

# Union Calendar No. 281

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1629

[Report No. 114-368]

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2015

Referred to the Committee on Oversight and Government Reform

DECEMBER 3, 2015

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 2015”.

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.—**Subchapter II of chapter 17  
 11 of title 11, District of Columbia Official Code, is  
 12 amended by adding at the end the following:

13 **“§ 11–1733. Collection, compromise, and waiver of em-**  
 14 **ployee debts and erroneous payments**

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

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

1           “(2) TIMING OF COLLECTION.—The Executive  
2           Officer may collect a debt from an employee under  
3           this subsection in monthly installments or at offi-  
4           cially established regular pay period intervals, by de-  
5           duction in reasonable amounts from the current pay  
6           of the employee.

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

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

16                 “(A) except as provided in subparagraph  
17                 (B), may not deduct more than 20 percent of  
18                 the disposable pay of the employee for any pe-  
19                 riod; and

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

23          “(5) COLLECTIONS AFTER EMPLOYMENT.—If  
24          the employment of an employee ends before the Ex-  
25          ecutive Officer completes the collection of the

1 amount of the employee's debt under this subsection,  
2 deductions may be made—

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

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

8 “(b) NOTICE AND HEARING REQUIRED.—

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

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

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

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

24 “(iii) an explanation of the rights of  
25 the individual under this section;

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

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

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

10                   “(i) concerning the existence or  
11 amount of the debt; and

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

17           “(2) PROCEDURES FOR HEARINGS.—

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

1 Executive Officer prescribes, files a petition re-  
2 questing the hearing.

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

8 “(i) turns on an issue of credibility or  
9 veracity; or

10 “(ii) cannot be resolved by a review of  
11 the documentary evidence.

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

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

22 “(E) DEADLINE FOR DECISION.—The  
23 hearing officer shall issue a final decision re-  
24 garding the questions covered by the hearing at

1           the earliest practicable date, and not later than  
2           60 days after the date of the hearing.

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

12                   “(A) written notice of the nature and  
13                   amount of the adjustment; and

14                   “(B) a point of contact for contesting the  
15                   adjustment.

16          “(c) COMPROMISE.—

17                   “(1) AUTHORITY TO COMPROMISE CLAIMS.—  
18          The Executive Officer may—

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

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

1                   “(i) no person liable on the claim has  
2                   the present or prospective ability to pay a  
3                   significant amount of the claim; or

4                   “(ii) the cost of collecting the claim is  
5                   likely to be more than the amount recov-  
6                   ered.

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

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

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                  a debt under this section, the Executive Officer may,  
21                  with written justification, waive the claim if collec-  
22                  tion would be—

23                         “(A) against equity;

24                         “(B) against good conscience; and

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

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

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

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

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

24          “(4) REFUND OF AMOUNTS ALREADY COL-  
25          LECTED AGAINST CLAIM SUBSEQUENTLY WAIVED.—

1 If the Executive Officer waives a claim against an  
2 employee or former employee under this section after  
3 the District of Columbia Courts have been reim-  
4 bursed for the claim in whole or in part, the Execu-  
5 tive Officer shall provide the employee or former em-  
6 ployee a refund of the amount of the reimbursement  
7 upon application for the refund, if the Executive Of-  
8 ficer receives the application not later than 2 years  
9 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 Dis-  
14 trict of Columbia Courts is waived under this sub-  
15 section.

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

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

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

4           (2) CLERICAL AMENDMENT.—The table of sec-  
5 tions for subchapter II of chapter 17 of title 11,  
6 District of Columbia Official Code, is amended by  
7 adding at the end the following:

“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 any er-  
10 roneous payment made or debt incurred before, on,  
11 or after the date of 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: “In carrying out the authority under the preceding  
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 if the cost of furnishing a uniform to an em-  
20 ployee during a year does not exceed the amount applica-  
21 ble for the year under section 5901(a)(1) of title 5, United  
22 States Code (relating to the uniform allowance for employ-  
23 ees 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 PRO-**  
4 **GRAMMATIC INCENTIVES FOR SENTENCED OFFEND-**  
5 **ERS.**—Section 11233(b)(2)(F) of the National Capital Re-  
6 vitalization and Self-Government Improvement Act of  
7 1997 (sec. 24–133(b)(2)(F), D.C. Official Code) is amend-  
8 ed by striking “sanctions” and inserting “sanctions and  
9 incentives”.

10 (b) **PERMANENT AUTHORITY TO ACCEPT GIFTS.**—  
11 Section 11233(b)(3)(A) of the National Capital Revitaliza-  
12 tion and Self-Government Improvement Act of 1997 (sec.  
13 24–133(b)(3)(A), D.C. Official Code) is amended to read  
14 as follows:

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

21 (c) **PERMANENT AUTHORITY TO ACCEPT AND USE**  
22 **REIMBURSEMENTS FROM DISTRICT GOVERNMENT.**—Sec-  
23 tion 11233(b)(4) of such Act (sec. 24–133(b)(4)) is  
24 amended by striking “During fiscal years 2006 through  
25 2008, the Director” and inserting “The Director”.

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

2 (a) ACCEPTANCE AND USE OF SERVICES OF VOLUN-  
3 TEERS.—Section 307(b) of the District of Columbia Court  
4 Reform and Criminal Procedure Act of 1970 (sec. 2–  
5 1607(b), D.C. Official Code) is amended by striking “the  
6 Service may accept public grants and private contributions  
7 made to assist it” and inserting “the Service may accept  
8 and use public grants, private contributions, and voluntary  
9 and uncompensated (gratuitous) services to assist it”.

10 (b) TREATMENT OF MEMBERS OF BOARD OF TRUST-  
11 EES AS EMPLOYEES OF SERVICE FOR PURPOSES OF LI-  
12 ABILITY.—

13 (1) IN GENERAL.—Section 303(d) of the Dis-  
14 trict of Columbia Court Reform and Criminal Proce-  
15 dure Act of 1970 (sec. 2–1603(d), D.C. Official  
16 Code) is amended by striking “employees of the Dis-  
17 trict of Columbia” and inserting “employees of the  
18 Service”.

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



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1<sup>ST</sup> Session

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