Congress of the United States
Washington, DC 20515

October 26th, 2016

The Honorable Ashton B. Carter
Secretary of Defense
The United States Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Carter:

Nothing is more important and nothing binds our nation together like the support of our Soldiers, Sailors, Airmen, and Marines. We write to you today as members of the National Guard and Reserve Component Caucus because we are concerned with continued reports about the ongoing recoupment of bonuses previously paid to Service Members, though the Service Member was not at fault.

We ask that you immediately halt all ongoing efforts to recoup these bonuses while you review the processes and cases to ensure that Service Members are protected and that these actions are in the best interest of the United States. We also ask that you waive the recoupment in appropriate cases where the Service Member fulfilled their contract.

It is our understanding that Department of Defense (DoD) and the applicable service Secretaries already possess authority to approve erroneous payment collection waivers under current DoD Financial Management Regulation 7000.14-R, and set forth in *DoDD 1340.22*, Waiver of Debts Resulting from Erroneous Payments of Pay and Allowances (dated January 8, 2005), which is codified at *32 C.F.R. Part 283,* and *DoD Instruction (DoDI) 1340.23*, Waiver Procedures for Debts Resulting from Erroneous Pay and Allowances (dated February 14, 2006), which is codified at *32 C.F.R. Part 284*. If you do not believe you possess this authority, please let us know so Congress can take appropriate action.

Additionally, we ask that you provide the following information no later than December 1st, 2016:

- Has the authority outlined in the previous paragraph been used? If so, in how many cases?
- Have Service Members been educated on their ability to apply for this relief?
- Does the DoD, Department of the Army, or the National Guard Bureau (NGB) plan to grant a blanket waiver for all Service Members affected by improperly paid bonuses, where the Service Member was not at fault?

If you determine that a waiver in these cases is not appropriate we ask that you also provide the following information at your earliest convenience:

- A list of bonus recoupments that have occurred or are in process which you believe do not justify a recoupment waiver. Please include:
    - the Service Member's component (including state National Guard if applicable)

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- the original bonus amount
- the date when the bonus was issued
- the amount recouped
- the date the recoupment process started and completed
- the authorizing authority/office
- the reason the waiver is being denied

- A list of bonuses fraudulently given since 2000, like those identified in the joint Federal Bureau of Investigations and United States Army Criminal Investigation Command investigation into Master Sergeant Toni L. Jaffe. Please include what authorities these bonuses were given under and what authority are they being recouped under.

We are certain, as you have repeatedly stressed yourself, that taking care of our troops is a top priority for all of us. We believe that recouping payments from troops who received the payments in good faith, and with the understanding that they were rightfully authorized this pay, is not in line with that effort. Many of these men and women volunteered to serve as our country was surging forces overseas, and did so with the promise that they and their families would receive additional financial compensation. Seeking recoupment of these funds, which were erroneously received through no fault of the Service Members, is not in line with our promise to take care of those who stand up to answer the call of our nation.

We look forward to working with you to address this issue as swiftly as possible. If you have any questions regarding this request, please contact Christopher Bennett in Representative Walz's office at Christopher.Bennett@mail.house.gov, or Patrick Large in Representative Palazzo's office at Patrick.Large@mail.house.gov.

