

Congress of the United States
House of Representatives
Washington, DC 20515-2201

May 13, 2011

Dear Calvin:

Thank you for taking the time to communicate with me regarding the Uniformed Services Former Spouses' Protection Act. As your elected representative, I appreciate the opportunity to learn your views.

As you may know, in 1981 the Supreme Court ruled that the former spouse of a military member or retiree could not be awarded any share of that member's retired pay as a part of a divorce property settlement in a community property state. In response, Congress enacted the Uniformed Services Former Spouses' Protection Act. Under this legislation, state courts can treat disposable military retired pay as divisible property in divorce cases. In addition, certain former spouses remain eligible to receive certain military benefits or privileges. Since its inception, this law has been the source of much controversy. Opponents of this Act feel that it is unfair and should be modified or repealed because it is the only federal divorce law and allows for inequitable treatment of service members in a divorce. Proponents argue that this law protects the former spouse within nationally accepted standards.

As a member of the House Veterans' Affairs Committee, and as a parent with a daughter who was a veteran of the Afghan conflict, I believe it is imperative that our service members have full access to the benefits for which they are entitled. I am committed to supporting worthwhile programs that sustain the standard of living for the men and women who have worn America's uniform. The effect of the Uniformed Services Former Spouses' Protection Act on veterans continues to be debated. Although no legislation to modify or repeal this Act has been introduced, be assured I will share your concern with other members as the committee addresses the many challenges facing America's veterans.

Sincerely,
Dan Benishek M. D.
Member of Congress

P.S. I would also like to invite you to visit my website, www.benishek.house.gov, for further information. If you have not already done so, please submit your email address so that my office may keep you informed on issues in Congress.