

DISTRICT OF COLUMBIA COURTS, PUBLIC DEFENDER  
SERVICE, AND COURT SERVICES AND OFFENDER SU-  
PERVISION AGENCY ACT OF 2014

—————  
JULY 3, 2014.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. ISSA, from the Committee on Oversight and Government  
Reform, submitted the following

R E P O R T

[To accompany H.R. 4185]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom  
was referred the bill (H.R. 4185) to revise certain authorities of the  
District of Columbia courts, the Court Services and Offender Su-  
pervision Agency for the District of Columbia, and the Public De-  
fender Service for the District of Columbia, and for other purposes,  
having considered the same, report favorably thereon without  
amendment and recommend that the bill do pass.

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## COMMITTEE STATEMENT AND VIEWS

## PURPOSE AND SUMMARY

H.R. 4185, the District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2014, gives several District of Columbia judicial offices increased authority to make personnel and managerial decisions, including authorization to collect debts and erroneous payments from DC Courts employees; authority to operate incentive programs for sentenced offenders for the Court services and Offender Supervision Agency; and related provisions.

## BACKGROUND AND NEED FOR LEGISLATION

H.R. 4185 will provide increased flexibility for these three District entities, and will help them operate more efficiently and effectively.

## LEGISLATIVE HISTORY

H.R. 4185 was introduced by Delegate Eleanor Holmes Norton on March 10, 2014. The Committee by voice vote ordered the legislation to be reported to the full House on March 12, 2014.

## SECTION-BY-SECTION

*Section 1. Short title*

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

*Section 2. Authorities of District of Columbia courts*

Allows the Courts to collect outstanding employee debts or overpayments by offsetting pay.

Sets the timing for such collections in monthly installments or at officially established regular pay periods, ensuring reasonable deductions (not to exceed 20% of take home pay).

Allows the recovery to come from salary, wages, compensation, etc.

Requires the individual to be properly notified at least 30 days out; allows them to see records relating to this debt; allows them an opportunity to enter into a written agreement with the Court with a pay schedule; and allows for a hearing to discuss the matter.

Allows flexibility for the Executive Officer to compromise a claim if the amount is less than \$100,000, and collection would cost more than the individual’s ability to repay the debt.

This authority applies to debts occurring before, on, or after the date of enactment.

This section also allows the Courts to purchase and provide uniforms for employees whose responsibilities warrant wearing uniforms.

*Section 3. Authorities of Court Services and Offender Supervision Agency*

Authorizes CSOSA to develop and operate incentive programs for sentenced offenders, such as vocational and educational training.

Allows CSOSA to accept and solicit gifts for the purpose of aiding or facilitating the work of the agency.

Allows CSOSA the authority to accept and use reimbursements from the District Government.

*Section 4. Authorities of Public Defender Service*

Allows PDS to accept volunteer service.

Authorizes the treatment of members of the Board of Trustees as employees of service for liability purposes.

EXPLANATION OF AMENDMENTS

There were no amendments offered.

COMMITTEE CONSIDERATION

On March 12, 2014, the Committee met in open session and ordered reported favorably the bill, H.R. 4185, by voice vote, a quorum being present.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill gives several DC judicial offices increased authority to make personnel and managerial decisions, including authorization to collect debts and erroneous payments from DC Courts employees. As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

DUPLICATION OF FEDERAL PROGRAMS

No provision of H.R. 4185 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting H.R. 4185 does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

## EARMARK IDENTIFICATION

H.R. 4185 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 4185. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

## BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4185 from the Director of Congressional Budget Office:

MAY 16, 2014.

Hon. DARRELL ISSA,  
*Chairman, Committee on Oversight and Government Reform,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4185, the District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 4185—District of Columbia Courts, Public Defender Service,  
and Court Services and Offender Supervision Agency Act of  
2014*

H.R. 4185 would make changes to the District of Columbia Official Code that governs the D.C. Courts system. Based on information provided by the court system, CBO estimates that the proposed changes would not have a significant effect on the federal budget. Enacting the legislation would affect direct spending because it would authorize the Court Services and Offender Service Agency (CSOSA) to accept and spend monetary gifts. Therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be insignificant. Enacting H.R. 4185 would not affect revenues.

Under current law, the budget of the D.C. Courts system, including the Public Defender Service (PDS) and CSOSA, is funded by federal appropriations, and its expenditures are thus recorded in the federal budget. Among other changes, the bill would allow the D.C. Courts System to collect debts and erroneous payments owed by its employees, and to purchase uniforms for non-judicial employees. The bill also would allow CSOSA to operate incentive programs for prisoner education, accept and spend gifts, and receive reimbursement from the D.C. government for the use of office space in D.C. Courts facilities. Finally, the bill would allow the PDS to use unpaid volunteers. Based on information provided by the District of Columbia Courts, the PDS, and CSOSA, CBO estimates that the proposed changes would not have a significant effect on the federal budget.

