

## Union Calendar No. 386

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

# H. R. 4185

[Report No. 113–514]

To revise certain authorities of the District of Columbia courts, the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2014

Ms. NORTON introduced the following bill; which was referred to the  
Committee on Oversight and Government Reform

JULY 3, 2014

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

To revise certain authorities of the District of Columbia courts, the Court Services and Offender Supervision Agency for the District of Columbia, and the Public Defender Service for the District of Columbia, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “District of Columbia  
 5       Courts, Public Defender Service, and Court Services and  
 6       Offender Supervision Agency Act of 2014”.

7       **SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.**

8       (a) AUTHORIZATION TO COLLECT DEBTS AND ERRO-  
 9       NEOUS PAYMENTS FROM EMPLOYEES.—

10               (1) IN GENERAL.—Chapter 17 of title 11, Dis-  
 11       trict of Columbia Official Code, is amended by add-  
 12       ing at the end of subchapter II the following new  
 13       section:

14       **“§ 11–1733. Collection, compromise, and waiver of em-**  
 15               **ployee debts and erroneous payments**

16       “(a) COLLECTION OF DEBTS AND ERRONEOUS PAY-  
 17       MENTS MADE TO EMPLOYEES.—

18               “(1) AUTHORITY TO COLLECT.—If the Execu-  
 19       tive Officer determines that an employee or former  
 20       employee of the District of Columbia Courts is in-  
 21       debted to the District of Columbia Courts because of  
 22       an erroneous payment made to or on behalf of the  
 23       employee, or any other debt, the Executive Officer  
 24       may collect the amount of the indebtedness in ac-  
 25       cordance with this subsection.

1           “(2) TIMING OF COLLECTION.—Any debt au-  
2           thorized to be collected under this subsection may be  
3           collected in monthly installments or at officially es-  
4           tablished regular pay period intervals, by deduction  
5           in reasonable amounts from the current pay of the  
6           employee.

7           “(3) SOURCE OF DEDUCTIONS.—Deductions de-  
8           scribed in paragraph (2) may be made from any  
9           wages, salary, compensation, remuneration for serv-  
10          ices, or other authorized pay, including but not lim-  
11          ited to incentive pay, back pay, and lump sum leave  
12          payments, but not including retirement pay.

13          “(4) LIMIT ON AMOUNT.—The amount de-  
14          ducted with respect to an employee for any period  
15          may not exceed 20 percent of the employee’s dispos-  
16          able pay, except that a greater percentage may be  
17          deducted upon consent of the employee involved.

18          “(5) COLLECTIONS AFTER EMPLOYMENT.—If  
19          an employee’s employment ends before collection of  
20          the amount of the employee’s indebtedness is com-  
21          pleted, deductions may be made from later non-peri-  
22          odic government payments of any nature due the  
23          former employee, except retirement pay, and such  
24          deductions may be made without regard to the limit  
25          under paragraph (4).

1 “(b) NOTICE AND HEARING REQUIRED.—

2 “(1) IN GENERAL.—Except as provided in para-  
3 graph (3), prior to initiating any proceedings under  
4 subsection (a) to collect any indebtedness of an indi-  
5 vidual, the Executive Officer shall provide the indi-  
6 vidual with—

7 “(A) a minimum of 30 days written notice,  
8 informing such individual of the nature and  
9 amount of the indebtedness determined by the  
10 District of Columbia Courts to be due, the in-  
11 tention of the Courts to initiate proceedings to  
12 collect the debt through deductions from pay,  
13 and an explanation of the rights of the indi-  
14 vidual under this section;

15 “(B) an opportunity to inspect and copy  
16 Court records relating to the debt;

17 “(C) an opportunity to enter into a written  
18 agreement with the Courts, under terms agree-  
19 able to the Executive Officer, to establish a  
20 schedule for the repayment of the debt; and

21 “(D) an opportunity for a hearing in ac-  
22 cordance with paragraph (2) on the determina-  
23 tion of the Courts concerning the existence or  
24 the amount of the debt, and in the case of an  
25 individual whose repayment schedule is estab-

lished other than by a written agreement pursuant to subparagraph (C), concerning the terms of the repayment schedule.

“(2) PROCEDURES FOR HEARINGS.—

“(A) AVAILABILITY OF HEARING UPON REQUEST.—A hearing under this paragraph shall be provided if the individual, on or before the fifteenth day following receipt of the notice described in paragraph (1)(A), and in accordance with such procedures as the Executive Officer may prescribe, files a petition requesting such a hearing.

“(B) BASIS FOR HEARING.—Unless the hearing officer determines that the existence or the amount of the debt turns on an issue of credibility or veracity or cannot be resolved by a review of the documentary evidence, the hearing shall be on the written submissions.

