribed in subsection (a) of this section, the retirement program applicable to police, firefighters, and teachers under the laws of the District of Columbia in effect as of June 1, 1997 (except as otherwise amended by this act), including all requirements of the program regarding benefits, contributions, and cost-of-living adjustments, shall be treated as the replacement plan for purposes of this chapter.

(c) *No payment of amounts paid as Federal benefit payment.* -- Notwithstanding any provision of the Reform Act or any other law, rule, or regulation, the District Government is not required to pay any amount under any replacement plan under this chapter if the amount is paid as a Federal benefit payment under this chapter.

(Aug. 5, 1997, 111 Stat. 725, Pub. L. 105-33, § 11042.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-765.2.

SUBCHAPTER VI. FINANCING OF BENEFIT PAYMENTS AFTER DEPLETION OF TRUST FUND.

§ 1-811.01. CREATION OF FEDERAL SUPPLEMENTAL FUND.

(a) *Establishment.* -- There is established on the books of the Treasury the Federal Supplemental District of Columbia Pension Fund, which shall be administered by the Secretary and shall consist of the following assets:

- (1) Amounts deposited into such Fund under the provisions of this chapter.
- (2) Any amount otherwise appropriated to such Fund.
- (3) Any income earned on the investment of the assets of such Fund pursuant to subsection (b) of this section.

(b) *Investment of assets.* -- The Secretary shall invest such portion of the Federal Supplemental Fund as is not in the judgment of the Secretary required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Federal Supplemental Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(c) *Recordkeeping for actuarial status.* -- The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the Federal Supplemental Fund.

(Aug. 5, 1997, 111 Stat. 725, Pub. L. 105-33, § 11051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-766.1.

§ 1-811.02. USES OF AMOUNTS IN FUND.

Amounts in the Federal Supplemental Fund shall be used for the accumulation of funds in order to finance obligations of the Federal Government for benefits and necessary administrative expenses under the

provisions of this chapter, in accordance with the methodology selected by the Secretary under § 1-811.04(b), except that payments from the Fund for administrative expenses may be made only to the extent and in such amounts as are provided in advance in appropriations acts.

(Aug. 5, 1997, 111 Stat. 726, Pub. L. 105-33, § 11052; Oct. 21, 1998, 112 Stat. 2681-532, Pub. L. 105-277, § 801(g)(3).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-766.2.

§ 1-811.03. DETERMINATION OF ANNUAL PAYMENT INTO FEDERAL SUPPLEMENTAL FUND.

(a) *Annual amortization amount.* -- At the end of each applicable fiscal year the Secretary shall promptly pay into the Federal Supplemental Fund from the General Fund of the Treasury an amount equal to the annual amortization amount for the year (which may not be less than zero).

(b) *Administrative expenses.* -- During each applicable fiscal year, the Secretary shall pay into the Federal Supplemental Fund from the General Fund of the Treasury amounts not to exceed the covered administrative expenses for the year.

(c) *Determination of amounts.* -- For purposes of this section:

(1) The "original unfunded liability" is the amount that is the present value as of October 21, 1998 of future benefits payable from the Federal Supplemental Fund.

(2) The "annual amortization amount" is the amount determined by the enrolled actuary to be necessary to amortize in equal annual installments (until fully amortized):

(A) The original unfunded liability over a 30-year period;

(B) A net experience gain or loss over a 10-year period; and

(C) Any other changes in actuarial liability over a 20-year period.

(3) The "covered administrative expenses" are the expenses determined by the Secretary (on an annual basis) to be necessary to administer the Federal Supplemental Fund.

(d) *Timing.* -- The first applicable fiscal year under subsection (a) of this section is the first fiscal year that ends more than six months after the replacement plan adoption date.

(Aug. 5, 1997, 111 Stat. 726, Pub. L. 105-33, § 11053; Oct. 21, 1998, 112 Stat. 2681-532, Pub. L. 105-277, § 801(f).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-766.3.

§ 1-811.04. DETERMINATION OF METHODOLOGY FOR MAKING PAYMENTS.