H.R. 4185 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**DISTRICT OF COLUMBIA OFFICIAL CODE**

\* \* \* \* \*

**TITLE 2—GOVERNMENT  
ADMINISTRATION**

\* \* \* \* \*

**CHAPTER 16—PUBLIC DEFENDER SERVICE**

\* \* \* \* \*

**§ 2-1603. Board of Trustees**

(a) \* \* \*

\* \* \* \* \*

(d) For the purposes of any action brought against the trustees of the Service, they shall be deemed to be [employees of the District of Columbia] *employees of the Service*.

\* \* \* \* \*

**§ 2-1607. Appropriation; public grants and private contributions**

(a) \* \* \*

(b) Upon approval of the Board of Trustees, [the Service may accept public grants and private contributions made to assist it] *the Service may accept and use public grants, private contributions, and voluntary and uncompensated (gratuitous) services to assist it* in carrying out the provisions of this chapter.

\* \* \* \* \*

**TITLE 11—ORGANIZATION AND JURISDICTION OF THE COURTS**

\* \* \* \* \*

**CHAPTER 17— ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS**

\* \* \* \* \*

**SUBCHAPTER II—COURT PERSONNEL**

Sec.

\* \* \* \* \*

11-1733. *Collection, compromise, and waiver of employee debts and erroneous payments.*

\* \* \* \* \*

**§ 11-1733. Collection, compromise, and waiver of employee debts and erroneous payments**

(a) **COLLECTION OF DEBTS AND ERRONEOUS PAYMENTS MADE TO EMPLOYEES.—**

(1) **AUTHORITY TO COLLECT.**—*If the Executive Officer determines that an employee or former employee of the District of Columbia Courts is indebted to the District of Columbia Courts because of an erroneous payment made to or on behalf of the employee, or any other debt, the Executive Officer may collect the amount of the indebtedness in accordance with this subsection.*

(2) **TIMING OF COLLECTION.**—*Any debt authorized to be collected under this subsection may be collected in monthly installments or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay of the employee.*

(3) *SOURCE OF DEDUCTIONS.*—Deductions described in paragraph (2) may be made from any wages, salary, compensation, remuneration for services, or other authorized pay, including but not limited to incentive pay, back pay, and lump sum leave payments, but not including retirement pay.

(4) *LIMIT ON AMOUNT.*—The amount deducted with respect to an employee for any period may not exceed 20 percent of the employee's disposable pay, except that a greater percentage may be deducted upon consent of the employee involved.

(5) *COLLECTIONS AFTER EMPLOYMENT.*—If an employee's employment ends before collection of the amount of the employee's indebtedness is completed, deductions may be made from later non-periodic government payments of any nature due the former employee, except retirement pay, and such deductions may be made without regard to the limit under paragraph (4).

(b) *NOTICE AND HEARING REQUIRED.*—

(1) *IN GENERAL.*—Except as provided in paragraph (3), prior to initiating any proceedings under subsection (a) to collect any indebtedness of an individual, the Executive Officer shall provide the individual with—

(A) a minimum of 30 days written notice, informing such individual of the nature and amount of the indebtedness determined by the District of Columbia Courts to be due, the intention of the Courts to initiate proceedings to collect the debt through deductions from pay, and an explanation of the rights of the individual under this section;

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

(C) an opportunity to enter into a written agreement with the Courts, under terms agreeable to the Executive Officer, to establish a schedule for the repayment of the debt; and

(D) an opportunity for a hearing in accordance with paragraph (2) on the determination of the Courts concerning the existence or the amount of the debt, and in the case of an individual whose repayment schedule is established 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 accordance with regulations promulgated under subsection (e).

(E) *DEADLINE FOR DECISION.*—The hearing officer shall issue a final decision regarding the questions covered by the hearing at the earliest practicable date, but not later than 60 days after the hearing.

(3) *EXCEPTION.*—Paragraphs (1) and (2) shall not apply to routine intra-Courts adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the 4 pay periods preceding the adjustment and to any adjustment that amounts to \$50 or less, if at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment.

(c) *COMPROMISE.*—

(1) *AUTHORITY TO COMPROMISE CLAIMS.*—The Executive Officer may—

(A) compromise a claim to collect an indebtedness under this section if the amount involved is not more than \$100,000; and

(B) suspend or end collection action on such a claim if it appears that no person liable on the claim has the present or prospective ability to pay a significant amount of the claim or if the cost of collecting the claim is likely to be more than the amount recovered.

