



UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

FEB 28 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 08-04 (enclosed), as required by section 1517(b) of Title 31, United States Code. A violation of section 1517 occurred in Fiscal Year (FY) 2004 and FY 2005 Operation and Maintenance, Army (OMA), and FY 2005 Research, Development, Test and Evaluation, Army (RDT&E) in the amount of \$968,272.50. The violation occurred within the Program Executive Office, Command, Control and Communication Tactical (PEO C3T), Fort Monmouth, New Jersey.

The violation occurred when FY 2004 and FY 2005 OMA funds and FY 2005 RDT&E funds were obligated for the construction costs of the site preparation and installation of a modular building at Fort Lewis, Washington. The site preparation and installation construction costs associated with this modular construction project exceeded the \$750,000 limit for use of non-military construction funds for minor military construction projects. The costs 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.

Mr. Eric S. Stern, YA-3, then Acting Chief, Program Support/Business Management Office, and Mr. Harold A. Booker (retired), then Lead Program Analyst, were found responsible for the violation. Mr. Stern received an official letter of reprimand. No disciplinary action was taken against Mr. Booker, who retired from Federal Service. It was determined that the violation contained no willful or knowing intent on the part of the responsible parties to violate the ADA.

To prevent a recurrence of this type of violation, new procedures were established regarding funds control within PEO C3T. In addition, a memorandum was issued to all Army program executive officers to ensure fund managers are trained and certified in funds control.

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 28 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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FEB 28 2011

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

Dear Mr. Speaker:

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