

DISTRICT OF COLUMBIA COURTS, PUBLIC DEFENDER SERVICE, AND
COURT SERVICES AND OFFENDER SUPERVISION AGENCY ACT OF 2015

DECEMBER 3, 2015.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

R E P O R T

[To accompany S. 1629]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (S. 1629) 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

S. 1629, the District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015, gives several District of Columbia (DC) judicial offices increased authority to make personnel and managerial decisions. Specifically, the bill would allow the DC Courts system to collect debts and erroneous payments owed by its employees; authorize offender incentive programs for the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA); and allow the Public Defender Service for the District of Columbia (Public Defender Service) to use unpaid volunteers.

BACKGROUND AND NEED FOR LEGISLATION

Congress passed the National Capital Revitalization and Self-Government Improvement Act of 1997 (Revitalization Act of 1997) as part of the Balanced Budget Act of 1997.¹ As part of this law, the federal government became responsible for administering “prisons, courts, and probation/parole supervision” within the District of Columbia.² Following passage of the Revitalization Act of 1997, the DC Courts, Public Defender Service, and CSOSA have requested several legislative changes so they may execute their duties more effectively and efficiently.

Currently, DC Courts is limited in its ability to collect debts owed by its employees.³ S. 1629 would give DC Courts the ability to offset pay to collect employee debts.

Currently, DC Courts may not provide uniforms to its non-judicial employees.⁴ S. 1629 would enable the DC Courts to provide uniforms. The absence of uniformed personnel makes it difficult to identify courthouse personnel and raises safety concerns regarding visibility both in the courthouse and within the community.⁵ Providing uniforms to probation officers, for example, will allow other law enforcement officials to more easily identify probation officers, and help the public better understand who is serving them within the community.⁶

Additionally, CSOSA lacks the authority to utilize incentives to reduce offender recidivism.⁷ This bill would give CSOSA the ability to use incentives, an identified best practice, for improved offender supervision.⁸

S. 1629 also would grant CSOSA the authority to accept gifts such as contributions of space, equipment, tools, supplies, and training from the organizations with which it works in furtherance of its mission. The bill would require that records be maintained

¹Pub. L. No. 105–33 (1997).

²Court Services & Offender Supervision Agency for the District of Columbia, *National Capital Revitalization and Self-Government Improvement Act of 1997*, available at <http://www.csosa.gov/about/history/revitalization-act.aspx> (last visited Oct. 30, 2015).

³Letter from Lee Satterfield, Chief Judge, Superior Court of D.C.; Avis Buchanan, Director, Public Defender Service of D.C.; Nancy M. Ware, Director, Court Services & Offender Supervision Agency of D.C., to Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov’t Reform, Mark Meadows, Chairman, Subcomm. on Gov’t Operations, H. Comm. on Oversight & Gov’t Reform (Feb. 6, 2015) (hereinafter “CSOSA letter”).

⁴*Id.*

⁵*Id.*

⁶*Id.*

⁷CSOSA letter, *supra* note 3.

⁸*Id.*

on such gifts.⁹ S. 1629 would authorize CSOSA to enter into cost reimbursable agreements with the DC government.

The Public Defender Service believes that it would benefit from language that makes clear its ability to accept gratuitous services for the purpose of carrying out its mission.¹⁰ S. 1629 would provide assurance that it is operating consistent with its governing statute in accepting gratuitous services.

Lastly, the District of Columbia Court Reform and Criminal Procedure Act of 1970, as amended, treats the Public Defender Service volunteer Board of Trustees as DC employees when it relates to action brought against the trustees.¹¹ It is unknown why the language was not amended, as it is inconsistent with the rest of the statute, which treats the Public Defender Service and its employees separate from the DC government.¹² This bill would make clear that the trustees are to be considered employees of the Public Defender Service for any action taken against the trustees.

LEGISLATIVE HISTORY

S. 1629, the District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015, was introduced on June 18, 2015, by Senator Ron Johnson (R-WI), and referred to the Senate Committee on Homeland Security and Governmental Affairs. Senator Tom Carper (D-DE) is an original cosponsor. On June 24, 2015, the Senate Committee on Homeland Security and Governmental Affairs considered S. 1629 and ordered the bill favorably reported by voice vote. On September 10, 2015, S. 1629 passed the Senate by unanimous consent and was referred to the House Committee on Oversight and Government Reform.

In the 113th Congress, similar legislation, H.R. 4185, was introduced by Delegate Eleanor Holmes Norton (D-DC) on March 10, 2014. The Committee ordered the bill favorably reported by voice vote on March 12, 2014. The bill passed the House by voice vote on July 14, 2014. The legislation was received in the Senate on July 15, 2014. No further action was taken.

