

103^D CONGRESS
1ST SESSION

H. R. 214

To provide that Federal pay be made subject to garnishment.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. JACOBS introduced the following bill; which was referred to the Committee on Post Office and Civil Service

NOVEMBER 22, 1993

Additional sponsors: Mr. SHAYS, Mr. HUTCHINSON, Mrs. VUCANOVICH, Mr. SANTORUM, Mrs. MYERS of Kansas, Mr. GALLEGLY, Mr. OXLEY, Mr. PARKER, Mr. CLEMENT, Mr. LEWIS of Florida, Mr. WALSH, Mr. McCANDLESS, Mr. KLUG, Mr. GILLMOR, Mr. BAKER of Louisiana, Mr. LIVINGSTON, Mr. MYERS of Indiana, Mr. COSTELLO, Mr. KOPETSKI, Mr. SMITH of Oregon, Mr. SCHIFF, Mr. HASTERT, Mr. KANJORSKI, Mr. SUNDQUIST, Mr. SENSENBRENNER, Mr. HALL of Ohio, Mr. ALLARD, Mr. ARMEY, Mr. MINGE, Mr. GRAMS, Mr. HOBSON, Mr. BUNNING, Mr. RICHARDSON, Mr. ZELIFF, Mr. UPTON, Mr. MCCURDY, Mr. BOEHNER, Mr. BACHUS of Alabama, Ms. SHEPHERD, Mr. SANDERS, Mr. GOSS, Mr. EMERSON, Mr. PAXON, Mr. KING, Mr. HOKE, Mr. VENTO, Mr. THOMAS of Wyoming, Mr. HANCOCK, Mr. INGLIS of South Carolina, Mr. PAYNE of Virginia, Mr. RAMSTAD, Mr. ZIMMER, Mr. BARCIA of Michigan, Mr. MCCRERY, Mr. PENNY, Mr. BAKER of California, Mr. HEFLEY, Mr. TORKILDSEN, Mr. ROYCE, Mr. McDERMOTT, Mr. PETERSON of Minnesota, Mr. ROHRABACHER, Ms. PRYCE of Ohio, Mr. KNOLLENBERG, Ms. SNOWE, Mr. BEREUTER, Mr. BALLENGER, Mr. FRANKS of New Jersey, Mr. STUMP, Ms. FURSE, Mr. MONTGOMERY, Mr. COX, Mr. SCHAEFER, Mr. SAXTON, Mr. GORDON, Mr. GILMAN, Mr. TAUZIN, Mr. DEFazio, Mr. SWETT, Mr. PACKARD, Mr. BONILLA, Mr. DICKS, Mr. LAZIO, Mr. SHUSTER, Mr. BARTLETT of Maryland, Mr. PETRI, Mr. CRANE, Ms. SLAUGHTER, Mr. LAFALCE, Mr. HYDE, Mr. CASTLE, Ms. ROS-LEHTINEN, Mr. HAMILTON, Mr. BREWSTER, Mr. BLILEY, Mr. DARDEN, Mrs. FOWLER, Mr. SOLOMON, Mr. MURTHA, Mr. DELAY, Mr. BROWN of Ohio, Mr. ANDREWS of New Jersey, Mr. EVERETT, Mr. DOOLITTLE, Mr. MEEHAN, Mr. PORTER, Mr. BLUTE, Ms. LONG, Ms. LAMBERT, Mr. DURBIN, Ms. DUNN, and Mr. GOODLATTE

A BILL

To provide that Federal pay be made subject to garnishment.

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 the following:

10 **“§ 5520a. Garnishment of pay**

11 “(a) For the purpose of this section—

12 “(1) the term ‘agency’ means—

13 “(A) an Executive agency (other than the
14 General Accounting Office);

15 “(B) an agency of the judicial branch of
16 the Government; and

17 “(C) an agency of the legislative branch of
18 the Government, including the General Ac-
19 counting Office, the office of a Member of Con-
20 gress, a committee of either House or a joint
21 committee of the 2 Houses, and any other office
22 of Congress;

1 “(2) the term ‘employee’ means an employee of
2 an agency or member of the uniformed services;

3 “(3) the term ‘private person’ means a person
4 who does not have sovereign or other special immu-
5 nity or privilege which causes such person not to be
6 subject to legal process;

7 “(4) the term ‘legal process’ means any writ,
8 order, summons, or other similar process in the na-
9 ture of garnishment, which—

10 “(A) is issued by—

11 “(i) a court of competent jurisdiction
12 within any State, territory, or possession of
13 the United States;

14 “(ii) a court of competent jurisdiction
15 in any foreign country with which the
16 United States has entered into an agree-
17 ment which requires the United States to
18 honor such process; or

19 “(iii) an authorized official pursuant
20 to an order of such a court of competent
21 jurisdiction or pursuant to State or local
22 law; and

23 “(B) is directed to, and the purpose of
24 which is to compel, in accordance with applica-
25 ble law, an agency which holds moneys which

1 are otherwise payable to an individual, to make
2 a payment from such moneys to another party
3 in order to satisfy a debt;

4 “(5) entitlement of an individual to any money
5 shall be deemed to be ‘based upon remuneration for
6 employment’ if such money consists of compensation
7 paid or payable for personal services of such individ-
8 ual, whether such compensation is denominated as
9 pay, wages, salary, bonus, or otherwise, and includes
10 severance pay and incentive pay, but does not in-
11 clude—

12 “(A) awards for making suggestions;

13 “(B) any payments under chapter 83 or
14 84, or any other retirement system for employ-
15 ees; or

16 “(C) amounts paid to such individual, by
17 way of reimbursement or otherwise, by such in-
18 dividual’s employing agency, to defray expenses
19 incurred by such individual in carrying out du-
20 ties associated with such individual’s employ-
21 ment;

22 “(6) the term ‘process to which an agency is
23 subject under this section’ does not include any legal
24 process described in section 462(e) of the Social Se-
25 curity Act; and

1 “(7) the term ‘debt’ does not include any legal
2 obligation referred to in section 462(e)(2) of the So-
3 cial Security Act.