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

(3) *NO LIABILITY OF OFFICIAL RESPONSIBLE FOR COMPROMISE.*—An accountable official is not liable for an amount paid or for the value of property lost or damaged if the amount or value is not recovered because of a compromise under this subsection.

(d) *WAIVER OF CLAIM.*—

(1) *AUTHORITY TO WAIVE CLAIMS.*—Upon application from a person liable on a claim to collect an indebtedness under this section, the Executive Officer may, with written justification, waive the claim if collection would be—

(A) against equity;

(B) against good conscience; and

(C) not in the best interests of the Courts.

(2) *LIMITATIONS ON AUTHORITY.*—The Executive Officer may not exercise the authority under this subsection to waive a claim if—

(A) in the Executive Officer's opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee, former employee, or any other person having an interest in obtaining a waiver of the claim; or

(B) the application for waiver is received in the Executive Officer's office after the expiration of 3 years immediately following the date on which the erroneous payment was discovered or 3 years after the date of the enactment of this section, whichever is later, except if the claim involves



*money owed for Federal health benefits, Federal life insurance, or Federal retirement benefits.*

(3) DENIAL OF APPLICATION FOR WAIVER.—*A decision by the Executive Officer to deny an application for a waiver under this subsection shall be the final administrative decision of the District government.*

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

(5) EFFECT ON ACCOUNTS OF COURTS.—*In the audit and settlement of accounts of any accountable official, full credit shall be given for any amounts with respect to which collection by the Courts is waived under this subsection.*

(6) VALIDITY OF PAYMENTS.—*An erroneous payment or debt, the collection of which is waived under this subsection, is a valid payment for all purposes.*

(7) NO EFFECT ON OTHER AUTHORITIES.—*Nothing contained in this subsection shall be construed to affect in any way the authority under any other statute to litigate, settle, compromise, or waive any claim of the District of Columbia.*

(e) REGULATIONS.—*The Executive Officer's authority under this section shall be subject to regulations promulgated by the Joint Committee on Judicial Administration.*

SUBCHAPTER III—DUTIES AND RESPONSIBILITIES

\* \* \* \* \*

§ 17-1742. Property and disbursement

(a) \* \* \*

(b) The Executive Officer shall be responsible for the procurement of necessary equipment, supplies, and services for the courts and shall have power, subject to applicable law, to reimburse the District of Columbia government for services provided and to contract for such equipment, supplies, and services as may be necessary. *Under the authority of the previous sentence, the Executive Officer may purchase uniforms to be worn by nonjudicial employees of the District of Columbia Courts whose responsibilities warrant the wearing of uniforms, so long as the cost of furnishing a uniform to an employee during a year does not exceed the amount applicable for the year under section 5901(a)(1) of title 5, United States Code (relating to the uniform allowance for employees of the Government of the United States).*

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NATIONAL CAPITAL REVITALIZATION AND SELF-GOVERNMENT IMPROVEMENT ACT OF 1997

\* \* \* \* \*

**TITLE XI—DISTRICT OF COLUMBIA  
REVITALIZATION**

\* \* \* \* \*

**Subtitle C—Criminal Justice**

\* \* \* \* \*

**CHAPTER 3—OFFENDER SUPERVISION AND PAROLE**

\* \* \* \* \*

**SEC. 11233. COURT SERVICES AND OFFENDER SUPERVISION AGENCY.**

(a) \* \* \*

(b) DIRECTOR.—

(1) \* \* \*

(2) POWERS AND DUTIES OF DIRECTOR.—The Director shall—

(A) \* \* \*

\* \* \* \* \*

(F) develop and operate intermediate [sanctions] *sanction and incentive* programs for sentenced offenders;

\* \* \* \* \*

(3) ACCEPTANCE OF GIFTS.—

[(A) AUTHORITY TO ACCEPT GIFTS.—During fiscal years 2006 through 2008, the Director may accept and use gifts in the form of—

[(i) in-kind contributions of space and hospitality to support offender and defendant programs; and

[(ii) equipment and vocational training services to educate and train offenders and defendants.]

(A) *AUTHORITY TO ACCEPT GIFTS.—The Director may accept, solicit, and use on behalf of the Agency any monetary or nonmonetary gift, donation, bequest, or use of facilities, property, or services for the purpose of aiding or facilitating the work of the Agency.*

\* \* \* \* \*

(4) REIMBURSEMENT FROM DISTRICT GOVERNMENT.—[During fiscal years 2006 through 2008, the Director] *The Director* may accept and use reimbursement from the District government for space and services provided, on a cost reimbursable basis.

\* \* \* \* \*