Respectfully,

Tim Walz
Member of Congress

Steven Palazzo
Member of Congress

Jackie Speier
Member of Congress

Seth Moulton
Member of Congress

Beto O'Rourke
Member of Congress

Tulsi Gabbard
Member of Congress

Ken Calvert
Member of Congress

Cheri Bustos
Member of Congress

Jackie Walorski
Member of Congress

Barbara Lee
Member of Congress

Pete Aguilar
Member of Congress

Fred Upton
Member of Congress

Joe Courtney
Member of Congress

Mike Coffman
Member of Congress

Jeff Denham
Member of Congress

Michael M. Honda
Member of Congress

Richard M. Nolan
Member of Congress

Scott Perry
Member of Congress

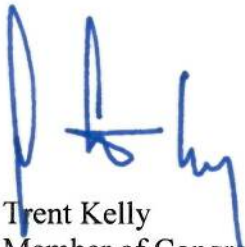
Christopher H. Smith
Member of Congress

Kurt Schrader
Member of Congress

Don Young
Member of Congress

Sean Patrick Maloney
Member of Congress

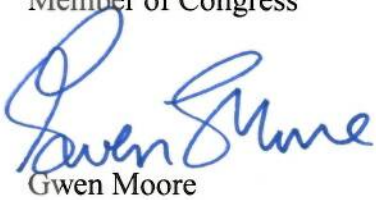
Larry Bucshon, M.D.
Member of Congress



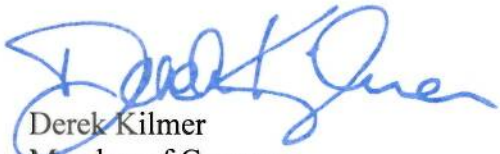
Trent Kelly
Member of Congress

Jody Hice
Member of Congress

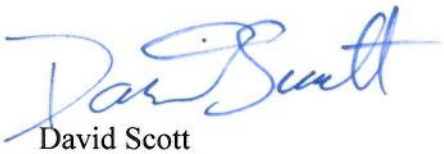
John Garamendi
Member of Congress



Gwen Moore
Member of Congress



Derek Kilmer
Member of Congress

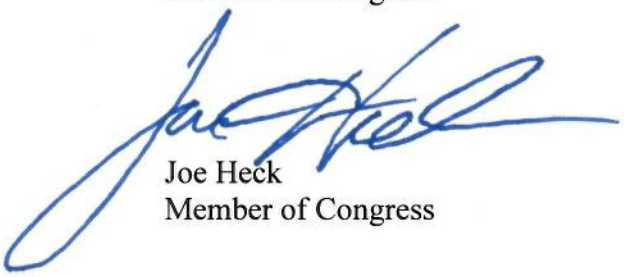


David Scott
Member of Congress

Eric Swalwell
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Peter DeFazio
Member of Congress



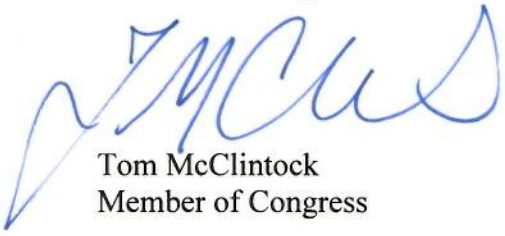
Joe Heck
Member of Congress

Kyrsten Sinema
Member of Congress

Tim Ryan
Member of Congress

Tim Huelskamp
Member of Congress

John Yarmuth
Member of Congress

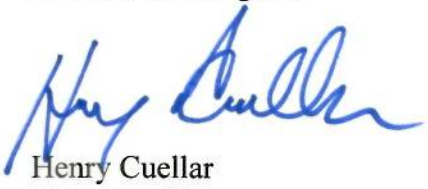


Tom McClintock
Member of Congress

Ralph Lee Abraham, M.D.
Member of Congress

Blake Farenthold
Member of Congress

Mike Bishop
Member of Congress



Henry Cuellar
Member of Congress

Lamar Smith
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Doug Lamborn
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Filemon Vela
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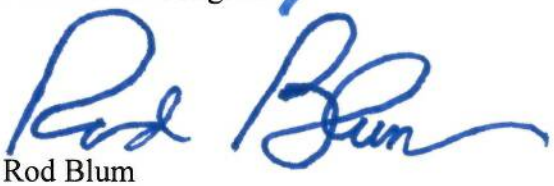
Brian Higgins
Member of Congress



