Abstract

This Article examines post-1974 progressions in congressional and judicial thinking about asset protection as it relates specifically to the attainment of federal retirement policy goals. The Article first considers the link between historical trust protections and modern federal retirement policy. That analysis reveals a more recent trend towards defining the scope of retirement plan asset protection by reference to statutory rules that grant favorable treatment to certain "retirement" savings devices. Those rules provide an incentive for funding future retirement through current savings. This Article explains how, and why, asset protection could be similarly tailored to foster retirement income security goals. Inconsistencies in the protections currently afforded, however, call into question the logic of the existing retirement plan asset protection framework. This Article ultimately argues that Congress should incorporate a more comprehensive view of asset protection into federal retirement policy. After explaining the objectives of federal retirement policy and the modern evolution of retirement plan asset protection, the author develops this argument by evaluating the usefulness of retirement policy objectives as a benchmark for establishing asset protection boundaries—both within the retirement plan setting and in the context of more traditional trust devices.