(a) *Notice to President and Congress.* -- Not later than 18 months before the time that assets remaining in the Trust Fund are projected to be insufficient for making Federal benefit payments and covering necessary administrative expenses when due, the Secretary shall so advise the President and the Congress.

(b) *Selection of methodology.* -- Before all available assets of the Trust Fund have been depleted, the Secretary shall determine whether Federal benefit payments and necessary administrative expenses under this chapter shall be made by one of the following methods:

(1) Continuation of the Trust Fund using payments from the Federal Supplemental Fund.

(2) Discontinuation of the Trust Fund, with payments made:

(A) By direct payment by the Secretary from the Federal Supplemental Fund; or

(B) From the Federal Supplemental Fund through another department or agency of the United States.

(c) *Arrangements by Secretary.* -- The Secretary shall make appropriate arrangements to implement the determinations made in this section.

(Aug. 5, 1997, 111 Stat. 727, Pub. L. 105-33, § 11054; Apr. 20, 1999, D.C. Law 12-264, § 6(a), 46 DCR 2118.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-766.4.

Legislative History of Laws

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

§ 1-811.05. SPECIAL REQUIREMENTS UPON DISCONTINUATION OF TRUST FUND.

(a) *Successor to Trustee.* -- If the Secretary determines that the Trust Fund shall be discontinued after it has been depleted of assets, the Secretary shall appoint a successor to the Trustee to administer the requirements of this chapter, with the same powers and subject to the same conditions as were applicable to the Trustee.

(b) *Continuing application of terms and conditions.* -- The methodology selected by the Secretary under § 1-811.04(b), and the payment of benefits pursuant to such methodology, shall be subject to the same arrangements, terms, and conditions as were applicable under this chapter to the Trust Fund and the benefits paid under the Trust Fund (including provisions relating to the treatment of the Trust Fund under certain laws).

(Aug. 5, 1997, 111 Stat. 727, Pub. L. 105-33, § 11055.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-766.5.

§ 1-811.06. TERMINATION OF FEDERAL SUPPLEMENTAL FUND.

Effective upon the transfer of the assets of the Federal Supplemental Fund to the D.C. Federal Pension Fund under § 1-817.03:

- (1) The Federal Supplemental Fund shall terminate; and
- (2) Any duty imposed on any person with respect to the Federal Supplemental fund shall terminate.

(Aug. 5, 1997, 111 Stat. 724, Pub. L. 105-33, § 11056, as added Dec. 23, 2004, 118 Stat. 3969, Pub. L. 108-489, § 2(b)(2).)

SUBCHAPTER VII. REPORTS.

§ 1-813.01. ANNUAL VALUATIONS AND REPORTS BY ENROLLED ACTUARY.

(a) *Determination of actuarial valuations.* -- The Trustee shall engage an enrolled actuary (as defined in § 7701(a)(35) of the Internal Revenue Code of 1986) who is a member of the American Academy of Actuaries to perform an annual actuarial valuation (in a manner and form determined by the Secretary) of the Trust Fund and the Federal Supplemental Fund for obligations assumed by the Federal Government under this chapter.

(b) *Annual report on status of Funds.* -- The enrolled actuary shall prepare and submit to the Secretary and the Trustee an annual report on the actuarial status of the Trust Fund and the Federal Supplemental Fund, and shall include in the report:

- (1) A projection of when assets in the Trust Fund will be insufficient to pay benefits and necessary administrative expenses when due; and
- (2) A determination of the annual payment to the Federal Supplemental Fund under § 1-811.03.

(Aug. 5, 1997, 111 Stat. 727, Pub. L. 105-33, § 11061; Apr. 20, 1999, D.C. Law 12-264, § 6(b), 46 DCR

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-767.1.

Legislative History of Laws

For legislative history of D.C. Law 12-264, see Historical and Statutory Notes following § 1-811.04.

References in Text

"Section 7701(a)(35) of the Internal Revenue Code of 1986," referred to in (a), is codified as 26 U.S.C. § 7701(a)(35).

