

103D CONGRESS  
1ST SESSION

# S. 253

To authorize the garnishment of Federal employees' pay, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28 (legislative day, JANUARY 5), 1993

Mr. CRAIG (for himself, Mr. PRYOR, and Mr. ROTH) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To authorize the garnishment of Federal employees' pay, 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. SHORT TITLE.**

4 This Act may be cited as the "Garnishment Equali-  
5 zation Act of 1993".

6 **SEC. 2. GARNISHMENT OF FEDERAL EMPLOYEES' PAY.**

7 (a) IN GENERAL.—Subchapter II of chapter 55 of  
8 title 5, United States Code, is amended by adding at the  
9 end thereof the following new section:

1 **“§ 5520a. Garnishment of pay**

2 “(a) For purposes of this section—

3 “(1) ‘agency’ means each agency of the Federal  
4 Government, including—

5 “(A) an executive agency, except for the  
6 General Accounting Office;

7 “(B) the United States Postal Service and  
8 the Postal Rate Commission;

9 “(C) any agency of the judicial branch of  
10 the Government; and

11 “(D) any agency of the legislative branch  
12 of the Government, including the General Ac-  
13 counting Office, each office of a Member of  
14 Congress, a committee of the Congress, or other  
15 office of the Congress;

16 “(2) ‘employee’ means an employee of an agen-  
17 cy or member of the uniformed services as defined  
18 under section 2101(3);

19 “(3) ‘legal process’ means any writ, order, sum-  
20 mons, or other similar process in the nature of gar-  
21 nishment, that—

22 “(A) is issued by a court of competent ju-  
23 risdiction within any State, territory, or posses-  
24 sion of the United States, or an authorized offi-  
25 cial pursuant to an order of such a court or  
26 pursuant to State or local law; and

1           “(B) orders the employing agency of such  
2           employee to withhold an amount from the pay  
3           of such employee, and make a payment of such  
4           withholding to another person, for a specifically  
5           described satisfaction of a legal debt of the em-  
6           ployee, or recovery of attorney’s fees, interest,  
7           or court costs; and

8           “(4) ‘pay’ means—

9           “(A) basic pay, premium pay paid under  
10           subchapter V, any payment received under sub-  
11           chapter VI, VII, or VIII, severance and back  
12           pay paid under subchapter IX, sick pay, incen-  
13           tive pay, and any other compensation paid or  
14           payable for personal services, whether such  
15           compensation is denominated as wages, salary,  
16           commission, bonus pay or otherwise; and

17           “(B) does not include awards for making  
18           suggestions.

19           “(b) Subject to the provisions of this section and the  
20           provisions of section 303 of the Consumer Credit Protec-  
21           tion Act (15 U.S.C. 1673) pay from an agency to an em-  
22           ployee is subject to legal process in the same manner and  
23           to the same extent as if the agency were a private person.

24           “(c)(1) Service of legal process to which an agency  
25           is subject under this section may be accomplished by cer-

1 tified or registered mail, return receipt requested, or by  
2 personal service, upon—

3           “(A) the appropriate agent designated for re-  
4           ceipt of such service of process pursuant to the regu-  
5           lations issued under this section; or

6           “(B) the head of such agency, if no agent has  
7           been so designated.

8           “(2) Such legal process shall be accompanied by suffi-  
9           cient information to permit prompt identification of the  
10          employee and the payments involved.

11          “(d) Whenever any person, who is designated by law  
12          or regulation to accept service of process to which an agen-  
13          cy is subject under this section, is effectively served with  
14          any such process or with interrogatories, such person shall  
15          respond thereto within thirty days (or within such longer  
16          period as may be prescribed by applicable State law) after  
17          the date effective service thereof is made, and shall, as  
18          soon as possible but not later than fifteen days after the  
19          date effective service is made, send written notice that  
20          such process has been so served (together with a copy  
21          thereof) to the affected employee at his or her duty station  
22          or last-known home address.

23          “(e) No employee whose duties include responding to  
24          interrogatories pursuant to requirements imposed by this  
25          section shall be subject to any disciplinary action or civil

1 or criminal liability or penalty for, or on account of, any  
2 disclosure of information made by such employee in con-  
3 nection with the carrying out of any of such employee's  
4 duties which pertain directly or indirectly to the answering  
5 of any such interrogatory.

6       “(f) Agencies affected by legal process under this sec-  
7 tion shall not be required to vary their normal pay and  
8 disbursement cycles in order to comply with any such legal  
9 process.

10       “(g) Neither the United States, an agency, nor any  
11 disbursing officer shall be liable with respect to any pay-  
12 ment made from payments due or payable to an employee  
13 pursuant to legal process regular on its face, provided such  
14 payment is made in accordance with this section and the  
15 regulations issued to carry out this section.

16       “(h)(1) Subject to the provisions of paragraph (2),  
17 if an agency is served under this section with more than  
18 one legal process with respect to the same payments due  
19 or payable to an employee, then such payments shall be  
20 available, subject to section 303 of the Consumer Credit  
21 Protection Act (15 U.S.C. 1673), to satisfy such processes  
22 in priority based on the time of service, with any such  
23 process being satisfied out of such amounts as remain  
24 after satisfaction of all such processes which have been  
25 previously served.

1       “(2) A legal process to which an agency is subject  
2 under sections 459, 461, and 462 of the Social Security  
3 Act (42 U.S.C. 659, 661, and 662) for the enforcement  
4 of the employee’s legal obligation to provide child support  
5 or make alimony payments, shall have priority over any  
6 legal process to which an agency is subject under this  
7 section.

8       “(i) The provisions of this section shall not modify  
9 or supersede the provisions of sections 459, 461, and 462  
10 of the Social Security Act (42 U.S.C. 659, 661, and 662)  
11 concerning legal process brought for the enforcement of  
12 an individual’s legal obligations to provide child support  
13 or make alimony payments.

14       “(j)(1) Regulations implementing the provisions of  
15 this section shall be promulgated—

16               “(A) by the President or his designee for each  
17 executive agency, except—

18                       “(i) with regard to members of the armed  
19 forces as defined under section 2101, the Presi-  
20 dent or, at his discretion, the Secretary of De-  
21 fense shall promulgate such regulations; and

22                       “(ii) with regard to employees of the Unit-  
23 ed States Postal Service, the President or, at  
24 his discretion, the Postmaster General shall  
25 promulgate such regulations;

1           “(B) jointly by the President pro tempore of  
2           the Senate and the Speaker of the House of Rep-  
3           resentatives, or their designee, for the legislative  
4           branch of the Government; and

5           “(C) by the Chief Justice of the United States  
6           or his designee for the judicial branch of the Govern-  
7           ment.

8           “(2) Such regulations shall provide that an agency’s  
9           administrative costs in executing a garnishment action  
10          may be added to the garnishment, and that the agency  
11          may retain costs recovered as offsetting collections.”.

12          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13          (1) The table of chapters for chapter 55 of title 5, United  
14          States Code, is amended by inserting after the item relat-  
15          ing to section 5520 the following:

          “5520a. Garnishment of pay.”.

16          (2) Section 410(b) of title 39, United States Code,  
17          is amended—

18                  (A) by redesignating the second paragraph (9)  
19                  (relating to the Inspector General Act of 1978) as  
20                  paragraph (10); and

21                  (B) by adding at the end thereof the following  
22                  new paragraph:

23                  “(11) section 5520a of title 5.”.

1 **SEC. 3. EFFECTIVE DATE.**

2       The amendments made by this Act shall take effect

3 180 days after the date of enactment of this Act.

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