Rod Blum
Member of Congress

Bradley Byrne
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Steve Chabot
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Joe Wilson
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Tom Cole
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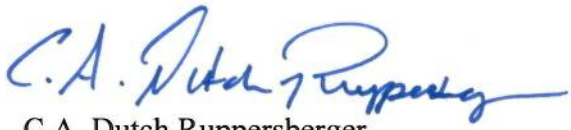
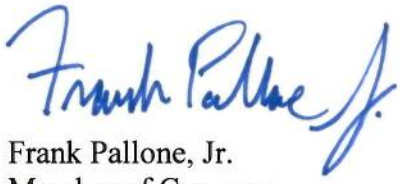


C.A. Dutch Ruppersberger
Member of Congress

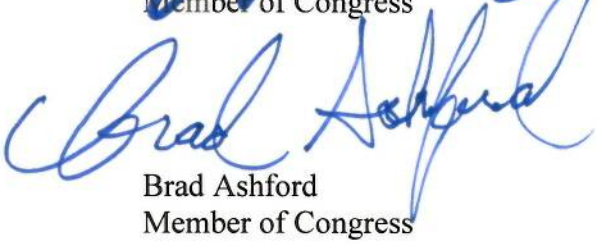
Michelle Lujan Grisham
Member of Congress



Frank Pallone, Jr.
Member of Congress

Jerry McNerney
Member of Congress

Mark Takano
Member of Congress



Brad Ashford
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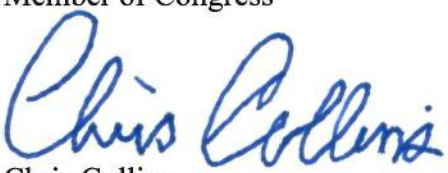

Chris Collins
Member of Congress

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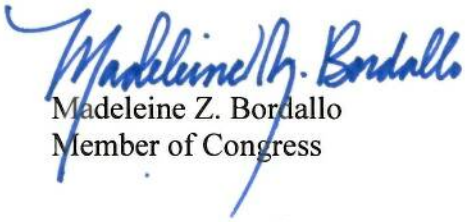
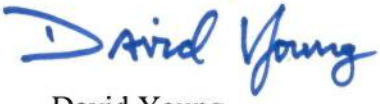


Madeleine Z. Bordallo
Member of Congress

French Hill
Member of Congress

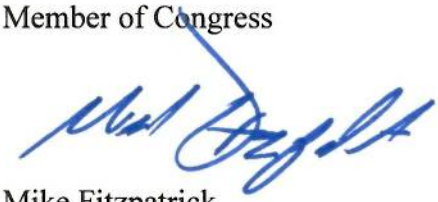


David Young
Member of Congress

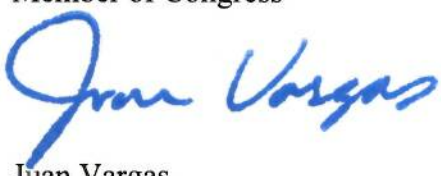
John P. Sarbanes
Member of Congress

Ted W. Lieu
Member of Congress

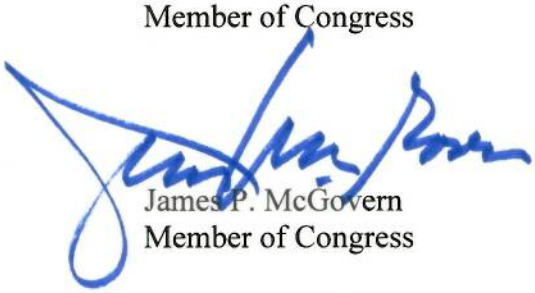
Dan Kildee
Member of Congress



Mike Fitzpatrick
Member of Congress



Juan Vargas
Member of Congress



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Member of Congress

Zoe Lofgren
Member of Congress

Gwen Graham
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Member of Congress

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Member of Congress

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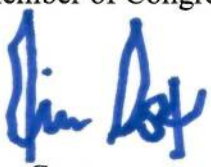
Member of Congress