“(C) STAY OF COLLECTION PROCEEDINGS.—The timely filing of a petition for hearing shall stay the commencement of collection proceedings.

“(D) INDEPENDENT OFFICER.—A hearing under this paragraph shall be conducted by an independent hearing officer appointed in ac-

1 cordance with regulations promulgated under  
2 subsection (e).

3 “(E) DEADLINE FOR DECISION.—The  
4 hearing officer shall issue a final decision re-  
5 garding the questions covered by the hearing at  
6 the earliest practicable date, but not later than  
7 60 days after the hearing.

8 “(3) EXCEPTION.—Paragraphs (1) and (2)  
9 shall not apply to routine intra-Courts adjustments  
10 of pay that are attributable to clerical or administra-  
11 tive errors or delays in processing pay documents  
12 that have occurred within the 4 pay periods pre-  
13 ceding the adjustment and to any adjustment that  
14 amounts to \$50 or less, if at the time of such ad-  
15 justment, or as soon thereafter as practical, the indi-  
16 vidual is provided written notice of the nature and  
17 the amount of the adjustment and a point of contact  
18 for contesting such adjustment.

19 “(c) COMPROMISE.—

20 “(1) AUTHORITY TO COMPROMISE CLAIMS.—  
21 The Executive Officer may—

22 “(A) compromise a claim to collect an in-  
23 debtedness under this section if the amount in-  
24 volved is not more than \$100,000; and

1           “(B) suspend or end collection action on  
2           such a claim if it appears that no person liable  
3           on the claim has the present or prospective abil-  
4           ity to pay a significant amount of the claim or  
5           if the cost of collecting the claim is likely to be  
6           more than the amount recovered.

7           “(2) EFFECT OF COMPROMISE.—A compromise  
8           under this subsection is final and conclusive unless  
9           gotten by fraud, misrepresentation, presenting a  
10          false claim, or mutual mistake of fact.

11          “(3) NO LIABILITY OF OFFICIAL RESPONSIBLE  
12          FOR COMPROMISE.—An accountable official is not  
13          liable for an amount paid or for the value of prop-  
14          erty lost or damaged if the amount or value is not  
15          recovered because of a compromise under this sub-  
16          section.

17          “(d) WAIVER OF CLAIM.—

18          “(1) AUTHORITY TO WAIVE CLAIMS.—Upon ap-  
19          plication from a person liable on a claim to collect  
20          an indebtedness under this section, the Executive  
21          Officer may, with written justification, waive the  
22          claim if collection would be—

23                  “(A) against equity;

24                  “(B) against good conscience; and



1           “(C) not in the best interests of the  
2           Courts.

3           “(2) LIMITATIONS ON AUTHORITY.—The Exec-  
4           utive Officer may not exercise the authority under  
5           this subsection to waive a claim if—

6                   “(A) in the Executive Officer’s opinion,  
7                   there exists, in connection with the claim, an in-  
8                   dication of fraud, misrepresentation, fault, or  
9                   lack of good faith on the part of the employee,  
10                  former employee, or any other person having an  
11                  interest in obtaining a waiver of the claim; or

12                   “(B) the application for waiver is received  
13                  in the Executive Officer’s office after the expi-  
14                  ration of 3 years immediately following the date  
15                  on which the erroneous payment was discovered  
16                  or 3 years after the date of the enactment of  
17                  this section, whichever is later, except if the  
18                  claim involves money owed for Federal health  
19                  benefits, Federal life insurance, or Federal re-  
20                  tirement benefits.

21           “(3) DENIAL OF APPLICATION FOR WAIVER.—  
22           A decision by the Executive Officer to deny an appli-  
23           cation for a waiver under this subsection shall be the  
24           final administrative decision of the District govern-  
25           ment.

1           “(4) REFUND OF AMOUNTS ALREADY COL-  
2           LECTED AGAINST CLAIM SUBSEQUENTLY WAIVED.—  
3           If the Courts have been reimbursed for a claim  
4           under this section in whole or in part, and a waiver  
5           of the claim is then granted, the employee or former  
6           employee shall be entitled to a refund of the amount  
7           of the reimbursement upon application for that re-  
8           fund, so long as the application is received not later  
9           than 2 years after the effective date of the waiver.

10           “(5) EFFECT ON ACCOUNTS OF COURTS.—In  
11           the audit and settlement of accounts of any account-  
12           able official, full credit shall be given for any  
13           amounts with respect to which collection by the  
14           Courts is waived under this subsection.

