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ASSISTANT MINORITY WHIP



Congress of the United States

House of Representatives

Washington, DC 20515

May 21, 2010

The Honorable Dr. Robert M. Gates

Secretary of Defense

1000 Defense Pentagon

Washington, D.C. 20301-1000

Dear Secretary Gates:

As you know, your staff recently released a "Report on Child Custody Litigation Involving Service of Members of the Armed Forces", which was mandated through Section 572 of the FY2010 National Defense Authorization Act. I wrote you last week describing my concerns with this report, and those concerns remain.

This week the House Armed Services Committee Passed the FY2011 National Defense Authorization Act. In the report language of that bill, the Committee was critical of the DoD report. Specifically, the Committee concluded, "that there is not sufficient data available to ascertain the full scope of how many members of the Armed Forces experience the loss of child custody as a result of their service." The Committee further stated that they continue to support the need for Congressional legislation to provide maximum protection for our service members and their children, who, while deployed, remain at risk of having that deployment used against them to determine or change child custody arrangements.

As a result of the Committee's commitment to Congressional legislation to provide a federal, baseline standard to assist men and women serving in our federal military, HR 4469 was included in the Chairman's Mark of the FY2011 National Defense Authorization Act.

Again, I appreciate your commitment to taking a fresh look at this issue, and understand that the DoD report, when released, was done so without your endorsement. It is my hope that as we move through the NDAA process this year that the rest of the DoD embraces your willingness to take a new look at this issue and works with our office on language that protects servicemembers who are facing child custody battles. Your staff may contact Joe Heaton or Maggie Sadowska on my staff at 202-225-6465 if we can provide you with assistance.

Sincerely,

Michael R. Turner

Member of Congress

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