§ 1-813.02. REPORTS BY COMPTROLLER GENERAL.

(a) *In general.* -- The Comptroller General is authorized to conduct evaluations of the administration of this chapter to ensure that the Trust Fund and Federal Supplemental Fund are being properly administered and shall report the findings of such evaluations to the Secretary and the Congress.

(b) *Access to information.* -- For the purpose of evaluations under subsection (a) of this section the Comptroller General, subject to § 6103 of the Internal Revenue Code of 1986, shall have access to and the right to copy any books, accounts, records, correspondence or other pertinent documents that are in the possession of the Secretary or the Trustee, or any contractor or subcontractor of the Secretary or the Trustee.

(Aug. 5, 1997, 111 Stat. 728, Pub. L. 105-33, § 11062.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-767.2.

References in Text

"Section 6103 of the Internal Revenue Code of 1986," referred to in (b), is codified as 26 U.S.C. § 6103.

SUBCHAPTER VIII. JUDICIAL ENFORCEMENT.**§ 1-815.01. JUDICIAL REVIEW.**

(a) *In general.* -- A civil action may be brought:

(1) By a participant or beneficiary to enforce or clarify rights to benefits from the Trust Fund or Federal Supplemental Fund under this chapter;

(2) By the Trustee:

(A) To enforce any claim arising (in whole or in part) under this chapter or the contract; or

(B) To recover benefits improperly paid from the Trust Fund or Federal Supplemental Fund or to clarify a participant's or beneficiary's rights to benefits from the Trust Fund or Federal Supplemental Fund; and

(3) By the Secretary to enforce any provision of this chapter or the contract.

(b) *Treatment of Trust Fund.* -- The Trust Fund may sue and be sued as an entity.

(c) *Exclusive remedy.* -- This subchapter shall be the exclusive means for bringing actions against the Trust Fund, the Trustee, or the Secretary under this chapter.

(Aug. 5, 1997, 111 Stat. 728, Pub. L. 105-33, § 11071.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-768.1.

§ 1-815.02. JURISDICTION AND VENUE.

(a) *In general.* -- The United States District Court for the District of Columbia shall have exclusive jurisdiction and venue, regardless of the amount in controversy, of:

(1) Civil actions brought by participants or beneficiaries pursuant to this chapter, and

(2) Any other action otherwise arising (in whole or part) under this chapter or the contract.

(b) *Review by Court of Appeals.* -- Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia issued pursuant to an action described in subsection (a) of this section that concerns the validity or enforceability of any provision of this chapter or seeks injunctive relief against the Secretary or Trustee under this chapter shall be reviewable only pursuant to a notice of appeal to the United States Court of Appeals for the District of Columbia Circuit.

(c) *Review by Supreme Court.* -- Notwithstanding any other provision of law, review by the Supreme Court of the United States of a decision of the Court of Appeals that is issued pursuant to subsection (b) of this section may be had only if the petition for relief is filed within 20 calendar days after the entry of such decision.

(d) *Restrictions on declaratory or injunctive relief.* -- No order of any court granting declaratory or injunctive relief against the Secretary or the Trustee shall take effect during the pendency of the action before such court, during the time an appeal may be taken, or (if an appeal is taken or petition for certiorari filed) during the period before the court has entered its final order disposing of the action.

(Aug. 5, 1997, 111 Stat. 728, Pub. L. 105-33, § 11072.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-768.2.

§ 1-815.03. STATUTE OF LIMITATIONS.

(a) *Action for benefits.* -- Any civil action by an individual with respect to a Federal benefit payment under this chapter shall be commenced within 180 days of a final benefit determination.

(b) *Action for breach of contract or other violations.* -- Except as provided in subsection (c) of this section, any civil action for breach of the contract or any other violation of this chapter shall be commenced within the later of:

(1) Six years after the last act that constituted the alleged breach or violation or, in the case of an omission, six years after the last date on which the alleged breach or violation could have been cured; or

(2) Three years after the earliest date on which the plaintiff knew or could have reasonably been expected to have known of the act or omission on which the action is based.