SECTION-BY-SECTION

Section 1. Short title

Designates the bill as the “District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015.”

Section 2. Authorities of District of Columbia Courts

Authorizes the District of Columbia Courts to collect overpayments and other outstanding employee debts by offsetting pay.

Allows the District of Columbia Courts to provide uniforms for certain employees in support of their job duties.

⁹*Id.*

¹⁰*Id.*

¹¹*Id.*

¹²*Id.*

Section 3. Authorities of Court Services and Offender Supervision Agency

Authorizes the Court Services and Offender Supervision Agency (CSOSA) to offer programmatic incentives to sentenced offenders. Makes permanent the authority of CSOSA to accept gifts. Authorizes CSOSA to enter into cost reimbursable agreements with the DC government.

Section 4. Authorities of Public Defender Service

Authorizes the Public Defender Service to accept gratuitous services.

Clarifies that members of the Board of Trustees for the Public Defender Service are employees of the Public Defender Service for purposes of any action against the trustees.

EXPLANATION OF AMENDMENTS

No amendments were offered during the Full Committee consideration of S. 1629.

COMMITTEE CONSIDERATION

On October 9, 2015, the Committee met in open session and ordered reported favorably the bill, S. 1629, by unanimous consent, a quorum being present.

ROLL CALL VOTES

No recorded votes were requested or conducted during the Committee's consideration of S. 1629.

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 goal or objective of the bill is 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.

DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill 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 this bill 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 Mandates 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

This bill 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)(1) 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 this bill. However, clause 3(d)(2)(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 of 1974.

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 this bill from the Director of Congressional Budget Office:

S. 1629—District of Columbia Courts, Public Defender Service, and Court Services and Offender Supervision Agency Act of 2015

S. 1629 would change portions of the District of Columbia Official Code that governs the D.C. Courts system. Under current law, the budget of the D.C. Courts system, including the Public Defender Service (PDS) and the Court Services and Offender Service Agency (CSOSA), is funded by federal appropriations; thus, its expenditures are recorded in the federal budget. Among other changes, the legislation 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. S. 1629 also would allow CSOSA to operate incentive programs for offender 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 legislation would allow PDS to use unpaid volunteers. Based on information provided by the District of Columbia Courts, PDS, and CSOSA, CBO estimates that the proposed changes would have an insignificant effect on federal discretionary spending.

Enacting the legislation would affect direct spending because it would authorize 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 negligible. Enacting S. 1629 would not affect revenues.

CBO estimates that enacting S. 1629 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2026.

S. 1629 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.

On July 2, 2015, CBO transmitted a cost estimate for S. 1629 as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on June 24, 2015. The two versions of the legislation are identical, and the estimated budgetary effects are the same.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by H. Samuel Papenfuss, 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, and existing law in which no change is proposed is shown in roman):

DISTRICT OF COLUMBIA OFFICIAL CODE

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DIVISION I—GOVERNMENT OF DISTRICT

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TITLE 2—GOVERNMENT ADMINISTRATION

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CHAPTER 16—PUBLIC DEFENDER SERVICE

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§ 2-1603. Board of trustees

(a) The powers of the Service shall be vested in a Board of Trustees composed of 11 members. The Board of Trustees shall establish general policy for the Service but shall not direct the conduct of particular cases.

(b)(1) Members of the Board of Trustees shall be appointed by a panel, consisting of:

(A) The Chief Judge of the United States District Court for the District of Columbia;

(B) The Chief Judge of the District of Columbia Court of Appeals;

(C) The Chief Judge of the Superior Court of the District of Columbia; and

(D) The Mayor of the District of Columbia.

(2) The panel shall be presided over by the Chief Judge of the District of Columbia Court of Appeals (or in his absence, the designee of such Judge). A quorum of the panel shall be 4 members.

(3) Four of the 11 members of the Board of Trustees shall be non-attorneys and shall be residents of the District of Columbia.

(4) Judges of the United States courts in the District of Columbia and of District of Columbia courts may not be appointed to serve as members of the Board of Trustees.

(5) The term of office of a member of the Board of Trustees shall be 3 years. No person shall serve more than 2 consecutive terms as a member of the Board of Trustees. A vacancy in the Board of Trustees shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) The trustees of the Legal Aid Agency for the District of Columbia in office on the date of enactment of this Act shall serve the unexpired portions of their terms as trustees of the Service.

(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*.

