

108TH CONGRESS
2D SESSION

S. 2418

To amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2004

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

A BILL

To amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes.

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. AUTHORIZATION OF CERTAIN PAYMENTS**

4 **UNDER THE CIVIL SERVICE RETIREMENT**

5 **SYSTEM AND THE FEDERAL EMPLOYEES RE-**

6 **TIREMENT SYSTEM TO CERTAIN TRUSTS**

7 **UNDER THE SOCIAL SECURITY ACT.**

8 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

1 (1) PAYMENTS.—Section 8345(e) of title 5,
2 United States Code, is amended—

3 (A) by inserting “(1)” after “(e)”; and

4 (B) by adding at the end the following:

5 “(2)(A) In this paragraph, the terms ‘dependent’ and
6 ‘child’ have the meanings given under section 8441 (3)
7 and (4), respectively.

8 “(B) Payment due a minor, or an individual mentally
9 incompetent or under other legal disability may be made
10 to a trustee under a trust meeting the requirements of
11 subparagraph (A) or (C) of section 1917(d)(4) of the So-
12 cial Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

13 “(i) in the case of a minor, the minor is—

14 “(I) a child of the person upon whom the
15 benefit for payment due is based; or

16 “(II) a dependent (who is a child) of the
17 person upon whom the benefit for payment due
18 is based; or

19 “(ii) in the case of an individual mentally in-
20 competent or under legal disability—

21 “(I) the incompetency or disability oc-
22 curred during the period that the individual was
23 a child or a dependent (who was a child) of the
24 person upon whom the benefit for payment due
25 is based; and

1 “(II) that incompetency or disability has
2 been continuous since that occurrence through
3 the date of the payment due.”.

4 (2) ASSIGNABILITY OF PAYMENTS.—Section
5 8346(a) of title 5, United States Code, is amend-
6 ed—

7 (A) by inserting “(1)” after “(a)”; and

8 (B) by adding at the end the following:

9 “(2)(A) In this paragraph, the terms ‘dependent’ and
10 ‘child’ have the meanings given under section 8441 (3)
11 and (4), respectively.

12 “(B) Except as provided under paragraph (1), money
13 payable under this subchapter to a minor or an individual
14 mentally incompetent or under other legal disability is not
15 assignable, either in law or equity, except to a trustee
16 under a trust meeting the requirements of subparagraph
17 (A) or (C) of section 1917(d)(4) of the Social Security
18 Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

19 “(i) in the case of a minor, the minor is—

20 “(I) a child of the person upon whom the
21 benefit for the money payable is based; or

22 “(II) a dependent (who is a child) of the
23 person upon whom the benefit for the money
24 payable is based; or

1 “(ii) in the case of an individual mentally in-
2 competent or under legal disability—

3 “(I) the incompetency or disability oc-
4 curred during the period that the individual was
5 a child or a dependent (who was a child) of the
6 person upon whom the benefit for the money
7 payable is based; and

8 “(II) that incompetency or disability has
9 been continuous since that occurrence through
10 the date of the payment of the money.”.

11 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

12 (1) PAYMENTS.—Section 8466(c) of title 5,
13 United States Code, is amended—

14 (A) by inserting “(1)” after “(c)”; and

15 (B) by adding at the end the following:

16 “(2)(A) In this paragraph, the terms ‘dependent’ and
17 ‘child’ have the meanings given under section 8441 (3)
18 and (4), respectively.

19 “(B) Payment due a minor, or an individual mentally
20 incompetent or under other legal disability may be made
21 to a trustee under a trust meeting the requirements of
22 subparagraph (A) or (C) of section 1917(d)(4) of the So-
23 cial Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

24 “(i) in the case of a minor, the minor is—

1 “(I) a child of the person upon whom the
2 benefit for payment due is based; or

3 “(II) a dependent (who is a child) of the
4 person upon whom the benefit for payment due
5 is based; or

6 “(ii) in the case of an individual mentally in-
7 competent or under legal disability—

8 “(I) the incompetency or disability oc-
9 curred during the period that the individual was
10 a child or a dependent (who was a child) of the
11 person upon whom the benefit for payment due
12 is based; and

13 “(II) that incompetency or disability has
14 been continuous since that occurrence through
15 the date of the payment due.”.

16 (2) ASSIGNABILITY OF PAYMENTS.—Section
17 8470(a) of title 5, United States Code, is amend-
18 ed—

19 (A) by inserting “(1)” after “(a)”; and

20 (B) by adding at the end the following:

21 “(2)(A) In this paragraph, the terms ‘dependent’ and
22 ‘child’ have the meanings given under section 8441 (3)
23 and (4), respectively.

24 “(B) Except as provided under paragraph (1), an
25 amount payable under subchapter II, IV, or V to a minor

1 or an individual mentally incompetent or under other legal
2 disability is not assignable, either in law or equity, except
3 to a trustee under a trust meeting the requirements of
4 subparagraph (A) or (C) of section 1917(d)(4) of the So-
5 cial Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

6 “(i) in the case of a minor, the minor is—

7 “(I) a child of the person upon whom the
8 benefit for the amount payable is based; or

9 “(II) a dependent (who is a child) of the
10 person upon whom the benefit for the amount
11 payable is based; or

12 “(ii) in the case of an individual mentally in-
13 competent or under legal disability—

14 “(I) the incompetency or disability oc-
15 curred during the period that the individual was
16 a child or a dependent (who was a child) of the
17 person upon whom the benefit for the amount
18 payable is based; and

19 “(II) that incompetency or disability has
20 been continuous since that occurrence through
21 the date of the payment of the amount.”.

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