(c) *Special rule for actions against Secretary.* -- Notwithstanding subsection (b) of this section, any action against the Secretary arising (in whole or part) under this chapter or the contract shall be commenced within one year of the events giving rise to the cause of action.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11073.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-768.3.

§ 1-815.04. TREATMENT OF MISAPPROPRIATION OF FUND AMOUNTS AS FEDERAL CRIME.

The provisions of § 664 of Title 18, United States Code (relating to theft or embezzlement from employee benefit plans), shall apply to the Trust Fund and the Federal Supplemental Fund.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11074.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-768.4.

SUBCHAPTER IX. DISTRICT OF COLUMBIA

FEDERAL PENSION FUND.

§ 1-817.01. CREATION OF FUND.

(a) *Establishment.* -- There is established on the books of the Treasury the District of Columbia Teachers, Police Officers, and Firefighters Federal Pension Fund (hereafter referred to as the "D.C. Federal Pension Fund"), consisting of the following:

- (1) The assets transferred pursuant to § 1-817.03.
- (2) The annual Federal payments deposited pursuant to § 1-817.04.
- (3) Any amounts otherwise appropriated to such Fund.
- (4) Any income earned on the investment of the assets of such Fund pursuant to subsection (b) of this section.

(b) *Investment of assets.* -- The Secretary shall invest such portion of the assets of the D.C. Federal Pension Fund as is not in the judgment of the Secretary required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the D.C. Federal Pension Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(c) *Recordkeeping for actuarial status.* -- The Secretary shall provide for the keeping of such records as are necessary for determining the actuarial status of the D.C. Federal Pension Fund.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11081, as added Dec. 23, 2004, 118 Stat. 3966, Pub. L. 108-489, § 2(a)(3).)

HISTORICAL AND STATUTORY NOTES

Editor's Notes

Former § 1-817.01 has been recodified to § 1-819.01.

§ 1-817.02. USES OF AMOUNTS IN FUND.

(a) *In general.* -- Amounts in the D.C. Federal Pension Fund shall be used:

- (1) To make Federal benefit payments under this chapter;
- (2) Subject to subsection (b) of this section, to cover the reasonable and necessary administrative expenses incurred by any person in administering the D.C. Federal Pension Fund and carrying out this subchapter;
- (3) For the accumulation of funds in order to finance obligations of the Federal Government for future benefits; and
- (4) For such other purposes as are specified in this chapter.

(b) *Budgeting, certification, and approval of administrative expenses.* -- The administrative expenses of the D.C. Federal Pension Fund shall be paid in accordance with an annual budget set forth by the Pension Fund Trustee which shall be subject to certification and approval by the Secretary.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11082, as added Dec. 23, 2004, 118 Stat. 3967, Pub. L. 108-489, § 2(a)(3).)

HISTORICAL AND STATUTORY NOTES

Editor's Notes

Former § 1-817.02 has been recodified to § 1-819.02.

§ 1-817.03. TRANSFER OF ASSETS AND OBLIGATIONS OF TRUST FUND AND FEDERAL SUPPLEMENTAL FUND.

(a) *Transfer of obligations.* -- Effective October 1, 2004, all obligations to make Federal benefit payments shall be transferred from the Trust Fund to the D.C. Federal Pension Fund.

(b) *Transfer of assets.* -- Effective October 1, 2004, all assets of the Trust Fund and all assets of the Federal Supplemental Fund as of such date shall be transferred to the D.C. Federal Pension Fund.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11083, as added Dec. 23, 2004, 118 Stat. 3967, Pub. L. 108-489, § 2(a)(3).)

Former § 1-817.03 has been recodified to § 1-819.03.

§ 1-817.04. DETERMINATION OF ANNUAL FEDERAL PAYMENTS INTO D.C. FEDERAL PENSION FUND.

(a) *Annual amortization amount.* --

(1) *In general.* -- At the end of each fiscal year (beginning with fiscal year 2005), the Secretary shall promptly pay into the D.C. Federal Pension Fund from the general fund of the Treasury an amount equal to the annual amortization amount for the year (which may not be less than zero).