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

(a) There are authorized to be appropriated to the Service in each fiscal year such funds as may be necessary to carry out this chapter. The Service may arrange by contract or otherwise for the disbursement of appropriated funds, procurement, and the provision of other administrative support functions by the General Services Administration or by other agencies or entities, not subject to the

provisions of the District of Columbia Code or any law or regulation adopted by the District of Columbia Government concerning disbursement of funds, procurement, or other administrative support functions. The Service shall submit an annual appropriations request to the Office of Management and Budget.

(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.

(c) The Service shall not be subject to any general personnel or budget limitations which otherwise apply to the District of Columbia government or its agencies in any appropriations act.

(d) During fiscal years 2006 through 2008, the Service may charge fees to cover the costs of materials distributed to attendees of educational events, including conferences, sponsored by the Service. Notwithstanding section 3302 of title 31, United States Code (31 U.S.C. § 3302), any amounts received as fees under this subsection shall be credited to the Service and available for use without further appropriation.

(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this chapter while acting within the scope of that person's office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

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DIVISION II—JUDICIARY AND JUDICIAL PROCEDURE

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TITLE 11—ORGANIZATION AND JURISDICTION OF THE COURTS.

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CHAPTER 17—ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS

SUBCHAPTER I—COURT ADMINISTRATION

Sec.
11-1701. Administration of District of Columbia court system.

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SUBCHAPTER II—COURT PERSONNEL

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

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SUBCHAPTER II—COURT PERSONNEL

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§ 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 former employee, or any other debt, the Executive Officer may collect the amount of the debt in accordance with this subsection.*

(2) *TIMING OF COLLECTION.*—*The Executive Officer may collect a debt from an employee under this subsection 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.*—*The Executive Officer may make a deduction under paragraph (2) from any wages, salary, compensation, remuneration for services, or other authorized pay, including incentive pay, back pay, and lump sum leave payments, but not including retirement pay.*

(4) *LIMIT ON AMOUNT.*—*In making deductions under paragraph (2) with respect to an employee, the Executive Officer—*

(A) *except as provided in subparagraph (B), may not deduct more than 20 percent of the disposable pay of the employee for any period; and*

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

(5) *COLLECTIONS AFTER EMPLOYMENT.*—*If the employment of an employee ends before the Executive Officer completes the collection of the amount of the employee's debt under this subsection, deductions may be made—*

(A) *from later non-periodic government payments of any nature due the former employee, except retirement pay; and*

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

(b) *NOTICE AND HEARING REQUIRED.*—

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

(A) *written notice, not later than 30 days before the date on which the Executive Officer initiates the proceeding, that informs the individual of—*

(i) the nature and amount of the debt determined by the District of Columbia Courts to be due;

(ii) the intention of the Courts to initiate a proceeding to collect the debt through deductions from pay; and

(iii) 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—

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

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

(2) PROCEDURES FOR HEARINGS.—

(A) AVAILABILITY OF HEARING UPON REQUEST.—Except as provided in paragraph (3), the Executive Officer shall provide a hearing under this paragraph if an individual, not later than 15 days after the date on which the individual receives a notice under paragraph (1)(A), and in accordance with any procedures that the Executive Officer prescribes, files a petition requesting the hearing.

(B) BASIS FOR HEARING.—A hearing under this paragraph shall be on the written submissions unless the hearing officer determines that the existence or amount of the debt—

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

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

(C) STAY OF COLLECTION PROCEEDINGS.—The timely filing of a petition for a hearing under subparagraph (A) shall stay the commencement of collection proceedings under this section.

(D) INDEPENDENT OFFICER.—An independent hearing officer appointed in accordance with regulations promulgated under subsection (e) shall conduct a hearing under this paragraph.

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

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

- (A) *written notice of the nature and amount of the adjustment; and*
 - (B) *a point of contact for contesting the adjustment.*
- (c) **COMPROMISE.**—
- (1) **AUTHORITY TO COMPROMISE CLAIMS.**—*The Executive Officer may—*
 - (A) *compromise a claim to collect a debt under this section if the amount involved is not more than \$100,000; and*
 - (B) *suspend or end collection action on a claim described in subparagraph (A) if the Executive Officer determines that—*
 - (i) *no person liable on the claim has the present or prospective ability to pay a significant amount of the claim; or*
 - (ii) *the cost of collecting the claim is likely to be more than the amount recovered.*
 - (2) **EFFECT OF COMPROMISE.**—*A compromise under this subsection shall be final and conclusive unless obtained by fraud, misrepresentation, presenting a false claim, or mutual mistake of fact.*
 - (3) **NO LIABILITY OF OFFICIAL RESPONSIBLE FOR COMPROMISE.**—*An accountable official shall not be 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 a debt 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 District of Columbia Courts.*
 - (2) **LIMITATIONS ON AUTHORITY.**—*The Executive Officer may not waive a claim under this subsection if the Executive Officer—*
 - (A) *determines that there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee, the former employee, or any other person that has an interest in obtaining a waiver of the claim; or*
 - (B) *receives the application for waiver later than 3 years after the later of the date on which the erroneous payment was discovered or the date of enactment of this section, unless 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 Executive Officer waives a claim against an employee or former employee under this section after the District of Columbia Courts have been reimbursed*

