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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To change the spousal notification and consent requirements for the payment of lump-sum retirement benefits in cases of domestic violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES _____

Mr. NEGUSE introduced the following bill; which was referred to the Committee on _____

A BILL _____

To change the spousal notification and consent requirements for the payment of lump-sum retirement benefits in cases of domestic violence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Retirement Safety Act”.

SECTION 2. LUMP-SUM RETIREMENT BENEFIT NOTICE AND CONSENT REQUIREMENTS IN CASE OF DOMESTIC VIOLENCE.

(a) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8424(b) of title 5, United States Code, is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

“(C) Under the regulations, the Office shall provide that paragraph (1)(A) may be waived with respect to a spouse or former spouse to the extent necessary to protect the safety of the employee or Member, or any other person, if the employee or Member establishes to the satisfaction of the Office that—

“(i) such spouse or former spouse engaged in conduct constituting a domestic violence crime (as defined in section 3561(b) of title 18) against the employee or Member; and

“(ii) providing notice in accordance with such paragraph poses a risk to the safety of the employee or Member or any other person.”; and

(2) by adding at the end the following new paragraphs:

“(4) (A) The Office shall prescribe regulations that provide—

“(i) that, notwithstanding paragraph (1)(B), the lump-sum credit may be paid without the consent of a spouse or former spouse to the extent permitted by the applicable court order and necessary to protect the safety of the employee or Member, or any other person, if the employee or Member establishes to the satisfaction of the Office the criteria described in subparagraph (B); and

“(ii) procedures to obtain the consent of a spouse or former spouse for the payment of the lump-sum credit in a manner that protects the safety of the employee or Member if the lump-sum credit may not be paid in accordance with the applicable court order without obtaining such consent and the employee or Member establishes to the satisfaction of the Office the criteria described in subparagraph (B).

“(B) The criteria described in this subparagraph are—

“(i) that the spouse or former spouse engaged in conduct constituting a domestic violence crime (as defined in section 3561(b) of title 18) against the employee or Member; and

“(ii) obtaining consent in accordance with the regulations under paragraph (1)(B) poses a risk to the safety of the employee or Member or any other person.

“(5) For the purposes of paragraphs (2)(C) and (4)(A), an employee or Member establishes to the satisfaction of the Office the criteria described in paragraph (4)(B) with respect to a spouse or former spouse for payment of the lump-sum credit if such employee or Member self-certifies to the Office in writing that such spouse or former spouse engaged in conduct constituting a domestic violence crime (as defined in section 3561(b) of title 18) against the employee or Member during the one-year period ending on the date on which such employee or Member submits to the Office the application for such payment.”.

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8342(j) of title 5, United States Code, is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

“(C) Under the regulations, the Office shall provide that paragraph (1)(A) may be waived with respect to a spouse or former spouse to the extent necessary to protect the safety of the employee or Member, or any other person, if the employee or Member establishes to the satisfaction of the Office that—

“(i) such spouse or former spouse engaged in conduct constituting a domestic violence crime (as defined in section 3561(b) of title 18) against the employee or Member; and

“(ii) providing notice in accordance with such paragraph poses a risk to the safety of the employee or Member or any other person.”; and

(2) by adding at the end the following new paragraphs:

“(4) (A) The Office shall prescribe regulations that provide—

“(i) that, notwithstanding paragraph (1)(B), the lump-sum credit may be paid without the consent of a spouse or former spouse to the extent permitted by the applicable court order and necessary to protect the safety of the employee or Member, or any other person, if the employee or Member establishes to the satisfaction of the Office the criteria described in subparagraph (B); and

“(ii) procedures to obtain the consent of a spouse or former spouse for the payment of the lump-sum credit in a manner that protects the safety of the employee or Member if the lump-sum credit may not be paid in accordance with the applicable court order without obtaining such consent and the employee or Member establishes to the satisfaction of the Office the criteria described in subparagraph (B).

“(B) The criteria described in this subparagraph are—

“(i) that the spouse or former spouse engaged in conduct constituting a domestic violence crime (as defined in section 3561(b) of title 18) against the employee or Member; and

“(ii) obtaining consent in accordance with the regulations under paragraph (1)(B) poses a risk to the safety of the employee or Member or any other person.

“(5) For the purposes of paragraphs (2)(C) and (4)(A), an employee or Member establishes to the satisfaction of the Office the criteria described in paragraph (4)(B) with respect to a spouse or former spouse for payment of the lump-sum credit if such employee or Member self-certifies to the Office in writing that such spouse or former spouse engaged in conduct constituting a domestic violence crime (as defined in section 3561(b) of title 18) against the employee or Member during the one-year period ending on the date on which such employee or Member submits to the Office the application for such payment.”.

(c) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this Act shall not affect the requirements to provide notice to or obtain consent from an individual under section 8342(j) or 8424(b) of title 5, United States Code, with respect to a lump-sum credit (as such term is defined under section 8331 or 8401 of such title) to the extent that such notice or consent would have been required if the payment of such lump-sum credit occurred prior to the date of the enactment of this Act, except that, to the extent that such amendments would, but for this subsection, affect such a requirement with respect to an individual, the Director of the Office of Personnel Management shall establish procedures to provide such notice to or obtain consent from such individual in a manner that ensures the safety of the relevant employee or Member.

(2) EMPLOYEE; LUMP-SUM; MEMBER DEFINED.—In this subsection, the terms “employee”, “lump-sum”, and “Member”—

(A) with respect to section 8342(j) of title 5, United States Code, have the meanings given such terms, respectively, in section 8331 of such title; and

(B) with respect to section 8424(b) of such title, have the meanings given such terms, respectively, in section 8401 of such title.

(d) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Personnel Management shall issue regulations implementing the amendments made by this Act.

(e) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date that is one year after the date of the enactment of this Act.