DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
FINANCIAL MANAGEMENT AND COMPTROLLER

WASHINGTON DC 20310-0109

REPLY TO ATTENTION OF

OCT 6 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Antideficiency Act (ADA) Policy and Metrics

1. References:

a. Acting Deputy Chief Financial Officer, Office of the Under Secretary of Defense, Comptroller memorandum dated September 5, 2008 (enclosed).

b. DASA (FO) memorandum dated February 7, 2008, subject: Fiscal Law Training.

2. In response to a recent General Accountability Office audit, the USD(C) has added new requirements to the processing of ADA investigations (Reference a). The focus is on the independence and training of investigating officers (IOs), training of key funds control personnel, and timeliness of ADA investigations. Effective immediately, the following procedures will be implemented:

a. When selecting an IO, the appointing official must consider the individual's experience or expertise in financial management and completion of fiscal law training, as well as his ability to perform an independent review. To ensure independence, recommend that the appointing official select the IO from an organization external to the immediate organization being investigated (e.g., outside the program office where the potential ADA violation may have occurred). The appearance of a conflict of interest or bias should be a determining factor in non-selection. It is also desirable, but not mandatory, that the IO's rank/grade be equal to, or greater than, the highest ranking individual whose actions are under review.

b. If a potential violation appears to involve a complex situation or a multitude of functional areas, then a "team approach" may be necessary. The appointing official shall ensure the IO receives adequate support, including access to additional personnel with the requisite knowledge in the functional areas involved. The appointment of a legal advisor for the investigating team may also be considered.

c. The appointing officials are required to certify the IO's independence and qualifications in the formal appointment letter. The formal appointment letter must be submitted to this office within 15 days after written confirmation of the potential ADA. Certification of the investigating officer's qualifications in the formal appointment letter and the 15-day appointment suspense eliminate the need for establishment and maintenance of centralized rosters.

3. As referenced in 1b, the Army has already implemented procedures to ensure key fund certifiers receive appropriate training. Commands are to continue to document the processes, procedures, and controls to identify key funds control personnel and ensure these individuals have received appropriations law training. Funds control personnel who have not been trained must be enrolled in a fiscal law course immediately. Refresher training is required at least every five years. (NOTE: Fiscal law training is available online through Judge Advocate General (JAG) University at https://jag.learn.army.mil and covers the statutory, regulatory, and policy authorities governing the commitment, obligation, and expenditure of appropriated funds in garrison and when deployed.)

4. Recommend each command make the decision on the appropriate fund certifying officer training course based on the scope, breadth, and complexity of the individual's job responsibilities. Depending on the responsibilities, Federal Appropriation Law, Certified Defense Financial Management Accreditation, the JAG Legal Center and School fiscal law in-residence course, or the web-based fiscal law training may be appropriate. We are not going to inspect or question a command's decision; however, if any fund certifier is found responsible for an ADA, the Command may be required to justify their rationale for the particular course the individual attended.

5. Commands are to document key fund certifier training and report the number of authorized fund certifiers and the number with appropriation law training during each Phase III Triannual JRP Review ending September 30. This office will subsequently submit training status to USD(C) as part of Army's annual report of evaluation of the administrative funds control process and the processing of violations of the ADA (Annual report of evaluation).

6. Commands are reminded to ensure ADA investigations are completed within established timelines. Extensions for the submission of preliminary and formal reports are only granted in cases involving exceptional and unforeseen circumstances. To ensure compliance, senior resource managers may be required to provide an ADA status update to the Principal Deputy Assistant Secretary of the Army (Financial Management and Comptroller).

7. My point of contact for this policy can be reached at commercial (703) 693-3383

John J. Argodale
Deputy Assistant Secretary of the Army
(Financial Operations)

Enclosure

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