for the claim in whole or in part, the Executive Officer shall provide the employee or former employee a refund of the amount of the reimbursement upon application for the refund, if the Executive Officer receives the application 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 District of Columbia Courts is waived under this subsection.

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

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

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

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SUBCHAPTER III—DUTIES AND RESPONSIBILITIES

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§ 11-1742. Property and disbursement

(a) The Executive Officer shall be responsible, subject to the supervision of the Joint Committee, for the management of such buildings and space as may be assigned to the courts and shall maintain liaison with the appropriate Federal and District of Columbia officials with respect thereto.

(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. *In carrying out the authority under the preceding sentence, the Executive Officer may purchase uniforms to be worn by non-judicial employees of the District of Columbia Courts whose responsibilities warrant the wearing of uniforms if 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).*

(c) The Executive Officer shall serve as disbursing officer and payroll officer of the District of Columbia courts and shall assign and distribute necessary equipment and supplies.

(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.

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**NATIONAL CAPITAL REVITALIZATION AND SELF-
GOVERNMENT IMPROVEMENT ACT OF 1997**

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**TITLE XI—DISTRICT OF COLUMBIA
REVITALIZATION**

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Subtitle C—Criminal Justice

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CHAPTER 3—OFFENDER SUPERVISION AND PAROLE

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SEC. 11233. COURT SERVICES AND OFFENDER SUPERVISION AGENCY.

(a) **ESTABLISHMENT.**—There is established within the executive branch of the Federal Government the Court Services and Offender Supervision Agency for the District of Columbia (hereafter in this section referred to as the “Agency”) which shall assume its duties not less than one year or more than three years after the enactment of this Act.

(b) **DIRECTOR.**—

(1) **APPOINTMENT AND COMPENSATION.**—The Agency shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate, for a term of six years. The Director shall be compensated at the rate prescribed for Level IV of the Executive Schedule, and may be removed from office prior to the expiration of term only for neglect of duty, malfeasance in office, or other good cause shown.

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

(A) submit annual appropriation requests for the Agency to the Office of Management and Budget;

(B) determine, in consultation with the Chief Judge of the United States District Court for the District of Columbia, the Chief Judge of the Superior Court of the District of Columbia, and the Chairman of the United States Parole Commission, uniform supervision and reporting practices for the Agency;

(C) hire and supervise supervision officers and support staff for the Agency;

(D) direct the use of funds made available to the Agency;

(E) enter into such contracts, leases, and cooperative agreements as may be necessary for the performance of the Agency’s functions, including contracts for substance abuse and other treatment and rehabilitative programs;

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

(G) arrange for the supervision of District of Columbia offenders on parole, probation, and supervised release who seek to reside in jurisdictions outside the District of Columbia;

(H) carry out all functions which have heretofore been carried out by the Social Services Division of the Superior Court relating to supervision of adults subject to protection orders or provision of services for or related to such persons;

(I) arrange for the supervision of offenders on parole, probation, and supervised release from jurisdictions outside the District of Columbia who seek to reside in the District of Columbia; and

(J) have the authority to enter into agreements, including the Interstate Compact for Adult Offender Supervision, with any State or group of States in accordance with the Agency's responsibilities under subparagraphs (G) and (I).

