

103^D CONGRESS
2^D SESSION

H. R. 3694

AN ACT

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, sexually, or emotionally 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Child Abuse Account-
3 ability Act”.

4 **SEC. 2. GARNISHMENT AUTHORITY.**

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

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

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

18 “(B) any court order or other similar process in
19 the nature of garnishment for the enforcement of a
20 judgment rendered against such employee, Member,
21 or annuitant, for physically, sexually, or emotionally
22 abusing a child.

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

1 come, first-served basis, with any such process being satis-
2 fied out of such moneys as remain after the satisfaction
3 of all such processes which have been previously served.”.

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

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

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

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

14 “(B) the term ‘judgment rendered for phys-
15 ically, sexually, or emotionally abusing a child’
16 means any legal claim perfected through a final en-
17 forceable judgment, which claim is based in whole or
18 in part upon the physical, sexual, or emotional abuse
19 of a child, whether or not that abuse is accompanied
20 by other actionable wrongdoing, such as sexual ex-
21 ploitation or gross negligence; and

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

1 (b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

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

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

11 “(1) 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 “(2) any court order or other similar process in
17 the nature of garnishment for the enforcement of a
18 judgment rendered against such employee, Member,
19 or annuitant, for physically, sexually, or emotionally
20 abusing a child.

21 In the event that the Office or the Executive Director, as
22 the case may be, is served with more than 1 decree, order,
23 or other legal process with respect to the same moneys
24 due or payable to any individual, such moneys shall be
25 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) Section 8467(b) of title 5, United States Code,
5 is amended by inserting “other legal process,” after
6 “order,”.

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

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

10 “(1) the term ‘judgment rendered for phys-
11 ically, sexually, or emotionally abusing a child’
12 means any legal claim perfected through a final en-
13 forceable judgment, which claim is based in whole or
14 in part upon the physical, sexual, or emotional abuse
15 of a child, whether or not that abuse is accompanied
16 by other actionable wrongdoing, such as sexual ex-
17 ploitation or gross negligence; and

18 “(2) the term ‘child’ means an individual under
19 18 years of age.”.

20 (4) Section 8437(e)(3) of title 5, United States Code,
21 is amended by striking the period at the end of the first
22 sentence and inserting the following: “or relating to the
23 enforcement of a judgment for physically, sexually, or
24 emotionally abusing a child as provided under section
25 8467(a).”.

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

2 The amendments made by this Act shall take effect
3 on the date of enactment of this Act, and shall apply with
4 respect to any decree, order, or other legal process, or no-
5 tice of agreement received by the Office of Personnel Man-
6 agement or the Executive Director of the Federal Retire-
7 ment Thrift Investment Board on or after such date of
8 enactment.

 Passed the House of Representatives September 19,
1994.

Attest:

Clerk.

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