



**United States Government**  
**NATIONAL LABOR RELATIONS BOARD**  
**OFFICE OF THE CHAIRMAN**  
Washington, DC 20570-0001

September 21, 2007

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

This letter is to report two violations of the Antideficiency Act, as required by section 1351 of Title 31, United States Code.

Violations of section 1341 of Title 31, United States Code, occurred in account 63070100 in an amount of \$72,762.00. The first violation occurred on September 26, 2006, in connection with a contract for power and battery backup maintenance in the amount of \$5,802.00 for Fiscal Year (FY) 2007. The second violation occurred on September 27, 2006, in connection with a contract for copier paper in the amount of \$66,960.00 for FY 2007. Mr. Samuel Feinburg, Chief, Procurement Section, Procurement and Facilities Branch, Division of Administration, was the officer responsible for the violations.

The violations came to the attention of the Office of Inspector General (OIG) during an investigation of contracts that were executed in the immediate weeks before and after the start of FY 2007. During that process, two instances were identified as involving the National Labor Relations Board (NLRB) in a contract before it received an FY 2007 appropriation without a clause making the contract contingent upon the NLRB receiving FY 2007 funding. In the contract involving battery backup maintenance, Mr. Feinburg approved the contract action prior to the contracting officer's execution of the contract documents. In the contract for copy paper, Mr. Feinburg was the contracting officer. When interviewed by the OIG, Mr. Feinburg and other procurement officials stated that the failure to include the appropriate clause to make the contracts contingent upon receiving an FY 2007 funding was an administrative oversight. Because there were a number of contracts that were executed prior to the funds being available for FY 2007 that contained the appropriate funds availability clause, Mr. Feinburg's explanation appears reasonable.

Mr. Feinburg resigned his position with the NLRB prior to the completion of the OIG investigation. Because of his resignation, administrative discipline against Mr. Feinburg was not considered. The contracting officer for the battery backup maintenance received counseling regarding the Antideficiency Act. In light of the lack of evidence that the Antideficiency Act

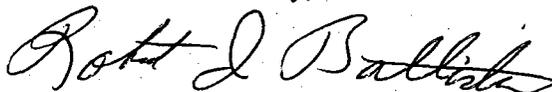
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violations were willful or knowing, the Inspector General determined that referral to the U.S. Department of Justice was not necessary. I concur with that determination.

As required by Circular Number A-11, Section 150, Administrative Control of Funds, the Budget Officer will submit the NLRB's existing fund control regulations to the Office of Management and Budget to determine whether modifications should be made.

Identical reports will be submitted to the presiding officer of each House of Congress as well as the Comptroller General.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert J. Battista".

Robert J. Battista  
Chairman