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August 24, 2011

Lt. Col. Patricia MacDonald Pownall, USA (Ret.)
ULSG National Director
20770 U.S. Highway
281 North, Suite 108, PMB 125
San Antonio, TX 78258-7500

Dear Lt. Col. Pownall:

The Fleet Reserve Association (FRA) notes the ULSG Summit in San Antonio, Texas, which is an opportunity to discuss strategies to provide fair and equal treatment for divorced military personnel.

FRA believes that one of the most significant problems with the Uniform Services Former Spouse Protection Act (USFSPA) is that the few provisions protecting the rights of the service member are not enforceable by the Department of Justice (DOJ) or the Department of Defense (DOD). If a State court violates the right of the service member under the provisions of USFSPA, the Solicitor General will make no move to reverse the error.

The Act also fails to provide enforceable language to require DOJ or DOD to protect the rights of former and current service members. The only recourse is for the service member to appeal to the court, which in many cases gives that court jurisdiction over the member. Another infraction is committed by some State courts awarding a percentage of veterans' compensation to ex-spouses, a clear violation of U.S. law; yet, the Federal government does nothing to stop this transgression. The Association supports the introduction of legislation addressing these inequities and believes Congress should schedule public hearings on this antiquated law, and make necessary changes so that the Federal government can protect service members from State courts that ignore the rights of former and current military personnel.

FRA appreciates ULSG's efforts at the state level to protect divorced service members. In Congress, reform efforts have been met with opposition and indifference. The 2010 election resulted in substantial turnover in Congress (96 new members of House of Representatives) and these freshman legislators do not necessarily share the stigma of supporting this issue. The Association is committed to working with like-minded groups that will promote and work to introduce legislation that will complement the efforts of ULSG on the state level. FRA has repeatedly raised this issue in its Hill testimony and in discussions with legislators and their staffs. The Association believes that legislation should include, but is not limited to, the following provisions:



- Base former spouse award amount on member's grade/years of service at the time of divorce (and not retirement);
- Prohibit State courts from issuing orders to make retired pay available for a former spouse before the service member retires;
- Mandate that DOD publish a USFSPA handbook and website to enhance understanding of the law;
- Require DOD to educate recruits on USFSPA in boot camp; and
- Allow all pay allocations to be paid with pre-tax dollars.

The FRA Legislative Team continues working on the introduction of legislation on this issue and for a Congressional oversight hearing addressing the inequities of the USFSPA.

Best wishes for a successful summit and the FRA Legislative Team looks forward to working with the ULSG on issues of mutual concern. The point of contact is John Davis, FRA's Director of Legislative Programs, at the above numbers or (john@fra.org).

Sincerely,



JOSEPH L. BARNES
National Executive Director

JLB:jrd:aal

cc: Dennis Egge, President ARA