

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0533**

October 24, 2016

The Honorable Ashton Carter  
Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Secretary Carter:

The *Los Angeles Times* reported this weekend that thousands of California military personnel are being forced to repay their enlistment bonuses.<sup>1</sup> As a Member of the National Security Subcommittee of the House Oversight and Government Reform Committee, I am requesting that you cease these collection efforts immediately until the end of this year. As you know, Congress is currently adjourned until November 14. Halting the current efforts by the Pentagon to force those who have served our nation to repay their enlistment bonuses will give Congress the time we need to address this issue legislatively.

I am intimately aware of the overpayment of enlistment bonuses to California military personnel. When I served in the California State Senate, we held multiple hearings on this issue. It was clear to me that part of the problem was the immense lack of oversight and control at the Pentagon, at the National Guard Bureau, and at the California National Guard. As a result of these hearings, I authored a law to create an independent inspector general at the California National Guard.<sup>2</sup> The thousands of California military personnel who received these bonuses, however, should not be punished for the mistakes of the Pentagon, the National Guard Bureau, and the California National Guard.

A more fundamental issue is at stake. In a free and democratic society, the rule of law depends on certain principles, one of which is that we should not apply rules retroactively. "One

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<sup>1</sup> Cloud, David. "Thousands of California soldiers forced to repay enlistment bonuses a decade after going to war." *Los Angeles Times*. 22 Oct 2016. <<http://www.latimes.com/nation/la-na-national-guard-bonus-20161020-snap-story.html>>

<sup>2</sup> Piller, Charles. "Bill seeks independent watchdog of California National Guard." *The Sacramento Bee*. 27 April 2011. <<http://www.sacbee.com/news/investigations/article2573273.html>>

cannot be guided by a retroactive law” or in this case, a retroactive ruling on what constituted proper or improper bonuses.<sup>3</sup>

In this case, the government induced thousands of citizens to enlist or re-enlist in the military with the promise of a certain bonus. These Americans cannot go backwards in time and change their decision. They cannot take back the years that they served. Some or perhaps many may not have enlisted or re-enlisted but for the bonus. By forcing them to now repay their bonus deprives them of the freedom of choice of taking other opportunities they would have had years ago had they known they were not going to get a bonus.

As someone who served on active duty and is still in the reserves, I find the current collection efforts by the Pentagon against these Americans to be wrong. It may take a change in the law to fix this situation. Give Congress the time to do so. Thank you for your attention to this important matter.

Sincerely,



Ted W. Lieu  
Member of Congress

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<sup>3</sup> Raz, Joseph. "The authority of law: Essays on law and morality."  
<[http://fs2.american.edu/dfagel/www/Philosophers/Raz/Rule%20of%20Law%20and%20its%20Virtue\\_%20%20Joseph%20Raz.pdf](http://fs2.american.edu/dfagel/www/Philosophers/Raz/Rule%20of%20Law%20and%20its%20Virtue_%20%20Joseph%20Raz.pdf)>