(2) *Determination of amount.* -- For purposes of paragraph (1) of this paragraph;

(A) The "original unfunded liability" is the present value, as of December 23, 2004, of expected future benefits payable from the Federal Supplemental Fund; and

(B) The "annual amortization amount" means the amount determined by the enrolled actuary to be necessary to amortize in equal annual installments (until fully amortized):

(i) The original unfunded liability over a 30-year period;

(ii) A net experience gain or loss over a 10-year period; and

(iii) Any other changes in actuarial liability over a 20-year period.

(3) *Schedule for amortization.* -- In determining the annual amortization amount under paragraph (2)(B) of this subsection, the enrolled actuary shall include amounts necessary to complete the amortization schedules used for determining the annual amortization amount for payments into the Federal Supplemental Fund under § 1-811.03 (as in effect prior to the enactment of this subchapter).

(b) *Administrative expense.* -- During each fiscal year (beginning with fiscal year 2009), the Secretary shall pay into the D.C. Federal Pension Fund from the general fund of the Treasury the amounts necessary to pay the reasonable and necessary administrative expenses described in § 1-817.02(a)(2) for the year.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11084, as added Dec. 23, 2004, 118 Stat. 3967, Pub. L. 108-489, § 2(a)(3).)

Former § 1-817.04 has been recodified to § 1-819.04.

§ 1-817.05. ADMINISTRATION THROUGH PENSION FUND TRUSTEE.

(a) *In general.* -- The Secretary shall select a Pension Fund Trustee to carry out the responsibilities and duties specified in this subchapter in accordance with the contract described in subsection (b) of this section.

(b) *Contract.* -- The Secretary shall enter into a contract with the Pension Fund Trustee to provide for the auditing of D.C. Federal Pension Fund assets, the making of Federal benefit payments under this chapter from the D.C. Federal Pension Fund, and such other matters as the Secretary deems appropriate. The Secretary shall enforce the provisions of the contract and otherwise monitor the administration of the D.C. Federal Pension Fund.

(c) *Subcontracts.* -- Notwithstanding any provision of a District Retirement Program or any other law, rule, or regulation, the Pension Fund Trustee may, with the approval of the Secretary, enter into one or more subcontracts with the District Government or any person to provide services to the Pension Fund Trustee in connection with its performance of the contract. The Pension Fund Trustee shall monitor the performance of any such subcontract and enforce its provisions.

(d) *Determination by the Secretary.* -- Notwithstanding subsection (b) of this section or any other provision of this chapter, the Secretary may determine, with respect to any function otherwise to be performed by the Pension Fund Trustee, that in the interest of economy and efficiency such function shall be performed by the Secretary rather than the Pension Fund Trustee.

(e) *Reports.* -- The Pension Fund Trustee shall report to the Secretary, in a form and manner and at such intervals as the Secretary may prescribe, on any matters under the responsibility of the Pension Fund Trustee as the Secretary may prescribe.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11085, as added Dec. 23, 2004, 118 Stat. 3968, Pub. L. 108-

HISTORICAL AND STATUTORY NOTES

Editor's Notes

Former § 1-817.05 has been recodified to § 1-819.05.

§ 1-817.06. APPLICABILITY OF OTHER PROVISIONS TO D.C. FEDERAL PENSION FUND.

The following provisions of this chapter shall apply with respect to the D.C. Federal Pension Fund in the same manner as such provisions applied with respect to the Trust Fund prior to October 1, 2004:

- (1) § 1-805.03(b) (relating to the repayment by the District Government of costs attributable to errors or omissions in transferred records).
- (2) § 1-807.04 (relating to the treatment of the Trust Fund under certain laws).
- (3) § 1-813.01 (relating to annual valuations and reports by the enrolled actuary), except that in applying § 1-813.01(b) to the D.C. Federal Pension Fund, the annual report required under such section shall include a determination of the annual payment to the D.C. Federal Pension Fund under § 1-817.04.
- (4) § 1-813.02 (relating to reports by the Comptroller General).
- (5) § 1-815.01 (relating to judicial review).
- (6) § 1-815.04 (relating to the treatment of misappropriation of Trust Fund amounts as a Federal crime).