Brad Wenstrup
Member of Congress

Tammy Duckworth
Member of Congress

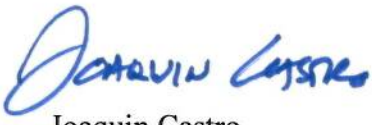


Jim Costa
Member of Congress

Suzan DelBene
Member of Congress

Tom Marino
Member of Congress

Lee M. Zeldin
Member of Congress



Joaquin Castro
Member of Congress

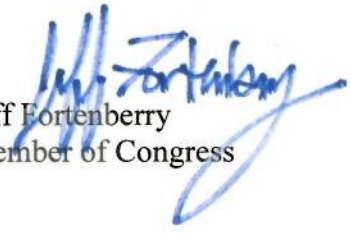
Bill Johnson
Member of Congress

Gregg Harper
Member of Congress

Bruce Poliquin
Member of Congress

Ami Bera, M.D.
Member of Congress

Bill Foster
Member of Congress



Jeff Fortenberry
Member of Congress

Steve Stivers
Member of Congress

Bill Flores
Member of Congress

James R. Langevin
Member of Congress

Jim Cooper
Member of Congress

Lucille Roybal-Allard
Member of Congress

John Kline
Member of Congress

Doris Matsui
Member of Congress

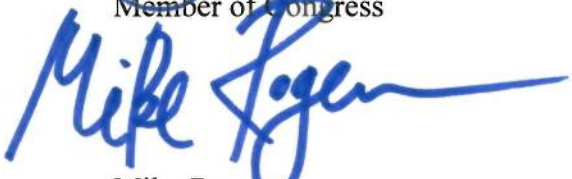
Kathleen Rice
Member of Congress

Jared Polis
Member of Congress

Betty McCollum
Member of Congress

David B. McKinley
Member of Congress

Rubén Hinojosa
Member of Congress

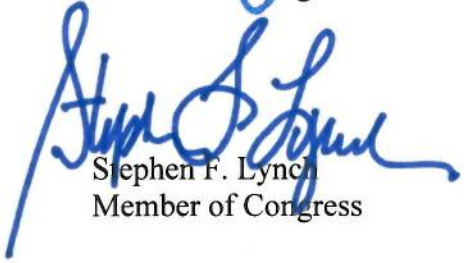


Mike Rogers
Member of Congress

John R. Carter
Member of Congress

Donald S. Beyer Jr.
Member of Congress

Paul A. Gosar
Member of Congress



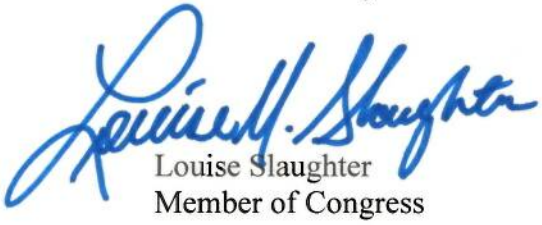
Stephen F. Lynch
Member of Congress

Marsha Blackburn
Member of Congress

David P. Roe
Member of Congress

Rodney Davis
Member of Congress

Mark Pocan
Member of Congress



Louise Slaughter
Member of Congress

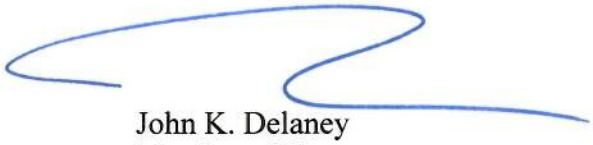
David P. Joyce
Member of Congress

Lois Capps
Member of Congress

Louie Gohmert
Member of Congress

Mark DeSaulnier
Member of Congress

John Ratcliffe
Member of Congress

