



COMPTROLLER

UNDER SECRETARY OF DEFENSE

1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

FEB 25 2011

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

This letter reports a violation of the Antideficiency Act (ADA), Army case number 08-08 (enclosed), as required by section 1517(b) of Title 31, United States Code. A violation of section 1517 occurred in account 21 6 2040, Research, Development, Test and Evaluation (RDT&E), Army, in the amount of \$843,030.28. The violation occurred on August 30, 2006, at Condron Army Airfield, White Sands Missile Range, New Mexico.

The violation occurred when Fiscal Year 2006 RDT&E funds were obligated to construct two pre-fabricated hangers that were classified as real property facilities at the Condron Army Airfield. The construction costs exceeded the \$750,000 limit for use of non-military construction funds for minor military construction projects and should have been funded with unspecified minor military construction funds. As there were insufficient minor military construction funds available at the appropriation level to cover the work, this resulted in a violation of section 1517 of Title 31, United States Code.

Colonel Bruce David Lewis, Commander, White Sands Test Center, was found responsible for the violation. Colonel Lewis retired from active duty on November 1, 2009. Due to his retirement status, discipline was not administered, however his retirement award was downgraded due to the violation. It was determined that the violation contained no willful or knowing intent on the part of the responsible party to violate the ADA.

To prevent a recurrence of this type of violation, the Army revised its regulations on "Army Facilities Management" and "Personal Property Relocatable Buildings." In addition, the Army revised the relocatable building policy which establishes comprehensive guidance on the relocatable building program.

Identical reports will be submitted to the President of the Senate, Speaker of the House of Representatives, Comptroller General of the United States, and Director of the Office of Management and Budget.

Respectfully yours,

Robert F. Hale

Enclosures:
As stated



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FEB 25 2011

The Honorable Joseph R. Biden, Jr.
President of the Senate
United States Senate
Washington, DC 20510

Dear Mr. President:

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Sincerely,

Robert F. Hale

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1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

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The Honorable John Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

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