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11086, as added Dec. 23, 2004, 118 Stat. 3968, Pub. L. 108-489, § 2(a)(3).)

HISTORICAL AND STATUTORY NOTES

Editor's Notes

Former § 1-817.06 has been recodified to § 1-819.06.

SUBCHAPTER X. MISCELLANEOUS.

§ 1-819.01. COORDINATION BETWEEN SECRETARY, TRUSTEE, AND DISTRICT GOVERNMENT.

The Secretary, Trustee, and District Government shall carry out responsibilities under this chapter and under the contract in a manner which promotes the cost-effective and efficient administration of benefit payments under the District Retirement Programs, and in a manner which avoids unnecessary interruptions and delays in paying individuals the full benefits to which they are entitled under such Programs.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11091, formerly § 11081; renumbered Dec. 23, 2004, 118 Stat. 3966, Pub. L. 108-489, § 2(a)(1), (2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-817.01.

1981 Ed., § 1-769.1.

Editor's Notes

Former 1-819.01 has been recodified as § 1-821.01.

§ 1-819.02. STUDY OF ALTERNATIVES FOR FINANCING FEDERAL OBLIGATIONS.

(a) *In general.* -- As soon as practicable after the date of the enactment of this chapter, the Secretary shall enter into a contract with an independent consultant to conduct a study of actuarial alternatives for financing the federal obligations assumed under this chapter, together with an analysis of the impact of each alternative on the federal budget. The Secretary and the District Government shall cooperate with the

consultant and shall provide direct access to such information systems, records, documents, information, or data as will enable the consultant to conduct the study.

(b) *Deadline.* -- The contract entered into under subsection (a) of this section shall require the consultant to report the results of the study not later than 12 months after the date of enactment of this act.

(c) *No effect on Federal obligations.* -- Nothing in this section may be construed to affect any obligation of the Federal Government to make payments under this chapter.

(Aug. 5, 1997, 111 Stat. 729, Pub. L. 105-33, § 11092, formerly § 11082; renumbered Dec. 23, 2004, 118 Stat. 3966, Pub. L. 108-489, § 2(a)(1), (2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-817.02.

1981 Ed., § 1-769.2.

References in Text

"This act," referred to in (b), is the National Capital Revitalization and Self-Government Improvement Act of 1997, Title XI of Pub. L. 105-33, 111 Stat. 712.

"The date of enactment of this chapter" and "the date of enactment of this Act," referred to in this section, is the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District of Columbia government for fiscal year 1998 meet the requirements of § 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

§ 1-819.03. ISSUANCE OF REGULATIONS BY SECRETARY.

The Secretary is authorized to issue regulations to implement, interpret, administer and carry out the purposes of this chapter, and, in the Secretary's discretion, those regulations may have retroactive effect.

(Aug. 5, 1997, 111 Stat. 730, Pub. L. 105-33, § 11093, formerly § 11083; renumbered Dec. 23, 2004, 118 Stat. 3966, Pub. L. 108-489, § 2(a)(1), (2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-817.03.

1981 Ed., § 1-769.3.

§ 1-819.04. EFFECT ON REFORM ACT AND OTHER LAWS.

(a) *Reform Act.* -- This chapter supersedes any provision of the Reform Act inconsistent with this chapter and the regulations thereunder.

(b) *No effect on tax treatment of benefits.* -- Except as otherwise specifically provided, nothing in this chapter may be construed to affect the application of any provision of the Internal Revenue Code of 1986 to any annuity or other benefit provided to or on behalf of any individual, including any disability benefit or any portion of a retirement benefit attributable to an individual's disability status.

