

103^D CONGRESS
2^D SESSION

H. R. 4695

To amend title 39, United States Code, to provide for procedures under which persons wrongfully arrested by the Postal Inspection Service on narcotics charges may seek compensation from the United States Postal Service.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1994

Mr. CLAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 39, United States Code, to provide for procedures under which persons wrongfully arrested by the Postal Inspection Service on narcotics charges may seek compensation from the United States Postal Service.

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. PROCEDURES FOR SEEKING COMPENSATION.**

4 (a) IN GENERAL.—Chapter 4 of title 39, United
5 States Code, is amended by adding at the end the follow-
6 ing:

1 **“§ 414. Compensation for certain wrongfully arrested**
2 **individuals**

3 “(a) Not later than 90 days after the date of the en-
4 actment of this section, the Judicial Officer shall by regu-
5 lation establish procedures under which any individual de-
6 scribed in subsection (b)(1)(A) may seek compensation
7 under this section.

8 “(b) The regulations shall include provisions under
9 which—

10 “(1) a petition for compensation may be
11 brought—

12 “(A) by any individual—

13 “(i) arrested by the Postal Inspection
14 Service—

15 “(I) after December 31, 1983;

16 “(II) pursuant to any investiga-
17 tion in which one or more paid con-
18 fidential informants were used;

19 “(III) for violating any law of the
20 United States, or of any State, pro-
21 hibiting the use, sale, or possession of
22 a controlled substance; but

23 “(ii) who is not convicted, pursuant to
24 such arrest, of a violation of any law de-
25 scribed in clause (i);

1 “(B) after all administrative and judicial
2 procedures otherwise available to petitioner for
3 seeking compensation in connection with the ar-
4 rest have been exhausted, but not later than 2
5 years after the date as of which—

6 “(i) the exhaustion requirement is
7 met; or

8 “(ii) if later, any such petition may
9 first be filed under this section; and

10 “(C) notwithstanding section 2676 or 2679
11 of title 28 or any other provision of law;

12 “(2) a petition for compensation under this sec-
13 tion shall be considered by a panel of 3 administra-
14 tive law judges who shall be—

15 “(A) qualified by virtue of their back-
16 ground, objectivity, and experience; and

17 “(B) individuals detailed to the Postal
18 Service, for purposes of this section, on a reim-
19 bursable basis;

20 “(3) the provisions of sections 556 and 557 of
21 title 5 shall apply to any proceeding conducted by a
22 panel of administrative law judges under this sec-
23 tion;

24 “(4) a panel may award such amount to a peti-
25 tioner as the panel considers appropriate to com-

1 pensate petitioner for any harm or injury, resulting
2 from petitioner’s wrongful arrest, suffered by—

3 “(A) the petitioner;

4 “(B) the petitioner’s spouse, if any; or

5 “(C) a child of the petitioner, if any;

6 except that not more than a total of \$500,000 may
7 be awarded to a petitioner under this section in con-
8 nection with any particular arrest; and

9 “(5) compensation awarded under this sec-
10 tion—

11 “(A) shall be payable out of the Postal
12 Service Fund; and

13 “(B) shall be computed taking into ac-
14 count the nature and degree of the harm or in-
15 jury suffered, the degree to which the Postal
16 Inspection Service failed to take reasonable pre-
17 cautions to prevent any such wrongful arrest
18 from occurring, any history or pattern of simi-
19 lar wrongful arrests by the Postal Inspection
20 Service, any compensation awarded in any ear-
21 lier proceeding in connection with petitioner’s
22 arrest, and such other factors as the panel con-
23 siders appropriate.

24 “(c) A determination under this section shall not be
25 subject to any administrative or judicial review.

1 “(d) For purposes of this section—

2 “(1) the term ‘Judicial Officer’ means the Judi-
3 cial Officer appointed under section 204;

4 “(2) the term ‘controlled substance’ has the
5 meaning given such term by section 102(6) of the
6 Controlled Drug Abuse Prevention and Control Act
7 of 1970;

8 “(3) the term ‘administrative law judge’ means
9 an administrative law judge appointed under section
10 3105 of title 5; and

11 “(4) a confidential informant shall be consid-
12 ered to be ‘paid’ if such informant receives, or is to
13 receive, a monetary or nonmonetary benefit (includ-
14 ing any forbearance from a civil or criminal action)
15 for the services involved.”.

16 (b) CHAPTER ANALYSIS.—The analysis for chapter
17 4 of title 39, United States Code, is amended by adding
18 at the end the following:

“414. Compensation for certain wrongfully arrested individuals.”.

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