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United States Government Accountability Office
Washington, DC 20548

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March 14, 2011

David A. Lebryk
Commissioner, Financial Management Service
U.S. Department of the Treasury
1500 Pennsylvania, Avenue, NW
Washington, D.C. 20220

Subject: *Public Law 111-378 and the Payment of the Stormwater Charge*

Dear Mr. Lebryk:

On September 29, 2010, we informed you that GAO was constitutionally prohibited from using its appropriations to pay the stormwater charge assessed by the District of Columbia Department of the Environment (DDOE), because such charge is a tax, the payment of which had not been authorized by a legislated waiver of the sovereign immunity of the United States. B-320868. Subsequent to our letter, Congress enacted an amendment to the Clean Water Act to waive sovereign immunity for certain stormwater assessments. See Pub. L. No. 111-378, 124 Stat. 4128 (Jan. 4, 2011). We have determined that, as a result, the DDOE stormwater charge is now payable by GAO. Accordingly, we hereby withdraw our pending objection to the use of GAO appropriated funds to pay the DDOE stormwater charge.

If you have any questions regarding this matter, please contact Susan A. Poling at 202-512-2667 or Tom Armstrong at 202-512-8257.

Sincerely yours,

Lynn H. Gibson
General Counsel

cc: Margaret Marquette, Esq.
Chief Counsel, Financial Management Service