

Date due _____

F. e.: For Mr. Spitzer

LEGISLATIVE ANALYSIS

Bill No. H.R. 2411 Report No. _____ Companion No. _____

Title: none
Subject: withholding of child support payments from federal employees' wages

Amends. 5 U.S.C. §5525

Contacts. _____

Conclusion: No Agency objection
 Agency objection and/or needs amendment
Monitor: (yes) (no)

Analysis: I think that Karen should have this Bill. In the interim, though, I have done some analysis as follows.

This bill amends the provisions of law governing the way in which federal employees salaries are paid so as to require that child support payments be withheld from a federal employees wages when the court issuing the child support order has that order certified with the employing agency in accordance with regulations developed pursuant to 5 U.S.C. 5527. ~~That~~ That provision of law authorizes the President (presumably OMB) to develop broad regulations governing how agencies shall pay their employees but leaves lots of matters to the individual agencies' discretion.

I don't know if the Agency takes the position it is exempt from the provisions of ~~that law~~ law which this Bill amends. if it does, then the bill would not directly affect the Agency. if it were passed, however, the Agency would most likely adopt it under its own authorities if for no other reason than cover.

I suggest that Karen review this Bill, perhaps in conjunction with O/P. I am not sure of its chances of passage, however, as it seems to have only one sponsor, Ms. Schroeder. She is the chairwoman, though, of the appropriate house subcommittee.

Paul - This same issue is included in S. 800, Economic Equity Act, which will be sent around for review.

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6/8/82
(date)

title
return to PS

RECORD OF ORAL RESPONSE

BILLS AND LEGISLATIVE REFERRALS

Date: 6/29/83

Office: EEO/CIA

Person:

Subject: _____

Bill No.: S. 888

Comment: Edie said that the only section of S. 888 which affected the Office of Equal Employment Opportunity was Title IV which dealt with a review of regulations. That Title, however, presented no real problems. The review which it calls for has already been done twice as to Agency regulations, etc. by the Office of EEO. Hence, that Office had no objection to the Bill.

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return to P

RECORD OF ORAL RESPONSE
BILLS AND LEGISLATIVE REFERRALS

Date: June 23, 1983 Person:

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Office: Personnel

Subject: _____

Bill No.: S. 388

Comment: The Office of Personnel had no objection to the Bill.

File: _____

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18 APR 1983

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98TH CONGRESS
1ST SESSION

H. R. 2411

To provide a procedure for automatic mandatory wage assignment of wages, income, and pensions for all Federal civilian employees for the purpose of paying court-ordered child support obligations.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 1983

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

A BILL

To provide a procedure for automatic mandatory wage assignment of wages, income, and pensions for all Federal civilian employees for the purpose of paying court-ordered child support obligations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **PART B—FEDERAL EMPLOYEE PROVISIONS**

4 **ALLOTMENT OF FEDERAL PAY FOR CHILD AND SPOUSAL**

5 **SUPPORT**

6 **SEC. 511.** (a)(1) Subchapter III of chapter 55 of title 5,
7 United States Code, is amended by inserting after section
8 5525 the following new section:

1 **“§ 5525a. Allotments of pay for child and spousal support**

2 “(a) In any case in which child support payments or
3 child and spousal support payments are owed by an employee
4 under a support order meeting the criteria specified in section
5 303(b)(1)(A) of the Consumer Credit Protection Act, allot-
6 ments from the pay of the employee shall be made if the
7 court issuing the order provides notice of such order in ac-
8 cordance with the applicable regulations prescribed under
9 subsection (d).

10 “(b) The amount of an allotment under this section shall
11 be the amount necessary to comply with the court order,
12 except that the amount of the allotment, together with any
13 other amounts withheld for support from the pay of the em-
14 ployee, shall not exceed the limits prescribed in section
15 303(b) of the Consumer Credit Protection Act.

16 “(c) An allotment under this section shall be adjusted or
17 discontinued upon notice from the court.

18 “(d) The regulations prescribed under section 5527 of
19 this title to carry out the preceding provisions of this sec-
20 tion—

21 “(1) shall designate to whom any notice under
22 this section is to be given;

23 “(2) shall prescribe the form and content of any
24 such notice; and

25 “(3) shall be set forth any other rules necessary to
26 implement this section.

