



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

APR 30 2009

COMPTROLLER

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

Dear Mr. President:

This letter is to report the Antideficiency Act violation, Army case number 06-07, estimated at \$32,144,000, as required by Section 1351 of title 31, United States Code. The violation occurred when Army Materiel Command (AMC) personnel at Fort Belvoir, Virginia, improperly obligated fiscal years 2002 through 2005 Army Operation and Maintenance funds (OMA) for two relocatable buildings that constituted a military construction project. These unauthorized obligations of OMA instead of military construction funds resulted in a violation of Section 1341(a)(1)(A) of title 31, United States Code.

General Paul J. Kern, former Army Materiel Command Commander; Ms. Barbara A. Leiby, Senior Executive Service, former AMC Deputy Chief of Staff for Resource Management; and Mr. John C. Lawkowski, Senior Executive Service, AMC Assistant Deputy Chief of Staff for Resource Management; were found responsible for the violation. All three individuals received a memorandum of concern.

To prevent a recurrence of this type of violation, the Army completely revised facilities management regulation and improved relocatable building policy. The Army concluded there was no knowing or willful violation of the Antideficiency Act.

Enclosed is a letter and report from the Deputy Assistant Secretary of the Army, Office of the Assistant Secretary of the Army (Financial Management and Comptroller) transmitting the violation of Section 1341(a)(1)(A) of title 31, United States Code. Copies of the letter and report were submitted to the President of the Senate, Speaker of the House of Representatives, Acting Comptroller General of the United States, and Director of the Office of Management and Budget.

Respectfully yours,

A handwritten signature in cursive script that reads "Robert F. Hale".

Robert F. Hale

Enclosure:
As stated



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COMPTROLLER

The Honorable Joseph R. Biden, Jr.
President of the Senate
The Capitol
Washington, DC 20501

Dear Mr. President:

This letter is to report the Antideficiency Act violation, Army case number 06-07, estimated at \$32,144,000, as required by Section 1351 of title 31, United States Code. The violation occurred when Army Materiel Command (AMC) personnel at Fort Belvoir, Virginia, improperly obligated fiscal years 2002 through 2005 Army Operation and Maintenance funds (OMA) for two relocatable buildings that constituted a military construction project. These unauthorized obligations of OMA instead of military construction funds resulted in a violation of Section 1341(a)(1)(A) of title 31, United States Code.

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Robert F. Hale

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COMPTROLLER

The Honorable Nancy Pelosi
Speaker of the U.S. House of Representatives
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

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