

108TH CONGRESS  
2D SESSION

# S. 2418

To amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 13, 2004

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, 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. AUTHORIZATION OF CERTAIN PAYMENTS**

4 **UNDER THE CIVIL SERVICE RETIREMENT**

5 **SYSTEM AND THE FEDERAL EMPLOYEES RE-**

6 **TIREMENT SYSTEM TO CERTAIN TRUSTS**

7 **UNDER THE SOCIAL SECURITY ACT.**

8 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

1           (1) PAYMENTS.—Section 8345(e) of title 5,  
2       United States Code, is amended—

3                       (A) by inserting “(1)” after “(e)”; and

4                       (B) by adding at the end the following:

5       “(2)(A) In this paragraph, the terms ‘dependent’ and  
6       ‘child’ have the meanings given under section 8441 (3)  
7       and (4), respectively.

8       “(B) Payment due a minor, or an individual mentally  
9       incompetent or under other legal disability may be made  
10      to a trustee under a trust meeting the requirements of  
11      subparagraph (A) or (C) of section 1917(d)(4) of the So-  
12      cial Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

13                   “(i) in the case of a minor, the minor is—

14                               “(I) a child of the person upon whom the  
15                               benefit for payment due is based; or

16                               “(II) a dependent (who is a child) of the  
17                               person upon whom the benefit for payment due  
18                               is based; or

19                   “(ii) in the case of an individual mentally in-  
20      competent or under legal disability—

21                               “(I) the incompetency or disability oc-  
22                               curred during the period that the individual was  
23                               a child or a dependent (who was a child) of the  
24                               person upon whom the benefit for payment due  
25                               is based; and

1           “(II) that incompetency or disability has  
 2           been continuous since that occurrence through  
 3           the date of the payment due.”.

4           (2) ASSIGNABILITY OF PAYMENTS.—Section  
 5           8346(a) of title 5, United States Code, is amend-  
 6           ed—

7                   (A) by inserting “(1)” after “(a)”; and

8                   (B) by adding at the end the following:

9           “(2)(A) In this paragraph, the terms ‘dependent’ and  
 10          ‘child’ have the meanings given under section 8441 (3)  
 11          and (4), respectively.

12          “(B) Except as provided under paragraph (1), money  
 13          payable under this subchapter to a minor or an individual  
 14          mentally incompetent or under other legal disability is not  
 15          assignable, either in law or equity, except to a trustee  
 16          under a trust meeting the requirements of subparagraph  
 17          (A) or (C) of section 1917(d)(4) of the Social Security  
 18          Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

19                   “(i) in the case of a minor, the minor is—

20                           “(I) a child of the person upon whom the  
 21                           benefit for the money payable is based; or

22                           “(II) a dependent (who is a child) of the  
 23                           person upon whom the benefit for the money  
 24                           payable is based; or

1 “(ii) in the case of an individual mentally in-  
 2 competent or under legal disability—

3 “(I) the incompetency or disability oc-  
 4 curred during the period that the individual was  
 5 a child or a dependent (who was a child) of the  
 6 person upon whom the benefit for the money  
 7 payable is based; and

8 “(II) that incompetency or disability has  
 9 been continuous since that occurrence through  
 10 the date of the payment of the money.”.

11 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

12 (1) PAYMENTS.—Section 8466(c) of title 5,  
 13 United States Code, is amended—

14 (A) by inserting “(1)” after “(c)”; and

15 (B) by adding at the end the following:

16 “(2)(A) In this paragraph, the terms ‘dependent’ and  
 17 ‘child’ have the meanings given under section 8441 (3)  
 18 and (4), respectively.

19 “(B) Payment due a minor, or an individual mentally  
 20 incompetent or under other legal disability may be made  
 21 to a trustee under a trust meeting the requirements of  
 22 subparagraph (A) or (C) of section 1917(d)(4) of the So-  
 23 cial Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

24 “(i) in the case of a minor, the minor is—

1           “(I) a child of the person upon whom the  
2           benefit for payment due is based; or

3           “(II) a dependent (who is a child) of the  
4           person upon whom the benefit for payment due  
5           is based; or

6           “(ii) in the case of an individual mentally in-  
7           competent or under legal disability—

8           “(I) the incompetency or disability oc-  
9           curred during the period that the individual was  
10          a child or a dependent (who was a child) of the  
11          person upon whom the benefit for payment due  
12          is based; and

13          “(II) that incompetency or disability has  
14          been continuous since that occurrence through  
15          the date of the payment due.”.

16          (2) ASSIGNABILITY OF PAYMENTS.—Section  
17          8470(a) of title 5, United States Code, is amend-  
18          ed—

19                 (A) by inserting “(1)” after “(a)”; and

20                 (B) by adding at the end the following:

21          “(2)(A) In this paragraph, the terms ‘dependent’ and  
22          ‘child’ have the meanings given under section 8441 (3)  
23          and (4), respectively.

24          “(B) Except as provided under paragraph (1), an  
25          amount payable under subchapter II, IV, or V to a minor

1 or an individual mentally incompetent or under other legal  
 2 disability is not assignable, either in law or equity, except  
 3 to a trustee under a trust meeting the requirements of  
 4 subparagraph (A) or (C) of section 1917(d)(4) of the So-  
 5 cial Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)), if—

6 “(i) in the case of a minor, the minor is—

7 “(I) a child of the person upon whom the  
 8 benefit for the amount payable is based; or

9 “(II) a dependent (who is a child) of the  
 10 person upon whom the benefit for the amount  
 11 payable is based; or

12 “(ii) in the case of an individual mentally in-  
 13 competent or under legal disability—

14 “(I) the incompetency or disability oc-  
 15 curred during the period that the individual was  
 16 a child or a dependent (who was a child) of the  
 17 person upon whom the benefit for the amount  
 18 payable is based; and

19 “(II) that incompetency or disability has  
 20 been continuous since that occurrence through  
 21 the date of the payment of the amount.”.

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