

# Congress of the United States

Washington, DC 20515

October 7, 2022

The Honorable Greg Abbott  
Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

Dear Governor Abbott,

We write to inquire about recent reports that soldiers deployed on “Operation Lone Star” (OLS) have not had their federal taxes properly withheld since October 2021.<sup>1</sup> We have reviewed presentation slides detailing the issue and are concerned many soldiers who were deployed on OLS will be left on the hook for thousands of dollars in federal taxes because of the Texas Military Department’s (TMD) mistake.

According to presentations being given to some soldiers who were deployed on OLS, the payroll system used to provide paychecks to soldiers calculates federal tax withholdings over 12 monthly pay periods. However, soldiers deployed on OLS have been paid twice a month, which has led the payroll system to underestimate the annual adjusted gross wages of soldiers. The presentation slides also show that 96 percent of soldiers deployed on OLS fall under the bi-weekly payment structure, which means thousands of soldiers were not having federal taxes withheld for base pay, hardship duty pay, imminent danger pay, and more. By TMD’s own estimates, some servicemembers may owe as much as \$8,546 in federal taxes through no fault of their own.

This incident is raising many questions for soldiers who will now have to figure out if they will be able to have funds to provide to the Internal Revenue Service even though they were trusting TMD to withhold them. To help them and us better understand how deep and widespread this issue is, we urge you respond to the following questions:

- How many soldiers were affected by this mistake?
- The statement released from TMD states the problem with the payroll system can’t be fixed until January. Why is TMD not able to fix it sooner?
- Why was this error not found sooner? What auditing procedures does TMD employ? Did these procedures fail?
- There have been soldiers who are no longer deployed on OLS who have not been informed about this issue. How is TMD reaching out to these soldiers?
- It is critical to note that soldiers deployed on OLS, National and State Guard alike, carry no fault here. Many of them were deployed on this mission involuntarily. This was caused by TMD, so TMD must provide a solution. What will you and TMD do to ensure soldiers will not have to pull together thousands of dollars they may not have? Will you and TMD cover the federal tax burden for these soldiers who have been deployed for months on end?
- Some soldiers have stated they are being told to increase their paycheck withholdings with a new W4 to try and pay back the deficit. Is this the only solution TMD has put together?
- Soldiers have also been told to calculate their own tax deficit on their own using complicated spreadsheets and pay stubs some may not even have anymore. Is TMD unable to calculate the federal tax deficits per soldier on an individual basis? What was the collective tax deficit for 2021? What is the collective tax deficit for 2022?

---

<sup>1</sup> <https://www.texastribune.org/2022/10/06/operation-lone-star-tax-error/>

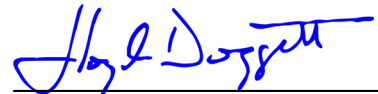
- Does Texas Comptroller Glenn Hegar have any responsibility in this error? Did you and TMD worked with the Comptroller's office to correct the issue?
- When were you first briefed on this issue? When were senior TMD leaders first briefed on this issue? When did you start briefing soldiers on it?
- Will TMD or another state agency provide tax and legal advice for soldiers faced with this surprise tax liability? If yes, please provide contact information so we may refer constituents who may contact our offices. If not, why won't you be providing this service?
- Will TMD or another state agency provide legal representation for soldiers who may end up with an IRS dispute, lien or other IRS adverse action because of this withholding error? If yes, please provide contact information so we may refer constituents who may contact our offices. If not, why won't you be providing this service?

Since you first started OLS early last year, it has been clear the welfare of soldiers has been secondary to the political message the mission is designed to send. For several months there were widespread reports of late paychecks, dismal living conditions, and low soldier morale. Additionally, there have been a disturbing number of deaths by suicide on OLS, with another taking place just this week. These incidents, combined with this latest error, have continued to show just how unnecessary and disruptive this mission is for our state and our soldiers. We look forward to your answers on the questions above and encourage you to provide in a timely manner not just for us, but for all of the soldiers affected.

Sincerely,



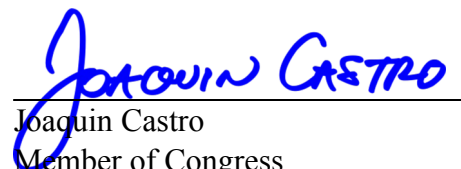
Veronica Escobar  
Member of Congress



Lloyd Doggett  
Member of Congress



Vicente Gonzalez  
Member of Congress



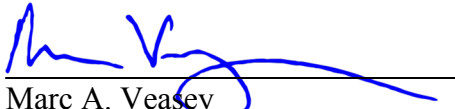
Joaquin Castro  
Member of Congress



Al Green  
Member of Congress



Sheria Jackson Lee  
Member of Congress



---

Marc A. Veasey  
Member of Congress



---

Sylvia R. Garcia  
Member of Congress

CC:  
Major General Thomas Suelzer, Texas Adjutant General  
Texas Comptroller Glenn Hegar  
General Daniel R. Hokanson, National Guard Bureau Chief  
Lieutenant General Jon A. Jensen, Director of the Army National Guard  
Lieutenant General Michal A. Loh, Director of the Air National Guard  
Internal Revenue Service Commissioner Charles P. Rettig