

104TH CONGRESS
1ST SESSION

S. 131

To specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

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. ELECTRONIC BENEFIT TRANSFERS.**

4 Section 904(d) of the Electronic Fund Transfer Act
5 (15 U.S.C. 1693b(d)) is amended—

6 (1) by inserting “(1)” after “(d)”; and

7 (2) by adding at the end the following new
8 paragraph:

9 “(2)(A) The disclosures, protections, responsibilities,
10 and remedies created by this title or any rules, regulations,

1 or orders issued by the Board in accordance with this title,
2 do not apply to an electronic benefit transfer program es-
3 tablished under State or local law, or administered by a
4 State or local government, unless the payment under such
5 program is made directly into a consumer's account held
6 by the recipient.

7 “(B) Subparagraph (A) does not apply to employ-
8 ment related payments, including salaries, pension, retire-
9 ment, or unemployment benefits established by Federal,
10 State, or local governments.

11 “(C) Nothing in subparagraph (A) alters the protec-
12 tions of benefits established by any Federal, State, or local
13 law, or preempts the application of any State or local law.

14 “(D) For purposes of subparagraph (A), an electronic
15 benefit transfer program is a program under which a Fed-
16 eral, State, or local government agency distributes needs-
17 tested benefits by establishing accounts to be accessed by
18 recipients electronically, such as through automated teller
19 machines, or point-of-sale terminals. A program estab-
20 lished for the purpose of enforcing the support obligations
21 owed by absent parents to their children and the custodial
22 parents with whom the children are living is not an elec-
23 tronic benefit transfer program.”.

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