3

1 “(e) For purposes of this section, the terms ‘child sup-
2 port payments’, ‘child and spousal support payments’, and
3 ‘support’ are used as those terms are used in section 465 of
4 the Social Security Act.”.

5 (2) The analysis for chapter 55 of title 5, United States
6 Code, is amended by inserting after the item relating to sec-
7 tion 5525 the following new item:

“5525a. Allotments of pay for child and spousal support.”.

8 (b) The amendments made by subsection (a) shall apply
9 with respect to court orders first issued after the date of the
10 enactment of this Act.

○

5 § 5523

EMPLOYEES

Part 3

The President, with respect to the Executive agencies, may extend the 60-day period for not more than 120 additional days if he determines that the extension of the period is in the interest of the United States.

(b) Subject to adjustment of the account of an employee under section 5524 of this title and other applicable statute, each payment under this section is at rates of pay, allowances, and differentials, or any of them, currently authorized with respect to the employee on the date payment is made under agency procedures governing payments under this section. The rates so authorized may not exceed the rates to which the employee was entitled immediately before issuance of the evacuation order. An employee in an Executive Agency may be granted such additional allowance payments as the President determines necessary to offset the direct added expenses incident to the evacuation.

(c) each period for which payment of amounts is made under this section to or for the account of an employee is deemed, for all purposes with respect to the employee, a period of active service, without break in service, performed by the employee in the employment of the Government of the United States or the government of the District of Columbia.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 480.

Historical and Revision Notes

Derivation: United States Code Revised Statutes and Statutes at Large
5 U.S.C. 3073 Sept. 26, 1961, Pub.L. 87-304, § 5, 75 Stat. 683.

Explanatory Notes

Standard changes are made to conform style of this title as outlined in the prefatory with the definitions applicable and the face to the report.

Library References

United States Code 39(7). C.J.S. United States § 44.

§ 5524. Review of accounts

The head of each agency shall provide for—

(1) the review of the account of each employee of the agency in receipt of payments under section 5522 or 5523 of this title, or both, as the case may be; and

(2) the adjustment of the amounts of the payments on the basis of—

(A) the rates of pay, allowances, and differentials to which the employee would have been entitled under applicable statute other than this subchapter for the respective periods covered by the payments, if he had performed active

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PAY ADMINISTRATION

5 § 5525

service under the terms of his appointment during each period in the position he held immediately before the issuance of the applicable evacuation order; and

(B) such additional amounts as the employee is authorized to receive in accordance with a determination of the President under section 5523(b) of this title.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 481.

Historical and Revision Notes

Derivation: United States Code Revised Statutes and Statutes at Large
5 U.S.C. 3074 Sept. 26, 1961, Pub.L. 87-304, § 4, 75 Stat. 683.

Explanatory Notes

Standard changes are made to conform style of this title as outlined in the prefatory with the definitions applicable and the face to the report.

Library References

United States Code 81. C.J.S. United States § 121.

§ 5525. Allotment and assignment of pay

The head of each agency may establish procedures under which each employee of the agency is permitted to make allotments and assignments of amounts out of his pay for such purpose as the head of the agency considers appropriate.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 481.

Historical and Revision Notes

Derivation: United States Code Revised Statutes and Statutes at Large
5 U.S.C. 3075 Sept. 26, 1961, Pub.L. 87-304, § 3, 75 Stat. 683.

Explanatory Notes

Standard changes are made to conform style of this title as outlined in the prefatory with the definitions applicable and the face to the report.

Library References

United States Code 39(10). C.J.S. United States §§ 17, 49.

Code of Federal Regulations

Civilian pay allotments, Defense Department, see 32 CFR 89.1 et seq.

Notes of Decisions

State income taxes 2
Union dues 1

1. Union dues
Where government erroneously deducted as soon as employee was transferred out of unit, government could recoup error.
employee after employee was transferred out of union, despite provision of collective bargaining agreement specifically requiring that dues check-off be terminated as soon as employee was transferred out of unit, government could recoup error.