15           “(6) VALIDITY OF PAYMENTS.—An erroneous  
16           payment or debt, the collection of which is waived  
17           under this subsection, is a valid payment for all pur-  
18           poses.

19           “(7) NO EFFECT ON OTHER AUTHORITIES.—  
20           Nothing contained in this subsection shall be con-  
21           strued to affect in any way the authority under any  
22           other statute to litigate, settle, compromise, or waive  
23           any claim of the District of Columbia.

24           “(e) REGULATIONS.—The Executive Officer’s author-  
25           ity under this section shall be subject to regulations pro-

1 mulgated by the Joint Committee on Judicial Administra-  
2 tion.”.

3 (2) CLERICAL AMENDMENT.—The table of con-  
4 tents of chapter 17 of title 11, District of Columbia  
5 Official Code, is amended by adding at the end of  
6 the items relating to subchapter II the following new  
7 item:

“11–1733. Collection, compromise, and waiver of employee debts and erroneous  
payments.”.

8 (3) EFFECTIVE DATE.—The amendments made  
9 by this subsection shall apply with respect to erro-  
10 neous payments made and debts incurred before, on,  
11 or after the date of the enactment of this Act.

12 (b) AUTHORIZATION TO PURCHASE UNIFORMS FOR  
13 PERSONNEL.—Section 11–1742(b), District of Columbia  
14 Official Code, is amended by adding at the end the fol-  
15 lowing new sentence: “Under the authority of the previous  
16 sentence, the Executive Officer may purchase uniforms to  
17 be worn by nonjudicial employees of the District of Colum-  
18 bia Courts whose responsibilities warrant the wearing of  
19 uniforms, so long as the cost of furnishing a uniform to  
20 an employee during a year does not exceed the amount  
21 applicable for the year under section 5901(a)(1) of title  
22 5, United States Code (relating to the uniform allowance  
23 for employees of the Government of the United States).”.

1 **SEC. 3. AUTHORITIES OF COURT SERVICES AND OFFENDER**  
2 **SUPERVISION AGENCY.**

3 (a) AUTHORITY TO DEVELOP AND OPERATE INCEN-  
4 TIVE PROGRAMS FOR SENTENCED OFFENDERS.—Section  
5 11233(b)(2)(F) of the National Capital Revitalization and  
6 Self-Government Improvement Act of 1997 (sec. 24–  
7 133(b)(2)(F), D.C. Official Code) is amended by striking  
8 “sanctions” and inserting “sanction and incentive”.

9 (b) PERMANENT AUTHORITY TO ACCEPT GIFTS.—  
10 Section 11233(b)(3)(A) of such Act (sec. 24–  
11 133(b)(3)(A), D.C. Official Code) is amended to read as  
12 follows:

13 “(A) AUTHORITY TO ACCEPT GIFTS.—The  
14 Director may accept, solicit, and use on behalf  
15 of the Agency any monetary or nonmonetary  
16 gift, donation, bequest, or use of facilities, prop-  
17 erty, or services for the purpose of aiding or fa-  
18 cilitating the work of the Agency.”.

19 (c) PERMANENT AUTHORITY TO ACCEPT AND USE  
20 REIMBURSEMENTS FROM DISTRICT GOVERNMENT.—Sec-  
21 tion 11233(b)(4) of such Act (sec. 24–133(b)(4)) is  
22 amended by striking “During fiscal years 2006 through  
23 2008, the Director” and inserting “The Director”.

24 **SEC. 4. AUTHORITIES OF PUBLIC DEFENDER SERVICE.**

25 (a) ACCEPTANCE AND USE OF SERVICES OF VOLUN-  
26 TEERS.—Section 307(b) of such Act (sec. 2–1607(b), D.C.

1 Official Code) is amended by striking “the Service may  
2 accept public grants and private contributions made to as-  
3 sist it” and inserting “the Service may accept and use  
4 public grants, private contributions, and voluntary and un-  
5 compensated (gratuitous) services to assist it”.

6 (b) TREATMENT OF MEMBERS OF BOARD OF TRUST-  
7 EES AS EMPLOYEES OF SERVICE FOR PURPOSES OF LI-  
8 ABILITY.—

9 (1) IN GENERAL.—Section 303(d) of such Act  
10 (sec. 2–1603(d), D.C. Official Code) is amended by  
11 striking “employees of the District of Columbia”  
12 and inserting “employees of the Service”.

13 (2) EFFECTIVE DATE.—The amendment made  
14 by paragraph (1) shall take effect as if included in  
15 the enactment of the District of Columbia Courts  
16 and Justice Technical Corrections Act of 1998 (Pub-  
17 lic Law 105–274).

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113<sup>TH</sup> CONGRESS  
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