

Calendar No. 190114TH CONGRESS
1ST SESSION**S. 1629****[Report No. 114–110]**

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.

IN THE SENATE OF THE UNITED STATES**JUNE 18, 2015**

Mr. JOHNSON (for himself and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

AUGUST 3, 2015

Reported by Mr. JOHNSON, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “District of Columbia
3 Courts, Public Defender Service, and Court Services and
4 Offender Supervision Agency Act of 2015”.

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

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

8 (1) IN GENERAL.—Subchapter II of chapter 17
9 of title 11, District of Columbia Official Code, is
10 amended by adding at the end the following:

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

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

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

23 “(2) TIMING OF COLLECTION.—The Executive
24 Officer may collect a debt from an employee under
25 this subsection in monthly installments or at offi-
26 cially established regular pay period intervals, by de-

1 duction in reasonable amounts from the current pay
2 of the employee.

3 “(3) SOURCE OF DEDUCTIONS.—The Executive
4 Officer may make a deduction under paragraph (2)
5 from any wages, salary, compensation, remuneration
6 for services, or other authorized pay, including in-
7 centive pay, back pay, and lump sum leave pay-
8 ments, but not including retirement pay.

9 “(4) LIMIT ON AMOUNT.—In making deduc-
10 tions under paragraph (2) with respect to an em-
11 ployee, the Executive Officer—

12 “(A) except as provided in subparagraph
13 (B), may not deduct more than 20 percent of
14 the disposable pay of the employee for any pe-
15 riod; and

16 “(B) upon consent of the employee, may
17 deduct more than 20 percent of the disposable
18 pay of the employee for any period.

19 “(5) COLLECTIONS AFTER EMPLOYMENT.—If
20 the employment of an employee ends before the Ex-
21 ecutive Officer completes the collection of the
22 amount of the employee’s debt under this subsection,
23 deductions may be made—

1 “(A) from later non-periodic government
2 payments of any nature due the former em-
3 ployee, except retirement pay; and

4 “(B) without regard to the limit under
5 paragraph (4)(A).

6 “(b) NOTICE AND HEARING REQUIRED.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (3), prior to initiating any proceeding under
9 subsection (a) to collect any debt from an individual,
10 the Executive Officer shall provide the individual
11 with—

12 “(A) written notice, not later than 30 days
13 before the date on which the Executive Officer
14 initiates the proceeding, that informs the indi-
15 vidual of—

16 “(i) the nature and amount of the
17 debt determined by the District of Colum-
18 bia Courts to be due;

19 “(ii) the intention of the Courts to ini-
20 tiate a proceeding to collect the debt
21 through deductions from pay; and

22 “(iii) an explanation of the rights of
23 the individual under this section;

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

1 “(C) an opportunity to enter into a written
2 agreement with the Courts, under terms agree-
3 able to the Executive Officer, to establish a
4 schedule for the repayment of the debt; and

5 “(D) an opportunity for a hearing in ac-
6 cordance with paragraph (2) on the determina-
7 tion of the Courts—

8 “(i) concerning the existence or
9 amount of the debt; and

10 “(ii) in the case of an individual
11 whose repayment schedule is established
12 other than by a written agreement under
13 subparagraph (C), concerning the terms of
14 the repayment schedule.

15 “(2) PROCEDURES FOR HEARINGS.—

16 “(A) AVAILABILITY OF HEARING UPON RE-
17 QUEST.—Except as provided in paragraph (3),
18 the Executive Officer shall provide a hearing
19 under this paragraph if an individual, not later
20 than 15 days after the date on which the indi-
21 vidual receives a notice under paragraph (1)(A),
22 and in accordance with any procedures that the
23 Executive Officer prescribes, files a petition re-
24 questing the hearing.

1 “(B) BASIS FOR HEARING.—A hearing
2 under this paragraph shall be on the written
3 submissions unless the hearing officer deter-
4 mines that the existence or amount of the
5 debt—

6 “(i) turns on an issue of credibility or
7 veracity; or

8 “(ii) cannot be resolved by a review of
9 the documentary evidence.

10 “(C) STAY OF COLLECTION PRO-
11 CEEDINGS.—The timely filing of a petition for
12 a hearing under subparagraph (A) shall stay
13 the commencement of collection proceedings
14 under this section.

15 “(D) INDEPENDENT OFFICER.—An inde-
16 pendent hearing officer appointed in accordance
17 with regulations promulgated under subsection
18 (e) shall conduct a hearing under this para-
19 graph.

20 “(E) DEADLINE FOR DECISION.—The
21 hearing officer shall issue a final decision re-
22 garding the questions covered by the hearing at
23 the earliest practicable date, and not later than
24 60 days after the date of the hearing.

1 “(3) EXCEPTION.—Paragraphs (1) and (2)
 2 shall not apply to a routine intra-Courts adjustment
 3 of pay that is attributable to a clerical or adminis-
 4 trative error or delay in processing pay documents
 5 that occurred within the 4 pay periods preceding the
 6 adjustment or to any adjustment that amounts to
 7 not more than \$50, if at the time of the adjustment,
 8 or as soon thereafter as practical, the Executive Of-
 9 ficer provides the individual—

10 “(A) written notice of the nature and
 11 amount of the adjustment; and

12 “(B) a point of contact for contesting the
 13 adjustment.