4 “(b) Subject to the provisions of this section and the
5 provisions of section 303 of the Consumer Credit Protec-
6 tion Act, moneys (the entitlement to which is based upon
7 remuneration for employment) due from, or payable by,
8 an agency to any individual for service as an employee
9 shall be subject, in like manner and to the same extent
10 as if the United States were a private person, to legal
11 process brought for the satisfaction of a debt owed to an-
12 other party.

13 “(c)(1) Service of legal process under this section
14 may be accomplished by certified or registered mail, return
15 receipt requested, or by personal service, upon—

16 “(A) the appropriate agent designated for re-
17 ceipt of such service of process pursuant to regula-
18 tions issued under this section; or

19 “(B) if no agent has been designated for the
20 agency having payment responsibility for the moneys
21 involved, then upon the head of such agency.

22 “(2) Such legal process shall be accompanied by suffi-
23 cient information to permit prompt identification of the
24 individual and the moneys involved.

1 “(d) No employee whose duties include responding to
2 interrogatories pursuant to requirements imposed by this
3 section shall be subject under any law to any disciplinary
4 action or civil or criminal liability or penalty for, or on
5 account of, any disclosure of information made by such
6 employee with the carrying out of any of such employee’s
7 duties which pertain (directly or indirectly) to the answer-
8 ing of any such interrogatory.

9 “(e) Whenever any person, who is designated by law
10 or regulation to accept service of process to which an agen-
11 cy is subject under this section, is effectively served with
12 any such process or with interrogatories relating to an in-
13 dividual’s obligation in connection with a particular debt,
14 such person shall respond thereto within 30 days (or with-
15 in such longer period as may be prescribed by applicable
16 State law) after the date effective service thereof is made,
17 and shall, as soon as possible but not later than 15 days
18 after the date effective service is made, send written notice
19 that such process has been so served (together with a copy
20 thereof) to the affected employee at such employee’s duty
21 station or last-known home address.

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

1 “(g) Neither the United States, an agency, nor any
2 disbursing officer shall be liable with respect to any pay-
3 ment made from moneys due or payable from the United
4 States to any individual pursuant to legal process regular
5 on its face, if such payment is made in accordance with
6 this section and the regulations prescribed to carry out
7 this section.

8 “(h)(1) In the event that an agency, which is author-
9 ized under this section or the regulations prescribed to
10 carry out this section to accept service of process, is served
11 with more than 1 legal process with respect to the same
12 moneys due or payable to any individual, then such mon-
13 eys shall be available to satisfy such processes on a first-
14 come, first-served basis, with any such process being sat-
15 isfied out of such moneys as remain after the satisfaction
16 of all such processes which have been previously served,
17 subject to paragraph (2).

18 “(2) In the event of service of legal process under
19 this section and the service of legal process (as defined
20 by section 462(e) of the Social Security Act) under section
21 459 of the Social Security Act, with respect to the same
22 moneys due or payable to an individual, priority shall be
23 given to the legal process (as defined by such section
24 462(e)) served under such section 459.

1 “(i) In determining the amount of any payment due
2 from, or payable by, an agency to an individual, there shall
3 be excluded those amounts which would be excluded under
4 section 462(g) of the Social Security Act.

5 “(j) Nothing in this section shall modify or supersede
6 any provision of section 459, 461, or 462 of the Social
7 Security Act.

8 “(k)(1) Regulations to carry out this section shall—

9 “(A) with respect to agencies under subsection
10 (a)(1)(A), be prescribed by the President or the
11 President’s designee;

12 “(B) with respect to agencies under subsection
13 (a)(1)(B), be prescribed by the Chief Justice of the
14 United States or the Chief Justice’s designee; and

15 “(C) with respect to agencies under subsection
16 (a)(1)(C), be prescribed jointly by the Speaker of the
17 House of Representatives and the President pro
18 tempore of the Senate, or their designee.

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

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for chapter 55 of title 5, United States Code, is amended

1 by inserting after the item relating to section 5520 the
2 following:

“5520a. Garnishment of pay.”.

3 **SEC. 3. AMENDMENT TO TITLE 39, UNITED STATES CODE.**

4 Section 1005 of title 39, United States Code, is
5 amended by adding at the end the following:

6 “(g) The provisions of section 5520a of title 5 shall
7 apply to officers and employees of the Postal Service.”.

8 **SEC. 4. APPLICABILITY.**

9 The amendments made by this Act shall take effect
10 180 days after the date of enactment of this Act, and shall
11 apply with respect to any legal process served on or after
12 that effective date.

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