

Bill #1505 - “The Veteran Benefit Family Protection Act”

This bill is to address the discrimination against veteran families in the use of spousal support and other awards. The use of these benefits is causing harm to the veterans, their children, former spouses and future dependents.

659A.082(5) Notwithstanding any Oregon Statute, in accordance with Title 38 USC § 511 and § 5301 of the United States Code for any funds provided by the United States Department of Veteran Affairs

- (a) The Secretary of the United States Department of Veteran Affairs shall decide all questions of law and fact necessary to a decision by the Secretary under a law that affects the provision of benefits by the Secretary to veterans or the dependents or survivors of veterans. Subject to Title 38 USC § 511(b) of the United States Code, the decision of the Secretary as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.
- (b) Payments of benefits due or to become due under any law administered by the Secretary of the United States Department of Veteran Affairs shall not be assignable except to the extent specifically authorized by federal law, and such payments made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claim of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary.
- (c) The United States Department of Veterans Affairs has sole authority over all decisions affecting any funds payable under Title 38 either before or after receipt by a beneficiary and no authority may be assumed;
 - (i) The court may not require the disclosure of the amount or receipt or include the amount of any benefit payments received by either party from the United States Department of Veterans Affairs in calculating the amount of earnings, income, resources available or otherwise to each party for the purpose of paying support.
- (d) Show Cause and Discrimination
 - (i) Any evidence of a violation of sections (a), (b) and (c) after, the federal enactment of pl 102-83, 6 August 1991 in a ruling of Oregon Courts shall show cause for immediate rehearing upon request of any party on the basis of discrimination;
 - (ii) Any violations after enactment of this bill shall be assumed a malicious act of discrimination against the beneficiary of veteran benefits;
 - (iii) Any funds collected through the enforcement of an order in violation of sections (a), (b) and (c) shall be immediately refunded