

115TH CONGRESS
1ST SESSION

H. R. 1103

To amend title 10, United States Code, to provide for garnishment pursuant to a court order to satisfy a judgment against a retired member of the uniformed services for physically, sexually, or emotionally abusing a child.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Ms. DELBENE (for herself, Ms. HERRERA BEUTLER, Mr. LARSEN of Washington, Ms. SPEIER, Mrs. HARTZLER, Ms. DEGETTE, Mr. REICHERT, Mr. MEEHAN, Mr. COHEN, Mr. POE of Texas, Ms. MOORE, Mr. CICILLINE, Ms. SLAUGHTER, Ms. JAYAPAL, Mr. SOTO, Mrs. WATSON COLEMAN, Mrs. NOEM, Mr. RYAN of Ohio, Ms. CLARK of Massachusetts, Ms. KELLY of Illinois, Mr. ROYCE of California, Ms. NORTON, and Mr. HECK) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for garnishment pursuant to a court order to satisfy a judgment against a retired member of the uniformed services for physically, sexually, or emotionally abusing a child.

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. SHORT TITLE.**

4 This Act may be cited as the “Child Abuse Account-
5 ability Enhancement Act”.

1 **SEC. 2. GARNISHMENT TO SATISFY JUDGMENT RENDERED**
2 **FOR PHYSICALLY, SEXUALLY, OR EMOTION-**
3 **ALLY ABUSING A CHILD.**

4 (a) GARNISHMENT AUTHORITY.—Section 1408 of
5 title 10, United States Code, is amended by adding at the
6 end the following new subsection:

7 “(1) GARNISHMENT TO SATISFY A JUDGMENT REN-
8 DERED FOR PHYSICALLY, SEXUALLY, OR EMOTIONALLY
9 ABUSING A CHILD.—(1) Any payment of retired pay that
10 would otherwise be made to a member shall be paid (in
11 whole or in part) by the Secretary concerned to another
12 person if and to the extent expressly provided for in the
13 terms of a child abuse garnishment order.

14 “(2) In this section, the term ‘court order’ includes
15 a child abuse garnishment order.

16 “(3) In this subsection, the term ‘child abuse garnish-
17 ment order’ means a final decree issued by a court that—

18 “(A) is issued in accordance with the laws of
19 the jurisdiction of that court; and

20 “(B) provides in the nature of garnishment for
21 the enforcement of a judgment rendered against the
22 member for physically, sexually, or emotionally abus-
23 ing a child.

24 “(4) For purposes of this subsection, a judgment ren-
25 dered for physically, sexually, or emotionally abusing a
26 child is any legal claim perfected through a final enforce-

1 able judgment, which claim is based in whole or in part
2 upon the physical, sexual, or emotional abuse of an indi-
3 vidual under 18 years of age, whether or not that abuse
4 is accompanied by other actionable wrongdoing, such as
5 sexual exploitation or gross negligence.

6 “(5) If the Secretary concerned is served with more
7 than one court order with respect to the retired pay of
8 a member, the disposable retired pay of the member shall
9 be available to satisfy such court orders on a first-come,
10 first-served basis, with any such process being satisfied
11 out of such moneys as remain after the satisfaction of all
12 such processes which have been previously served.

13 “(6) The Secretary concerned shall not be required
14 to vary normal pay and disbursement cycles for retired
15 pay in order to comply with a child abuse garnishment
16 order.”.

17 (b) APPLICATION OF AMENDMENT.—Subsection (l)
18 of section 1408 of title 10, United States Code, as added
19 by subsection (a), shall apply with respect to a court order
20 received by the Secretary concerned on or after the date
21 of the enactment of this Act, regardless of the date of the
22 court order.

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