

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 6-183

"Set-off of District of Columbia Income Tax Refunds for Default of Student Loans Amendment Act of 1986".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-441 on first and second readings, October 21, 1986 and November 5, 1986, respectively. Following the signature of the Mayor on November 25, 1986, this legislation was assigned Act No. 6-234, published in the December 12, 1986, edition of the D.C. Register, (Vol. 33 page 7669) and transmitted to Congress on January 7, 1987 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-183, effective February 24, 1987.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 29, 30

February 2, 3, 4, 5, 6, 9, 10, 11, 17, 18, 19, 20, 23

AN ACT

D.C. ACT 6 - 2 8 4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOV 2 5 1986

To amend the District of Columbia Income and Franchise Tax Act of 1947 to authorize the set-off of the amount of any debt owed to the University of the District of Columbia by an individual in default of a National Direct Student Loan or Nursing Student Loan against any District of Columbia income tax refund due that individual, and to pay that amount to the University of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Set-off of District of Columbia Income Tax Refunds for Default of Student Loans Amendment Act of 1986".

D.C. Code, sec.
47-1812.11(a)
(1987 supp.)

Sec. 2. Subsection 11(a) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 355; D.C. Code, sec. 47-1812.11(a)), is amended as follows:

(a) By striking the period after the end of paragraph (4) and adding the phrase "and individuals who are in default under the provisions of paragraph (4a) of this section.";

(b) By adding new paragraph (4a) to read as follows:

"(4a)(A) The university shall provide the Mayor with the names and any other available identifying information of individuals whom the university has determined are in default under federal student loan programs.

"(B) The determination of whether an individual is in default under subparagraph (A) of this paragraph shall be made under the National Direct Student Loan Program Regulations, ("NDSL P Regulations") promulgated January 19, 1981 (34 C.F.R. 674.2; 46 Fed. Reg. 5,241). The amount in default shall be limited to the defaulted principle amount outstanding, as defined in the NDSL P regulations.

"(C) Immediately upon the university's determination that an individual is in default, the university shall provide that individual with written notice of its determination by registered mail. The individual shall have 10 days from receipt of the notice to inform the university of the individual's intention to contest the validity of the determination.

"(D) Upon receipt of notice that an individual intends to contest the validity of the university's determination, the university shall provide the individual with a hearing in accordance with the provisions of subchapter I of the District of Columbia Administrative

Procedure Act, approved October 21, 1968 (82 Stat 1203; D.C. Code, sec. 1-1501 et seq.).";

(c) By adding the phrase "or default" after the phrase "amount of the arrearage" in paragraph (7)(A);

(d) By striking the word "arrearages," in paragraph (8) and inserting in its place the phrase "arrearages or the amount in default,";

(e) By striking the phrase "If no protest" in paragraph (9) and inserting in its place the phrase "(A) For refunds withheld from individuals in arrears with court-ordered child support payments, if no protest";

(f) By adding a new paragraph (9)(B) to read as follows:

"(B) For refunds withheld from individuals in default under a federal student loan program, if no protest is filed within the 30-day period as provided for in this section, or if upon protest it is determined that the interception or apportionment was not in error, then the intercepted refunds shall be deposited with the university. All funds deposited with the university shall be applied toward satisfying the defaulted principle amount outstanding of the individual in default, in accordance with the NDSLIP regulations.";

(g) By amending paragraph (12) to read as follows:

"(12)(A) The provisions of this section relating to the interception of income tax refunds of individuals who are in arrears with court-ordered child support payments shall apply to income tax refunds issued after September 18, 1982.

"(B) The provisions of this section relating to the interception of income tax refunds of individuals in default under the federal student loan programs shall apply to income tax refunds issued for tax years 1987 and thereafter."; and

(h) By adding a new paragraph (14) to read as follows:

"(14) For purposes of this subsection, the term:


"(A) "University" means the University of the District of Columbia established by section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, effective October 26, 1974 (88 Stat. 1424; D.C. Code, sec. 31-1511).

"(B) "Federal Student Loan Programs" means the National Direct Student Loan Program authorized by Title II of the National Defense Education Act of 1958, approved September 2, 1958 (72 Stat. 1583; 20 U.S.C. 401 et seq.), and by Title IV, Part E, of the Higher Education Act of 1965, approved November 8, 1965 (79 Stat. 1219; 20 U.S.C. 1001 et seq.); and the Nursing Student Loan Program authorized under Title VIII, Part B, Subpart II, of the

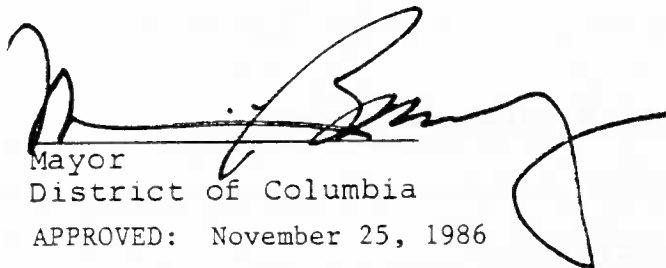
Public Health Service Act, approved September 3, 1964 (78 Stat. 913; 42 U.S.C. 297a et seq.); as governed by 42 C.F.R. 57.301-57.320 (50 Fed. Reg. 34,434).".

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.
1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: November 25, 1986



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B6-441

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 10-21-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Ray

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]

Secretary to the Council

11/10/86
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-5-86

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Wilson and Spaulding

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]

Secretary to the Council

11/15/86
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD