

Prepared Statement of Rep. Suzan K. DelBene

Chairman Thornberry and Ranking Member Smith, I thank you for the opportunity to testify before the House Armed Services Committee on the National Defense Authorization Act for Fiscal Year 2018. Crafting policies and solutions that keep our nation safe is no easy task, and I appreciate your willingness to consider our thoughts and concerns.

I know that in the coming months, the Committee will be carefully weighing a broad array of issues that are vital to our national security, our brave men and women in uniform, military families living across the globe, and thousands of American businesses and workers that support our nation's industrial base. As you begin to move through this important process, I urge you to include my bipartisan legislation — the Child Abuse Accountability Enhancement Act (H.R. 1103), which I introduced alongside Congresswoman Herrera Beutler — closing an appalling loophole in military law that currently denies justice for survivors of child abuse.

More than 58,000 children in the United States are sexually abused each year, while nearly 120,000 children become victims of physical abuse. For decades, members of Congress from both sides of the aisle have agreed that all survivors of child abuse deserve the opportunity to seek justice, regardless of who abused them.

Unfortunately, there is an appalling loophole in federal law that shields convicted child abusers from paying the restitution they owe, if their income is disbursed by the Defense Finance and Accounting Services (DFAS) — the agency responsible for military retirement pay. While Congress unanimously approved a law in 1994 allowing child abuse survivors to receive garnishment from most federal retirees' pay, it inadvertently excluded military retirees, whose pay is not disbursed by the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS). A statutory change is needed to apply the same standard to all perpetrators of child abuse.

I learned of this loophole from two brave survivors in Washington state. As young children growing up in the 1980s, Pennie and Cory Delosh suffered vile and horrific abuses at the hands of their father, an Army veteran. When they sought justice, their father was convicted and sentenced to 17 years in prison, and Pennie and Cory were awarded a civil judgment for \$5 million in damages. But because Mr. Delosh's primary source of income is military retirement pay, existing law has shielded him from paying a cent of the restitution he owes his children. This is patently unacceptable.

Military retirement pay is disbursed each month by DFAS, and current law already requires that retirees' pay be garnished for court-ordered alimony, child support and commercial debt. This legislation simply extends the agency's existing garnishment authority to include judgments for the physical, sexual or emotional abuse of a child — the exact same standard that currently applies to federal retirees convicted of child abuse.

Chairman and Ranking Member, I thank you again for the opportunity to testify before the Committee. As you begin to craft the National Defense Authorization Act for 2018, I urge you to support this narrowly-tailored, commonsense fix. We have an obligation to address this federal loophole without delay to ensure justice for Penny, Cory and all children who are abused. I look forward to working with you on this critical issue in the weeks and months to come.