(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.*

(B) *RECORDS.—The Director shall keep accurate and detailed records of the acceptance and use of any gifts under subparagraph (A), and shall make such records available for audit and public inspection.*

(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.*

(c) FUNCTIONS.—

(1) *IN GENERAL.—The Agency shall provide supervision, through qualified supervision officers, for offenders on probation, parole, and supervised release pursuant to the District of Columbia Code. The Agency shall carry out its responsibilities on behalf of the court or agency having jurisdiction over the offender being supervised.*

(2) *SUPERVISION OF RELEASED OFFENDERS.—The Agency shall supervise any offender who is released from imprisonment for any term of supervised release imposed by the Superior Court of the District of Columbia. Such offender shall be subject to the authority of the United States Parole Commission until completion of the term of supervised release. The United States Parole Commission shall have and exercise the same authority as is vested in the United States district courts by paragraphs (d) through (i) of section 3583 of title 18, United States Code, except that—*

(A) *the procedures followed by the Commission in exercising such authority shall be those set forth in chapter 311 of title 18, United States Code; and*

- (B) an extension of a term of supervised release under subsection (e)(2) of section 3583 may only be ordered by the Superior Court upon motion from the Commission.
- (3) SUPERVISION OF PROBATIONERS.—Subject to appropriations and program availability, the Agency shall supervise all offenders placed on probation by the Superior Court of the District of Columbia. The Agency shall carry out the conditions of release imposed by the Superior Court (including conditions that probationers undergo training, education, therapy, counseling, drug testing, or drug treatment), and shall make such reports to the Superior Court with respect to an individual on probation as the Superior Court may require.
- (4) SUPERVISION OF DISTRICT OF COLUMBIA PAROLEES.—The Agency shall supervise all individuals on parole pursuant to the District of Columbia Code. The Agency shall carry out the conditions of release imposed by the United States Parole Commission or, with respect to a misdemeanor, by the Superior Court of the District of Columbia, and shall make such reports to the Commission or Court with respect to an individual on parole supervision as the Commission or Court may require.
- (5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.
- (d) AUTHORITY OF OFFICERS.—The supervision officers of the Agency shall have and exercise the same powers and authority as are granted by law to United States Probation and Pretrial Officers.
- (e) PRETRIAL SERVICES AGENCY.—
- (1) INDEPENDENT ENTITY.—The District of Columbia Pretrial Services Agency established by subchapter I of chapter 13 of title 23, District of Columbia Code shall function as an independent entity within the Agency.
- (2) SUBMISSION ON BEHALF OF PRETRIAL SERVICES.—The Director of the Agency shall submit, on behalf of the District of Columbia Pretrial Services Agency and with the approval of the Director of the Pretrial Services Agency, an annual appropriation request to the Office of Management and Budget. Such request shall be separate from the request submitted for the Agency.
- (3) LIABILITY OF DISTRICT OF COLUMBIA.—The District of Columbia shall defend any civil action or proceeding brought in any court or other official Federal, state, or municipal forum against the District of Columbia Pretrial Services Agency or the District of Columbia or its officers, employees, or agents, and shall assume any liability resulting from such an action or proceeding, if the action or proceeding arises from the activities of the District of Columbia Pretrial Services Agency prior to the date on which the Offender Supervision, Defender and Courts Services Agency assumes its duties.
- (4) LITIGATION.—
- (A) CORPORATION COUNSEL.—Subject to subparagraph (B), the Corporation Counsel of the District of Columbia shall provide litigation services to the District of Columbia

Pretrial Services Agency, except that the District of Columbia Pretrial Services Agency may instead elect, either generally or in relation to particular cases or classes of cases, to hire necessary staff and personnel or enter into contracts for the provision of litigation services at such agency's expense.

(B) ATTORNEY GENERAL.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), with respect to any litigation involving the District of Columbia Pretrial Services Agency, the Attorney General may—

(I) direct the litigation of the agency, and of the District of Columbia on behalf of the agency; and

(II) provide on a reimbursable or non-reimbursable basis litigation services for the agency at the agency's request or on the Attorney General's own initiative.

(ii) APPROVAL OF SETTLEMENT.—With respect to any litigation involving the District of Columbia Pretrial Services Agency, the agency may not agree to any settlement involving any form of equitable relief without the approval of the Attorney General. The agency shall provide to the Attorney General such notice and reports concerning litigation as the Attorney General may direct.

(iii) DISCRETION.—Any decision to exercise any authority of the Attorney General under this paragraph shall be in the sole discretion of the Attorney General and shall not be reviewable in any court.

(g) AUTHORITY TO USE SERVICES OF VOLUNTEERS.—

(1) IN GENERAL.—The Agency (including any independent entity within the Agency) may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Agency except policy-making.

(2) APPLICABILITY OF WORKER'S COMPENSATION RULES TO VOLUNTEERS.—Any volunteer whose services are accepted pursuant to this subsection shall be considered an employee of the United States Government in providing the services for purposes of chapter 81 of title 5, United States Code (relating to compensation for work injuries) and chapter 11 of title 18, United States Code, relating to corruption and conflicts of interest.

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