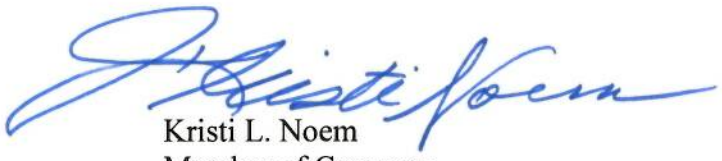


John K. Delaney
Member of Congress

Linda T. Sánchez
Member of Congress

William R. Keating
Member of Congress

Mike Kelly
Member of Congress



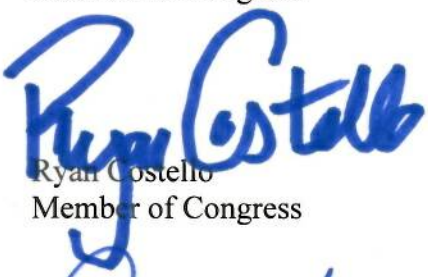
Kristi L. Noem
Member of Congress

Trey Gowdy
Member of Congress

Judy Chu
Member of Congress

Denny Heck
Member of Congress

Ann McLane Kuster
Member of Congress



Ryan Costello
Member of Congress

Daniel Lipinski
Member of Congress

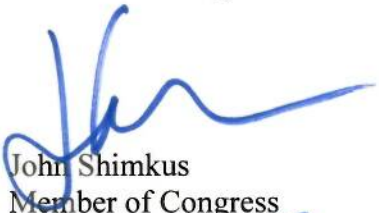
José E. Serrano
Member of Congress

Debbie Dingell
Member of Congress

Ann Wagner
Member of Congress

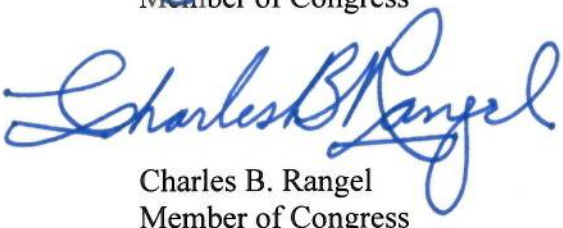
Martha McSally
Member of Congress

Charles W Boustany Jr., MD
Member of Congress



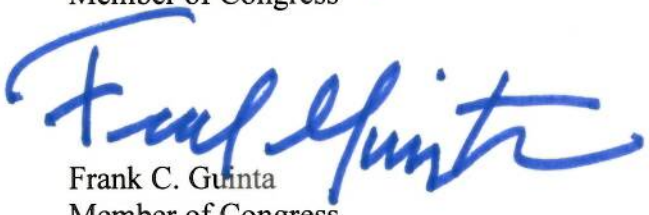
John Shimkus
Member of Congress

Julia Brownley
Member of Congress



Charles B. Rangel
Member of Congress

Martha Roby
Member of Congress



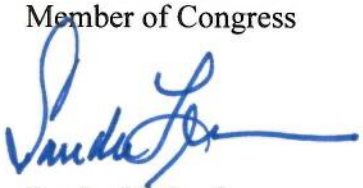
Frank C. Guinta
Member of Congress

Collin C. Peterson
Member of Congress

Donna F. Edwards
Member of Congress

Frank A. LoBiondo
Member of Congress

Donald Norcross
Member of Congress

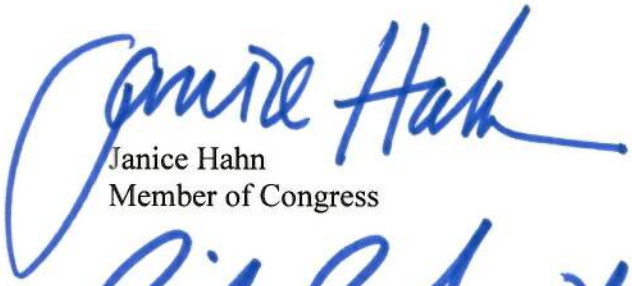


Sander M. Levin
Member of Congress

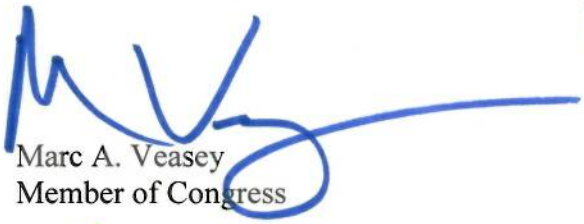
Joyce Beatty
Member of Congress

Trent Franks
Member of Congress

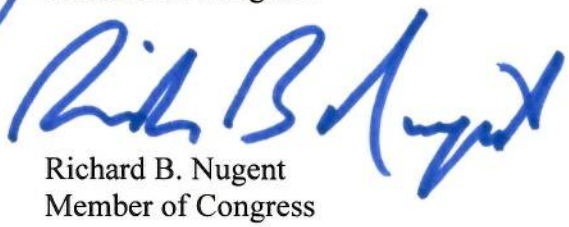
Karen Bass
Member of Congress



Janice Hahn
Member of Congress



Marc A. Veasey
Member of Congress



Richard B. Nugent
Member of Congress

Ruben Gallego
Member of Congress

Dina Titus
Member of Congress

Mike Quigley
Member of Congress

Tony Cárdenas
Member of Congress

