Public Law 98-104
98th Congress

An Act

To amend the District of Columbia Retirement Reform Act.

Sept. 30, 1983
[S. 1625]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 145 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866, 882-884), is amended to read as follows:

District of Columbia police officers and fire fighters, disability retirement rates.
93 Stat. 877.

"(a)(1) After January 1, and before March 1, of each year beginning with calendar year 1984 and ending with calendar year 2004, the enrolled actuary engaged pursuant to section 142 shall, with respect to the District of Columbia Police Officers and Fire Fighters' Retirement Fund—

"(A) determine, in accordance with paragraph (2) of this subsection, the disability retirement rate for the preceding calendar year; and

"(B) determine if such disability retirement rate for such preceding calendar year is greater than eight-tenths of a percentage point.

"(2) For the purposes of clause (A) of paragraph (1) of this subsection, the disability retirement rate for the applicable calendar year shall be an amount equal to a fraction, the numerator of which is the number of officers and members of the Metropolitan Police Force and the Fire Department of the District of Columbia who first became officers or members on or before February 14, 1980, and who retired on disability during such applicable year under subsection (f)(1) or (g)(1) of section 12 of the Policemen and Firemen's Retirement and Disability Act (but such numerator shall not include any such officer or member whose retirement is ordered by a court of competent jurisdiction), and the denominator of which is the total number of such officers and members who were on active duty on January 1 of such applicable calendar year.

39 Stat. 718.

"(3) The enrolled actuary shall report the determinations (including related documents and information) made under paragraph (1) of this subsection to the Board and to the Comptroller General of the United States not later than March 1 of each year.

Report to Board and Comptroller General.

"(b)(1) The Board and the Comptroller General shall each transmit a copy of each such report by the enrolled actuary under subsection (a) to the Speaker of the House of Representatives, the President pro tempore of the Senate, the chairman of the Committee on Governmental Affairs of the Senate, the chairman of the Committee on the District of Columbia of the House of Representatives, the chairman of the Committee on Appropriations of the Senate, the chairman of the Committee on Appropriations of the House of Representatives, the Mayor of the District of Columbia, and the Council of the District of Columbia, not later than March 31 of the calendar year in which the report is made, and each shall submit comments on such report.

Report copies, transmittal to Congress, Mayor, and D.C. Council.

"(2) The Comptroller General shall include in his comments on each such report transmitted under paragraph (1) of this subsection

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a statement as to whether or not the determinations made by the enrolled actuary fairly present, in all material respects, the requirements of subsection (a) of this section.

Reduced amount, determination.

93 Stat. 881.

"(3) With respect to each applicable fiscal year, the Comptroller General shall make a determination, as provided for under subsection (c)(1) of this section of the amount, if any, by which the authorization under section 144(a)(1) should be reduced. The results of such determination, together with such other data, information, and comments as the Comptroller General may deem necessary to enable the Congress, and the appropriate committees thereof, to carry out the provisions of subsection (c) of this section, shall be included as a part of his report under paragraph (1) of this subsection.

"(c)(1) Notwithstanding any other provision of this Act, with respect to the fiscal year commencing October 1, 1984, and each fiscal year thereafter through the fiscal year commencing October 1, 2004, the authorization under section 144(a)(1) for each such fiscal year shall be deemed, for purposes of such section, to be reduced in the amount hereafter provided, if the report, submitted by the Comptroller General pursuant to subsection (b) of this section in the calendar year in which such fiscal year commences, states that the disability retirement rate under subsection (a) of this section for the preceding calendar year is greater than eight-tenths of a percentage point. The amount of such reduction shall be 1½ per centum for each whole tenth of a percentage point by which the disability retirement rate is greater than eight-tenths of a percentage point.

"(2) There shall be no reduction pursuant to section 144(a)(1) and paragraph (1) of this subsection for any such fiscal year, if, in computing the disability retirement rate under subsection (a) of this section for the calendar year preceding the calendar year in which such fiscal year commences, the numerator is less than eight.

Catastrophic or unordinary events.

"(3)(A) If the Board determines, on the basis of substantial facts, that unordinary circumstances or events of catastrophic magnitude, such as a fire or civil disorder, caused or significantly contributed to the number of disability retirements under subsection (g)(1) of section 12 of the Policemen and Firemen's Retirement and Disability

39 Stat. 718.

Act during a calendar year covered by the report submitted by the Comptroller General pursuant to subsection (b) of this section, it shall submit a detailed statement on such circumstances and events to the Federal Emergency Management Agency and the Comptroller General. Such statement shall be submitted on or before July 1 of the calendar year next following the calendar year covered by such report of the Comptroller General. The statement shall contain, among other matters, data on the total number of disability retirements under subsections (f)(1) and (g)(1) of section 12 of such Act for the applicable calendar year, the number of such retirements under subsection (g)(1) of such Act which, in the opinion of the Board, were caused or significantly contributed to by such circumstances or events, and an explanation as to why the Board considers such events or circumstances to be unordinary and of a catastrophic magnitude.

Report review by Federal Emergency Management Agency.

"(B) The Federal Emergency Management Agency shall review the Board's report and provide the Board its assessment within sixty days of receipt of the Board's report, of the scope, nature, involvement, and impact on District of Columbia police officers and firefighters of the events determined by the Board to be of unordinary

and of a catastrophic nature. The Agency shall submit copies of its assessment to the Comptroller General, the Board, and the offices and officers set forth in subsection (b) of this section.

Agency assessment, copies.

"(C)(1) The Comptroller General, on the basis of such reports from the Board and the Federal Emergency Management Agency, shall determine the extent to which such disability retirements which such Agency determined were caused or contributed to by such events and circumstances, caused a reduction in the amount appropriated to the Fund as provided under subsection (c) of this section. The Comptroller General shall report the amount of such reduction so caused to the Board and to the offices and officers set forth in subsection (b)(1) of this section. Such reports shall be submitted on or before December 31 of the calendar year in which he receives such report of the Federal Emergency Management Agency.

"(2) In addition to the amount authorized to be appropriated to the Fund for any fiscal year under section 144(a)(1), there is authorized to be appropriated for the fiscal year commencing October 1, 1984, and each fiscal year thereafter, such sum as may be necessary to pay to the Fund an amount equal to the amount of any reduction, plus interest lost to the Fund because of the reduction, for a fiscal year as reported by the Comptroller General to the offices and officers of the Congress pursuant to paragraph (1) of this subsection, but in no case shall any moneys be appropriated on the basis of the authorization pursuant to this paragraph except to the extent that any such reduction was actually made.".

Appropriation authorization. 93 Stat. 881.

SEC. 2. The amendment made by this Act shall be considered as having taken effect as of January 1, 1983.

Effective date.

Approved September 30, 1983.

LEGISLATIVE HISTORY—S. 1625:

HOUSE REPORT No. 98-372 (Comm. on the District of Columbia).
SENATE REPORT No. 98-217 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 129 (1983):
Aug. 3, considered and passed Senate.
Sept. 26, considered and passed House.