14 “(c) COMPROMISE.—

15 “(1) AUTHORITY TO COMPROMISE CLAIMS.—
 16 The Executive Officer may—

17 “(A) compromise a claim to collect a debt
 18 under this section if the amount involved is not
 19 more than \$100,000; and

20 “(B) suspend or end collection action on a
 21 claim described in subparagraph (A) if the Ex-
 22 ecutive Officer determines that—

23 “(i) no person liable on the claim has
 24 the present or prospective ability to pay a
 25 significant amount of the claim; or

1 “(ii) the cost of collecting the claim is
 2 likely to be more than the amount recov-
 3 ered.

4 “(2) EFFECT OF COMPROMISE.—A compromise
 5 under this subsection shall be final and conclusive
 6 unless obtained by fraud, misrepresentation, pre-
 7 senting a false claim, or mutual mistake of fact.

8 “(3) NO LIABILITY OF OFFICIAL RESPONSIBLE
 9 FOR COMPROMISE.—An accountable official shall not
 10 be liable for an amount paid or for the value of
 11 property lost or damaged if the amount or value is
 12 not recovered because of a compromise under this
 13 subsection.

14 “(d) WAIVER OF CLAIM.—

15 “(1) AUTHORITY TO WAIVE CLAIMS.—Upon ap-
 16 plication from a person liable on a claim to collect
 17 a debt under this section, the Executive Officer may,
 18 with written justification, waive the claim if collec-
 19 tion would be—

20 “(A) against equity;

21 “(B) against good conscience; and

22 “(C) not in the best interests of the Dis-
 23 trict of Columbia Courts.

1 “(2) LIMITATIONS ON AUTHORITY.—The Exec-
2 utive Officer may not waive a claim under this sub-
3 section if the Executive Officer—

4 “(A) determines that there exists, in con-
5 nection with the claim, an indication of fraud,
6 misrepresentation, fault, or lack of good faith
7 on the part of the employee, the former em-
8 ployee, or any other person that has an interest
9 in obtaining a waiver of the claim; or

10 “(B) receives the application for waiver
11 later than 3 years after the later of the date on
12 which the erroneous payment was discovered or
13 the date of enactment of this section, unless the
14 claim involves money owed for Federal health
15 benefits, Federal life insurance, or Federal re-
16 tirement benefits.

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

22 “(4) REFUND OF AMOUNTS ALREADY COL-
23 LECTED AGAINST CLAIM SUBSEQUENTLY WAIVED.—
24 If the Executive Officer waives a claim against an
25 employee or former employee under this section after

1 the District of Columbia Courts have been reim-
2 bursed for the claim in whole or in part, the Execu-
3 tive Officer shall provide the employee or former em-
4 ployee a refund of the amount of the reimbursement
5 upon application for the refund, if the Executive Of-
6 ficer receives the application not later than 2 years
7 after the effective date of the waiver.

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

14 “(6) VALIDITY OF PAYMENTS.—An erroneous
15 payment or debt, the collection of which is waived
16 under this subsection, shall be a valid payment for
17 all purposes.

18 “(7) NO EFFECT ON OTHER AUTHORITIES.—
19 Nothing in this subsection shall be construed to af-
20 fect the authority of the District of Columbia under
21 any other statute to litigate, settle, compromise, or
22 waive any claim of the District of Columbia.

23 “(e) REGULATIONS.—The authority of the Executive
24 Officer under this section shall be subject to regulations
25 promulgated by the Joint Committee.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any erroneous payment made or debt incurred before, on, or after the date of enactment of this Act.

21 SEC. 3. AUTHORITIES OF COURT SERVICES AND OFFENDER
22 SUPERVISION AGENCY.

23 (a) AUTHORITY TO DEVELOP AND OPERATE PRO-
24 GRAMMATIC INCENTIVES FOR SENTENCED OFFEND-

1 ERS.—Section 11233(b)(2)(F) of the National Capital Re-
 2 vitalization and Self-Government Improvement Act of
 3 1997 (sec. 24–133(b)(2)(F), D.C. Official Code) is amend-
 4 ed by striking “sanctions” and inserting “sanctions and
 5 incentives”.

6 (b) PERMANENT AUTHORITY TO ACCEPT GIFTS.—
 7 Section 11233(b)(3)(A) of the National Capital Revitaliza-
 8 tion and Self-Government Improvement Act of 1997 (sec.
 9 24–133(b)(3)(A), D.C. Official Code) is amended to read
 10 as follows:

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

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

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

23 (a) ACCEPTANCE AND USE OF SERVICES OF VOLUN-
 24 TEERS.—Section 307(b) of the District of Columbia Court
 25 Reform and Criminal Procedure Act of 1970 (sec. 2–

1 1607(b), D.C. Official Code) is amended by striking “the
 2 Service may accept public grants and private contributions
 3 made to assist it” and inserting “the Service may accept
 4 and use public grants, private contributions, and voluntary
 5 and uncompensated (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 the Dis-
 10 trict of Columbia Court Reform and Criminal Proce-
 11 dure Act of 1970 (sec. 2–1603(d), D.C. Official
 12 Code) is amended by striking “employees of the Dis-
 13 trict of Columbia” and inserting “employees of the
 14 Service”.

15 (2) EFFECTIVE DATE.—The amendment made
 16 by paragraph (1) shall take effect as if included in
 17 the enactment of the District of Columbia Courts
 18 and Justice Technical Corrections Act of 1998 (Pub-
 19 lic Law 105–274; 112 Stat. 2419).

Calendar No. 190

114TH CONGRESS
1ST Session

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