(c) *No effect on benefits for Park Police and Secret Service.* -- Nothing in this chapter shall be deemed to alter or amend in any way the provisions of existing law (including the Reform Act) relating to the program of annuities, other retirement benefits, or medical benefits for members and officers, retired members and officers, and survivors thereof, of the United States Park Police force, the United States Secret Service, or the United States Secret Service Uniformed Division.

(Aug. 5, 1997, 111 Stat. 730, Pub. L. 105-33, § 11094(a)(1), (b), (c), formerly § 11084(a)(1), (b), (c); renumbered Dec. 23, 2004, 118 Stat. 3966, Pub. L. 108-489, § 2(a)(1), (2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-817.04.

1981 Ed., § 1-769.4.

References in Text

The "Internal Revenue Code of 1986," referred to in (b), is codified as Title 26 of the United States Code.

§ 1-819.05. [RESERVED]

§ 1-819.06. FULL FAITH AND CREDIT.

Federal obligations for benefits under this chapter are backed by the full faith and credit of the United States.

(Aug. 5, 1997, 111 Stat. 730, Pub. L. 105-33, § 11096, formerly § 11086; renumbered Dec. 23, 2004, 118 Stat. 3966, Pub. L. 108-489, § 2(a)(1), (2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-817.06.

1981 Ed., § 1-769.6.

§ 1-819.07. SEVERABILITY OF PROVISIONS.

If any provision of this chapter, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this chapter, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(Aug. 5, 1997, 111 Stat. 730, Pub. L. 105-33, § 11097, formerly § 11087; renumbered Dec. 23, 2004, 118 Stat. 3966, Pub. L. 108-489, § 2(a)(1), (2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-817.07.

1981 Ed., § 1-769.7.

SUBCHAPTER XI. APPLICABILITY.

§ 1-821.01. TRANSITION FROM DISTRICT OF COLUMBIA ADMINISTRATION.

Sections 1-805.03, 1-807.02(b)(2), 1-807.03(d), and 1-809.01 shall apply to the administration of the District of Columbia Judges Retirement Fund established under § 1-714, the District of Columbia Judicial Retirement and Survivors Annuity Fund established under § 11-1570, and the retirement program for judges under subchapter III of Chapter 15 of Title 11, except as follows:

(1) In applying section:

- (A) Any reference to this chapter shall instead refer to subchapter III of Chapter 15 of Title 11;
- (B) Any reference to the District Retirement Program shall be deemed to include the retirement program for judges under subchapter III of Chapter 15 of Title 11;
- (C) Any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established under § 1-714;
- (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;
- (E) Any reference to the Trust Fund shall instead refer to the District of Columbia Judicial Retirement and Survivors Annuity Fund established under § 11-1570;
- (F) Any reference to § 1-807.03 shall instead refer to § 1-714; and
- (G) Any reference to subchapter II shall instead refer to § 11-1570.

(2) In applying § 1-805.03:

- (A) Any reference to the contract shall instead refer to the agreement referred to in § 11-1570(b); and
- (B) Any reference to the Trustee shall instead refer to the Trustee or contractor referred to in § 11-1570(b).

(3) In applying § 1-809.01(d):

(A) Any reference to this section shall instead refer to § 1-714; and

(B) Any reference to the Trustee shall instead refer to the Secretary or the Trustee or contractor referred to in § 11-1570(b).

(4) In applying § 1-765.1(b), any reference to the Trustee shall instead refer to the Trustee or contractor referred to in § 11-1570(b).

(Oct. 21, 1998, 112 Stat. 2419, Pub. L. 105-274, § 2(d)(2); Oct. 21, 1998, 112 Stat. 2681-536, Pub. L. 105-277, § 804(d)(2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 1-819.01.

1981 Ed., § 1-769.21.

Effective Dates

Section 2(d)(3) of Pub. L. 105-274 and § 804(d)(3) of Pub. L. 105-277 provide that § 11252(c) of Pub. L. 105-33, as amended by §§ 2(d)(1) and (e)(3) of Pub. L. 105-274 and §§ 804(d)(1) and (e)(3) of Pub. L. 105-277, shall take effect on the Dates 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.