

Union Calendar No. 398

103D CONGRESS
2D SESSION

H. R. 3694

[Report No. 103-721]

A BILL

To amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically abusing a child.

SEPTEMBER 19, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1993

Mrs. SCHROEDER (for herself, Mr. MARKEY, and Mr. KENNEDY) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

SEPTEMBER 19, 1994

Additional sponsors: Mr. FOGLIETTA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. JOHNSON of South Dakota, Mr. TOWNS, Mr. FROST, Mr. ORTON, Mr. VENTO, Mr. PARKER, Mr. YATES, Ms. MCKINNEY, Mr. SAWYER, Mr. CALVERT, Mr. SCOTT, Mr. ENGEL, Ms. VELÁZQUEZ, Mrs. JOHNSON of Connecticut, Mr. CLEMENT, Mr. HOCHBRUECKNER, Mr. ABERCROMBIE, Mr. PETERSON of Minnesota, Mr. REYNOLDS, Mr. WASHINGTON, Mr. WYNN, Mr. TORKILDSEN, Mr. KOPETSKI, Mr. OLVER, Ms. MARGOLIES-MEZVINSKY, Mr. BREWSTER, Mr. GIBBONS, Mrs. LLOYD, Mr. SARPALIUS, Mr. HINCHEY, Mr. BARRETT of Wisconsin, Mr. GEJDENSON, Mr. CHAPMAN, Mr. DEFazio, Mr. RAMSTAD, Mr. KYL, Mr. DIXON, Mr. HAYES, Mr. STENHOLM, Ms. SNOWE, Mr. OBERSTAR, Mrs. UNSOELD, Ms. SCHENK, Mrs. THURMAN, Ms. FURSE, Mr. WILLIAMS, Mr. MINETA, Mr. LEWIS of Florida, and Mr. NADLER

SEPTEMBER 19, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]
[For text of introduced bill, see copy of bill as introduced on November 22, 1993]

A BILL

To amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically abusing a child.

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 "Child Abuse Account-*
5 *ability Act".*

6 **SEC. 2. GARNISHMENT AUTHORITY.**

7 *(a) CIVIL SERVICE RETIREMENT SYSTEM.—(1) Sec-*
8 *tion 8345(j)(1) of title 5, United States Code, is amended*
9 *to read as follows:*

10 *"(j)(1) Payments under this subchapter which would*
11 *otherwise be made to an employee, Member, or annuitant*
12 *based on service of that individual shall be paid (in whole*
13 *or in part) by the Office to another person if and to the*
14 *extent expressly provided for in the terms of—*

15 *"(A) any court decree of divorce, annulment, or*
16 *legal separation, or the terms of any court order or*
17 *court-approved property settlement agreement inci-*

1 *dent to any court decree of divorce, annulment, or*
2 *legal separation; or*

3 *“(B) any court order or other similar process in*
4 *the nature of garnishment for the enforcement of a*
5 *judgment rendered against such employee, Member, or*
6 *annuitant, for physically, sexually, or emotionally*
7 *abusing a child.*

8 *In the event that the Office is served with more than 1 de-*
9 *cree, order, or other legal process with respect to the same*
10 *moneys due or payable to any individual, such moneys*
11 *shall be available to satisfy such processes on a first-come,*
12 *first-served basis, with any such process being satisfied out*
13 *of such moneys as remain after the satisfaction of all such*
14 *processes which have been previously served.”.*

15 *(2) Section 8345(j)(2) of title 5, United States Code,*
16 *is amended by inserting “other legal process,” after*
17 *“order,”.*

18 *(3) Section 8345(j)(3) of title 5, United States Code,*
19 *is amended to read as follows:*

20 *“(3) For the purpose of this subsection—*

21 *“(A) the term ‘court’ means any court of any*
22 *State, the District of Columbia, the Commonwealth of*
23 *Puerto Rico, Guam, the Northern Mariana Islands, or*
24 *the Virgin Islands, and any Indian court;*

1 “(B) the term ‘judgment rendered for physically,
2 sexually, or emotionally abusing a child’ means any
3 legal claim perfected through a final enforceable judg-
4 ment, which claim is based in whole or in part upon
5 the physical, sexual, or emotional abuse of a child,
6 whether or not that abuse is accompanied by other ac-
7 tionable wrongdoing, such as sexual exploitation or
8 gross negligence; and

9 “(C) the term ‘child’ means an individual under
10 18 years of age.”.

11 (b) *FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.*—

12 (1) *Section 8467(a) of title 5, United States Code, is amend-*
13 *ed to read as follows:*

14 “(a) *Payments under this chapter which would other-*
15 *wise be made to an employee, Member, or annuitant (in-*
16 *cluding an employee, Member, or annuitant as defined in*
17 *section 8331) based on service of that individual shall be*
18 *paid (in whole or in part) by the Office or the Executive*
19 *Director, as the case may be, to another person if and to*
20 *the extent expressly provided for in the terms of—*

21 “(1) *any court decree of divorce, annulment, or*
22 *legal separation, or the terms of any court order or*
23 *court-approved property settlement agreement inci-*
24 *dent to any court decree of divorce, annulment, or*
25 *legal separation; or*

1 “(2) any court order or other similar process in
2 the nature of garnishment for the enforcement of a
3 judgment rendered against such employee, Member, or
4 annuitant, for physically, sexually, or emotionally
5 abusing a child.

6 In the event that the Office or the Executive Director, as
7 the case may be, is served with more than 1 decree, order,
8 or other legal process with respect to the same moneys due
9 or payable to any individual, such moneys shall be avail-
10 able to satisfy such processes on a first-come, first-served
11 basis, with any such process being satisfied out of such mon-
12 eys as remain after the satisfaction of all such processes
13 which have been previously served.”.

14 (2) Section 8467(b) of title 5, United States Code, is
15 amended by inserting “other legal process,” after “order,”.

16 (3) Section 8467 of title 5, United States Code, is
17 amended by adding at the end the following:

18 “(c) For the purpose of this section—

19 “(1) the term ‘judgment rendered for physically,
20 sexually, or emotionally abusing a child’ means any
21 legal claim perfected through a final enforceable judg-
22 ment, which claim is based in whole or in part upon
23 the physical, sexual, or emotional abuse of a child,
24 whether or not that abuse is accompanied by other ac-

1 *tionable wrongdoing, such as sexual exploitation or*
2 *gross negligence; and*

3 *“(2) the term ‘child’ means an individual under*
4 *18 years of age.”.*

5 *(4) Section 8437(e)(3) of title 5, United States Code,*
6 *is amended by striking the period at the end of the first*
7 *sentence and inserting the following: “or relating to the en-*
8 *forcement of a judgment for physically, sexually, or emo-*
9 *tionally abusing a child as provided under section*
10 *8467(a).”.*

11 **SEC. 3. EFFECTIVE DATE.**

12 *The amendments made by this Act shall take effect on*
13 *the date of enactment of this Act, and shall apply with re-*
14 *spect to any decree, order, or other legal process, or notice*
15 *of agreement received by the Office of Personnel Manage-*
16 *ment or the Executive Director of the Federal Retirement*
17 *Thrift Investment Board on or after such date of enactment.*

Amend the title so as to read: “A bill to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees’ Retirement System, if necessary to satisfy a judgment against an annuitant for physically, sexually, or emotionally abusing a child.”.