

113TH CONGRESS
2^D SESSION

H. R. 4185

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 HOUSE OF REPRESENTATIVES

MARCH 10, 2014

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

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”.

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

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

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

8 **“§ 11–1733. Collection, compromise, and waiver of em-
9 ployee debts and erroneous payments**

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

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

20 “(2) TIMING OF COLLECTION.—Any debt au-
21 thorized to be collected under this subsection may be
22 collected in monthly installments or at officially es-
23 tablished regular pay period intervals, by deduction
24 in reasonable amounts from the current pay of the
25 employee.

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

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

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

20 “(b) NOTICE AND HEARING REQUIRED.—

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

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

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

11 “(C) an opportunity to enter into a written
12 agreement with the Courts, under terms agree-
13 able to the Executive Officer, to establish a
14 schedule for the repayment of the debt; and

15 “(D) an opportunity for a hearing in ac-
16 cordance with paragraph (2) on the determina-
17 tion of the Courts concerning the existence or
18 the amount of the debt, and in the case of an
19 individual whose repayment schedule is estab-
20 lished other than by a written agreement pursu-
21 ant to subparagraph (C), concerning the terms
22 of the repayment schedule.

23 “(2) PROCEDURES FOR HEARINGS.—

24 “(A) AVAILABILITY OF HEARING UPON RE-
25 QUEST.—A hearing under this paragraph shall

1 be provided if the individual, on or before the
2 fifteenth day following receipt of the notice de-
3 scribed in paragraph (1)(A), and in accordance
4 with such procedures as the Executive Officer
5 may prescribe, files a petition requesting such a
6 hearing.

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

13 “(C) STAY OF COLLECTION PRO-
14 CEEDINGS.—The timely filing of a petition for
15 hearing shall stay the commencement of collec-
16 tion proceedings.

17 “(D) INDEPENDENT OFFICER.—A hearing
18 under this paragraph shall be conducted by an
19 independent hearing officer appointed in ac-
20 cordance with regulations promulgated under
21 subsection (e).

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, but not later than
2 60 days after the hearing.

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

14 “(c) COMPROMISE.—

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

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

20 “(B) suspend or end collection action on
21 such a claim if it appears that no person liable
22 on the claim has the present or prospective abil-
23 ity to pay a significant amount of the claim or
24 if the cost of collecting the claim is likely to be
25 more than the amount recovered.

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

5 “(3) NO LIABILITY OF OFFICIAL RESPONSIBLE
6 FOR COMPROMISE.—An accountable official is not
7 liable for an amount paid or for the value of prop-
8 erty lost or damaged if the amount or value is not
9 recovered because of a compromise under this sub-
10 section.

11 “(d) WAIVER OF CLAIM.—

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

17 “(A) against equity;

18 “(B) against good conscience; and

19 “(C) not in the best interests of the
20 Courts.

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

24 “(A) in the Executive Officer’s opinion,
25 there exists, in connection with the claim, an in-

1 dication of fraud, misrepresentation, fault, or
2 lack of good faith on the part of the employee,
3 former employee, or any other person having an
4 interest in obtaining a waiver of the claim; or

5 “(B) the application for waiver is received
6 in the Executive Officer’s office after the expi-
7 ration of 3 years immediately following the date
8 on which the erroneous payment was discovered
9 or 3 years after the date of the enactment of
10 this section, whichever is later, except if the
11 claim involves money owed for Federal health
12 benefits, Federal life insurance, or Federal re-
13 tirement benefits.

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

19 “(4) REFUND OF AMOUNTS ALREADY COL-
20 LECTED AGAINST CLAIM SUBSEQUENTLY WAIVED.—
21 If the Courts have been reimbursed for a claim
22 under this section in whole or in part, and a waiver
23 of the claim is then granted, the employee or former
24 employee shall be entitled to a refund of the amount
25 of the reimbursement upon application for that re-

1 fund, so long as the application is received not later
2 than 2 years after the effective date of the waiver.

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

8 “(6) VALIDITY OF PAYMENTS.—An erroneous
9 payment or debt, the collection of which is waived
10 under this subsection, is a valid payment for all pur-
11 poses.

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

17 “(e) REGULATIONS.—The Executive Officer’s author-
18 ity under this section shall be subject to regulations pro-
19 mulgated by the Joint Committee on Judicial Administra-
20 tion.”.

21 (2) CLERICAL AMENDMENT.—The table of con-
22 tents of chapter 17 of title 11, District of Columbia
23 Official Code, is amended by adding at the end of
24 the items relating to subchapter II the following new
25 item:

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

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

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

17 **SEC. 3. AUTHORITIES OF COURT SERVICES AND OFFENDER**
18 **SUPERVISION AGENCY.**

19 (a) AUTHORITY TO DEVELOP AND OPERATE INCEN-
20 TIVE PROGRAMS FOR SENTENCED OFFENDERS.—Section
21 11233(b)(2)(F) of the National Capital Revitalization and
22 Self-Government Improvement Act of 1997 (sec. 24–
23 133(b)(2)(F), D.C. Official Code) is amended by striking
24 “sanctions” and inserting “sanction and incentive”.

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

5 “(A) AUTHORITY TO ACCEPT GIFTS.—The
6 Director may accept, solicit, and use on behalf
7 of the Agency any monetary or nonmonetary
8 gift, donation, bequest, or use of facilities, prop-
9 erty, or services for the purpose of aiding or fa-
10 cilitating the work of the Agency.”.

11 (c) PERMANENT AUTHORITY TO ACCEPT AND USE
12 REIMBURSEMENTS FROM DISTRICT GOVERNMENT.—Sec-
13 tion 11233(b)(4) of such Act (sec. 24–133(b)(4)) is
14 amended by striking “During fiscal years 2006 through
15 2008, the Director” and inserting “The Director”.

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

17 (a) ACCEPTANCE AND USE OF SERVICES OF VOLUN-
18 TEERS.—Section 307(b) of such Act (sec. 2–1607(b), D.C.
19 Official Code) is amended by striking “the Service may
20 accept public grants and private contributions made to as-
21 sist it” and inserting “the Service may accept and use
22 public grants, private contributions, and voluntary and un-
23 compensated (gratuitous) services to assist it”.

1 (b) TREATMENT OF MEMBERS OF BOARD OF TRUST-
2 EES AS EMPLOYEES OF SERVICE FOR PURPOSES OF LI-
3 ABILITY.—

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

8 (2) EFFECTIVE DATE.—The amendment made
9 by paragraph (1) shall take effect as if included in
10 the enactment of the District of Columbia Courts
11 and Justice Technical Corrections Act of 1998 (Pub-
12 lic Law 105–274).

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