5 § 5525

EMPLOYEES

Part 3

neous deduction by subtracting that amount from aggregate dues payment to union, Lodge 2424, Intern. Assn of Machinists and Aerospace Workers, AFL-CIO v. U. S., Ct.Cl.1977, 564 F.2d 66.

Under the authority of this section, Government employees may authorize allotments from their compensation (payroll deductions) for the purpose of paying union dues. 1963, 42 Comp.Gen. 342. Gen. 663.

§ 5526. Funds available on reimbursable basis

Funds available to an agency for payment of pay, allowances, and differentials to or for the accounts of employees of the agency are available on a reimbursable basis for payment of pay, allowances, and differentials to or for the accounts of employees of another agency under this subchapter.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 481.

Historical and Revision Notes

Derivation: United States Code 5 U.S.C. 3078

Revised Statutes and Statutes at Large Sept. 26, 1901, Pub.L. 87-304, § 2, 75 Stat. 662.

Explanatory Notes

The word "civilian" is omitted as unnecessary in view of the definition of "employee" in section 5521(2), and the fact that military personnel are not "employed".

Library References

United States 39(1).

C.J.S. United States §§ 17, 44.

§ 5527. Regulations

(a) To the extent practicable in the public interest, the President shall coordinate the policies and procedures of the respective Executive agencies under this subchapter.

(b) The President, with respect to the Executive agencies, the head of the agency concerned, with respect to the appropriate agency outside the executive branch, and the District of Columbia Council, with respect to the government of the District of Columbia, shall prescribe and issue, or provide for the formulation and issuance of, regulations necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration of this subchapter.

(c) The head of each Executive agency may prescribe and issue regulations, not inconsistent with the regulations of the President

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PAY ADMINISTRATION

5 § 5527

issued under subsection (b) of this section, necessary and appropriate to carry out his functions under this subchapter.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 481; Pub.L. 90-623, § 1(11), Oct. 22, 1968, 82 Stat. 1312.

Historical and Revision Notes

Derivation: United States Code 5 U.S.C. 3076

Revised Statutes and Statutes at Large Sept. 26, 1901, Pub.L. 87-304, § 6, 75 Stat. 664.

Explanatory Notes

In subsection (b), the last sentence of former section 3076, which provided for the issuance of the regulations not later than December 25, 1961, and the effective date of the regulations as not later than March 25, 1962, is omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1966 Amendment, Subsec. (b). Pub.L. 90-623 inserted reference to the District of Columbia Council, with respect to the government of the District of Columbia.

Effective Date of 1966 Amendment. Amendment by Pub.L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 4446.

EXECUTIVE ORDER NO. 10982

Dec. 25, 1961, 27 F.R. 3, as amended by Ex.Ord.No.12107, Dec. 28, 1978, 44 F.R. 1055

ADMINISTRATION OF PROVISIONS OF CHAPTER

By virtue of the authority vested in me by the act of September 26, 1961 (75 Stat. 662) [now this subchapter] and by section 301 of title 3 of the United States Code [section 301 of Title 3, The President], and as President of the United States it is ordered as follows:

Section 1. As used in this order:

(a) The term "the act" means the act of September 26, 1961 (Public Law 87-304), 75 Stat. 662 [now this subchapter].

(b) The term "Federal agency" means any executive department of the Government of the United States of America, any agency or independent establishment in the executive branch of the Government, and any corporation wholly owned or controlled by the Government.

(c) The term "foreign area" means any area (including the Trust Territory of the Pacific Islands) situated outside (1) the United States (including the District of Columbia), (2) the Commonwealth of

Puerto Rico, (3) the Canal Zone, and (4) any territory or possession of the United States.

Sec. 2. (a) Except as otherwise provided by section 2(b) and section 3(c) of this order, the Secretary of State in respect of civilian employees of Federal agencies who are located in foreign areas immediately prior to an emergency evacuation, and the Office of Personnel Management in respect of all other civilian employees of Federal agencies, are hereby designated and empowered, without the approval, ratification, or other action of the President, to perform the functions conferred upon the President by section 3(a), section 3(b), and section 6(a) of the act [now sections 5523(a) and 5523(b) of this title and subsec. (a) of this section].

(b) The Office of Personnel Management is hereby designated and empowered, without the approval, ratification, or other action of the President, to perform the functions conferred upon the