

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3694

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.

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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

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## 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".

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

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

5 “(j)(1) Payments under this subchapter which would  
6 otherwise be made to an employee, Member, or annuitant  
7 based on service of that individual shall be paid (in whole  
8 or in part) by the Office to another person if and to the  
9 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 against such employee, Member,  
18 or annuitant, for physically abusing a child.

19 Any payment under this paragraph to a person bars recov-  
20 ery by any other person. In the event that the Office is  
21 served with more than 1 decree, order, or other legal proc-  
22 ess with respect to the same moneys due or payable to  
23 any individual, such moneys shall be available to satisfy  
24 such processes on a first-come, first-served basis, with any  
25 such process being satisfied out of such moneys as remain

1 after the satisfaction of all such processes which have been  
2 previously served.”.

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

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

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

9 (A) the term ‘court’ means any court of any  
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 abusing a child’ means any legal claim per-  
15 fected through a final enforceable judgment, which  
16 claim is based in whole or in part upon the physical  
17 abuse of a child, whether or not that physical abuse  
18 is accompanied by other actionable wrongdoing, such  
19 as sexual exploitation, gross negligence, or emotional  
20 abuse; and

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

23 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

24 (1) Section 8467(a) of title 5, United States Code, is  
25 amended to read as follows:

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

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

13              “(2) any court order or other similar process in  
14      the nature of garnishment for the enforcement of a  
15      judgment rendered against such employee, Member,  
16      or annuitant, for physically abusing a child.

17 Any payment under this subsection to a person bars recov-  
18 ery by any other person. In the event that the Office is  
19 served with more than 1 decree, order, or other legal proc-  
20 ess with respect to the same moneys due or payable to  
21 any individual, such moneys shall be available to satisfy  
22 such processes on a first-come, first-served basis, with any  
23 such process being satisfied out of such moneys as remain  
24 after the satisfaction of all such processes which have been  
25 previously served.”.

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

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

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

7               “(1) the term ‘judgment rendered for physically  
8 abusing a child’ means any legal claim perfected  
9 through a final enforceable judgment, which claim is  
10 based in whole or in part upon the physical abuse  
11 of a child, whether or not that physical abuse is ac-  
12 companied by other actionable wrongdoing, such as  
13 sexual exploitation, gross negligence, or emotional  
14 abuse; and

15               “(2) the term ‘child’ means an individual under  
16 18 years of age.”.

17 **SEC. 3. EFFECTIVE DATE.**

18       The amendments made by this Act shall take effect  
19 on the date of enactment of this Act, and shall apply with  
20 respect to any decree, order, or other legal process, or no-  
21 tice of agreement received by the Office of Personnel Man-  
22 agement on or after such date of enactment.

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