

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, through no fault of the Service Member.

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 best interests 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 Member affected by improperly paid bonuses, that were no fault of the Service member?

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)
  - 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 to 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 that 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](mailto:Christopher.Bennett@mail.house.gov), or Patrick Large in Representative Palazzo's office at [Patrick.Large@mail.house.gov](mailto:Patrick.Large@mail.house.gov).

Respectfully,

Tim Walz

Member of Congress

Steven Palazzo

Member of Congress

Jackie Speier

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