

103^D CONGRESS
2^D SESSION

S. 2187

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 or sexually abusing a child.

IN THE SENATE OF THE UNITED STATES

JUNE 14 (legislative day, JUNE 7), 1994

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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 or sexually 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".

1 **SEC. 2. GARNISHMENT AUTHORITY.**

2 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
3 8345(j) of title 5, United States Code, is amended—

4 (1) by amending paragraph (1) to read as fol-
5 lows:

6 “(j)(1)(A) Payments under this subchapter that
7 would otherwise be made to an employee, Member, or an-
8 nuitant based on service of that individual shall be paid
9 (in whole or in part) by the Office to another person if
10 and to the extent expressly provided for in the terms of—

11 “(i) any court decree of divorce, annulment, or
12 legal separation, or the terms of any court order or
13 court-approved property settlement agreement inci-
14 dent to any court decree of divorce, annulment, or
15 legal separation; or

16 “(ii) any court order or other similar process in
17 the nature of garnishment for the enforcement of a
18 judgment rendered for physically or sexually abusing
19 a child against such employee, Member, or annu-
20 itant.

21 “(B) Any payment under this paragraph to a person
22 bars recovery by any other person.

23 “(C) If the Office is served with more than 1 decree,
24 order, or other legal process with respect to the same mon-
25 eys due or payable to any individual, such moneys shall
26 be available to satisfy such processes on a first-come, first-

1 served basis, with any such process being satisfied out of
2 such moneys as remain after the satisfaction of all such
3 processes which have been previously served.”;

4 (2) in paragraph (2) by inserting “other legal
5 process,” after “order,”; and

6 (3) by amending paragraph (3) to read as fol-
7 lows:

8 “(3) For the purpose of this subsection—

9 “(A) the term ‘court’ means any court of a
10 State, the District of Columbia, the Commonwealth
11 of Puerto Rico, Guam, the Northern Mariana Is-
12 lands, or the Virgin Islands, and any Indian court;

13 “(B) the term ‘judgment rendered for phys-
14 ically or sexually abusing a child’ means any legal
15 claim perfected through a final enforceable judg-
16 ment, which claim is based in whole or in part upon
17 the physical abuse or sexual abuse of a child, wheth-
18 er or not that physical abuse or sexual abuse is ac-
19 companied by other actionable wrongdoing, such as
20 sexual exploitation, gross negligence, or emotional
21 abuse; and

22 “(C) the term ‘child’ means an individual under
23 18 years of age.”.

24 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
25 Section 8467 of title 5, United States Code, is amended—

1 (1) by amending subsection (a) to read as fol-
2 lows:

3 “(a)(1) Payments under this chapter that would oth-
4 erwise be made to an employee, Member, or annuitant (in-
5 cluding an employee, Member, or annuitant as defined in
6 section 8331) based on service of that individual shall be
7 paid (in whole or in part) by the Office or the Executive
8 Director, as the case may be, to another person if and
9 to the extent expressly provided for in the terms of—

10 “(A) any court decree of divorce, annulment, or
11 legal separation, or the terms of any court order or
12 court-approved property settlement agreement inci-
13 dent to any court decree of divorce, annulment, or
14 legal separation; or

15 “(B) any court order or other similar process in
16 the nature of garnishment for the enforcement of a
17 judgment rendered for physically or sexually abusing
18 a child against such employee, Member, or annu-
19 itant.

20 “(2) Any payment under this subsection to a person
21 bars recovery by any other person.

22 “(3) If the Office is served with more than 1 decree,
23 order, or other legal process with respect to the same mon-
24 eys due or payable to any individual, such moneys shall
25 be available to satisfy such processes on a first-come, first-

1 served basis, with any such process being satisfied out of
2 such moneys as remain after the satisfaction of all such
3 processes which have been previously served.”;

4 (2) in subsection (b) by inserting “other legal
5 process,” after “order,”; and

6 (3) by adding at the end the following new sub-
7 section:

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

9 “(1) the term ‘judgment rendered for physically
10 or sexually abusing a child’ means a legal claim per-
11 fected through a final enforceable judgment, which
12 claim is based in whole or in part upon the physical
13 abuse or sexual abuse of a child, whether or not that
14 physical abuse or sexual abuse is accompanied by
15 other actionable wrongdoing, such as sexual exploi-
16 tation, gross negligence, or emotional abuse; and

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

19 **SEC. 3. APPLICATION OF AMENDMENTS.**

20 The amendments made by this Act shall apply with
21 respect to any decree, order, or other legal process or any
22 notice of agreement received by the Office of Personnel
23 Management on or after the date of enactment of this Act.

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