

114TH CONGRESS  
2D SESSION

# H. R. 6301

To provide for certain requirements and limitations relating to the recoupment of bonuses and similar payments made to members of the uniformed services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2016

Ms. BROWNLEY of California introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To provide for certain requirements and limitations relating to the recoupment of bonuses and similar payments made to members of the uniformed services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honor Our National  
5 Guard Act”.

1 **SEC. 2. REQUIREMENTS AND LIMITATIONS RELATING TO**  
2 **RECOUPMENT OF BONUSES PAID TO MEM-**  
3 **BERS OF THE UNIFORMED SERVICES.**

4 (a) REQUIREMENTS FOR RECOUPMENT OF CERTAIN  
5 BONUSES.—The Secretary concerned (as such term is de-  
6 fined in section 101(5) of title 37, United States Code)  
7 may not require the repayment by a member of the uni-  
8 formed services of any bonus or similar payment under  
9 section 303a(e) or 373 of title 37, United States Code,  
10 unless the Secretary carries out the following:

11 (1) In the case of the required repayment of a  
12 bonus or similar payment by reason that the mem-  
13 ber of the uniformed services failed to perform the  
14 required service, the Secretary shall—

15 (A) obtain a signed statement from a com-  
16 manding officer of at least at the grade of O-  
17 6 who is in the chain of command of the mem-  
18 ber;

19 (B) provide notice to the member of the in-  
20 tent to require repayment; and

21 (C) provide for not less than 120 days  
22 after providing the notice under subparagraph  
23 (B) for the member to respond to the notice  
24 and provide evidence that the member fulfilled  
25 the service required for the bonus or similar  
26 payment.

1           (2) In the case of the required repayment of a  
2           bonus or similar payment by reason that the con-  
3           tract providing for payment of the bonus or other  
4           payment to a member of the uniformed services is  
5           found invalid, the Secretary shall—

6                   (A) appoint an investigating officer in ac-  
7                   cordance with any applicable requirements; and

8                   (B) confirm that such investigating officer  
9                   determines, by a preponderance of evidence,  
10                  that the member committed fraud or did not  
11                  complete the service requirements under the  
12                  contract; and

13                  (C) obtain the written concurrence with  
14                  such determination of a general or flag officer  
15                  in the chain of command or the member.

16           (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
17           fect on the date of the enactment of this Act. No bonus  
18           may be recouped on or after such date except in accord-  
19           ance with such subsection.

20           (c) TREATMENT OF REPAYMENTS MADE BEFORE  
21           DATE OF ENACTMENT.—

22                   (1) IN GENERAL.—In the case of a member of  
23                   a uniformed service who fully or partially repaid the  
24                   Department of Defense for a bonus or similar pay-  
25                   ment because the contract under which the member

1 received the bonus or similar payment was subse-  
2 quently found to be invalid, the Secretary concerned  
3 shall pay the member the amount of such repayment  
4 (including any amount of interest or penalties paid  
5 by the member) unless the Secretary determines re-  
6 payment of the bonus or similar payment would be  
7 required pursuant to subsection (a).

8 (2) INTEREST.—The Secretary concerned shall  
9 also pay to such a member interest on any amount  
10 the member fully or partially repaid the Department  
11 of Defense for a bonus or similar payment referred  
12 to in subsection (a). Such interest shall be paid at  
13 a rate equal to rate charged on Federal Direct Stu-  
14 dent Loans as of the date of the enactment of this  
15 Act and shall be calculated beginning on the date on  
16 which the member first paid to the Department any  
17 such amount.

18 (d) TREATMENT OF WAIVED DEBTS.—Nothing in  
19 this section shall apply to any debt or any portion of any  
20 debt that has been waived or otherwise relieved by the Sec-  
21 retary concerned.

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