



**DEPARTMENT OF THE ARMY**  
US ARMY MEDICAL RESEARCH AND MATERIEL COMMAND  
504 SCOTT STREET  
FORT DETRICK MD 21702-5014

MCMR-AAP-A

MAR 25 2016

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Procurement Advisory Notice (PAN) 16-04, Antideficiency Act Violations (ADA) and Reporting.

1. PURPOSE. To provide direction to the MRMC and Subordinate activities concerning expenditure and obligation of funds exceeding the amount available or authorized.

2. REFERENCES.

a. Department of Defense Financial Management Regulation, Volume 14, Administrative Control of funds and Antideficiency Act Violations.

b. United States Code (USC) Title 31, Money and Finance, Subchapter 1341.

c. Department of the Army, Assistant Secretary Financial Management, Subject: Antideficiency Act Policy, dated 14 Dec 2010.

3. POLICY.

a. The ADA is a fiscal law contained in the USC Title 31, specifically sections: 1341, 1342 and 1517.

(1) Section 1341 prohibits a Government employee from making or authorizing an expenditure or obligation exceeding an amount available in an appropriation or fund. Additionally, a Government employee cannot involve the Government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law.

(2) Section 1342 prohibits a Government employee from accepting voluntary services except for emergencies involving the safety of human life or the protection of property.

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\*This USAMRMC PAN replaces USAMRMC PAN 05-06, Antideficiency Act Violations and Reports, 14 April 2005.

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(3) Section 1517 prohibits Government employees from making or authorizing an expenditure or obligation exceeding apportionment or formal administrative subdivision of funds.

b. The United States Constitution, Article 1, Section 9, directs that "...no money shall be drawn from the treasury but in a consequence of an appropriation made by law."

4. REPORTING.

a. Upon discovery of facts suggesting a possible ADA violations the US Army Medical Research and Materiel Command (MRMC) Deputy Chief of Staff for Resource Management will be immediately notified.

b. Whenever a violation or potential violation of the ADA occurs, the head of the agency is required to submit a flash report immediately to the Department of the Army, Deputy Assistant Secretary Financial Operations within 10 working days after discovery of a potential violation.

c. Specific instructions and guidance can be found on the Army Financial Management website at: <http://asafm.army.mil/offices/fo/ada.aspx?OfficeCode=1500>.

5. PROPONENT. The proponent for this policy is the Chief, Procurement Policy, Mrs. Carla Diamond, 301-619-2395.

//SIGNED//  
BRIAN E. MARTIN  
Director

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