Chellie Pingree
Member of Congress

Jim Bridenstine
Member of Congress

Mike Pompeo
Member of Congress

Peter Welch
Member of Congress

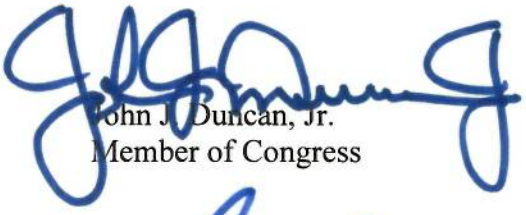
Suzanne Bonamici
Member of Congress

Niki Tsongas
Member of Congress

Bob Goodlatte
Member of Congress

Marcy Kaptur
Member of Congress

Ryan K. Zinke
Member of Congress



John J. Duncan, Jr.
Member of Congress

Brad Sherman
Member of Congress

Sam Graves
Member of Congress

Rosa L. DeLauro
Member of Congress

John Fleming
Member of Congress

Michael R. Turner
Member of Congress

Elijah E. Cummings
Member of Congress

Steve Cohen
Member of Congress

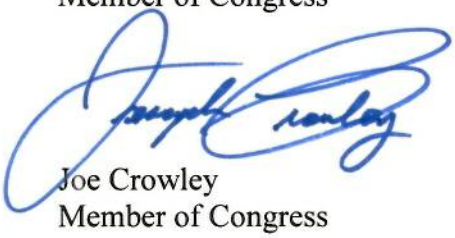
Keith Ellison
Member of Congress

Dave Reichert
Member of Congress

Adrian Smith
Member of Congress

Erik Paulsen
Member of Congress

Gerald E. Connolly
Member of Congress



Joe Crowley
Member of Congress

Gene Green
Member of Congress

Brenda Lawrence
Member of Congress

Chris Gibson
Member of Congress

Bill Shuster
Member of Congress

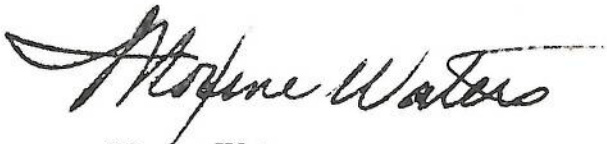
Steve Knight
Member of Congress

Luis V. Gutiérrez
Member of Congress

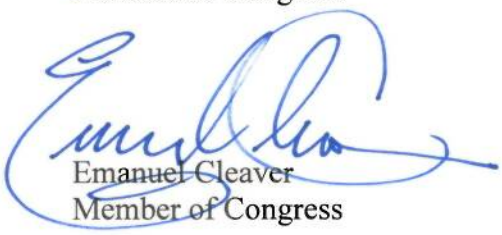
John Carney
Member of Congress

Rick Larsen
Member of Congress

Jared Huffman
Member of Congress



Maxine Waters
Member of Congress



Emanuel Cleaver
Member of Congress

Robert Brady
Member of Congress

Mike Bost
Member of Congress

Nydia M. Velazquez
Member of Congress

cc: The Honorable Eric Fanning, Secretary of the Army
General Joseph L. Lengyel, Chief, National Guard Bureau
Chief Master Sergeant Mitchell O. Brush, Senior Enlisted Advisor to the Chief, National Guard Bureau