



District of Columbia Courts
Joint Committee on Judicial Administration
Washington, D. C. 20001



October 23, 2009

Comptroller General of the United States
U.S. Government Accountability Office
Antideficiency Act Reports
Room 7165
441 G. Street, N.W.
Washington, D.C. 20548

Dear Comptroller General:

This letter is to report violations of the Antideficiency Act, as required by section 1517(b) of Title 31, United States Code. These violations involved the obligation of budgetary resources in excess of fiscal year apportionments, but did not involve obligations in excess of appropriations.

A violation of section 1517 occurred in the Federal Payment to the District of Columbia Courts account (Department of the Treasury account symbol 95-1712) in the total amount of more than \$134 million.¹ The violations occurred between fiscal years 2001 and 2008 when the D.C. Courts inadvertently did not request apportionment of carry over funding for multi-year appropriations in the account and subsequently obligated such funding.

Pursuant to the District of Columbia Appropriations Act, 1998, and subsequent appropriations acts, the federal payments to the District of Columbia Courts are apportioned quarterly by the Office of Management and Budget, with payroll and financial services provided on a contractual basis by the General Services Administration (GSA). Pub. L. No. 105-100, 111 Stat. 2161 (1997). GSA provides financial management services to the D.C. Courts and submits to Congress monthly financial reports on court activity. In August 2009 GSA advised the Courts' Budget Chief that a new apportionment of our two-year capital appropriation is necessary whenever a balance is carried over into the second year. This information came to our attention when the Courts requested FY 2008-2009 capital funds in the second year of availability from account 95-1712 for approved, on-going capital projects.

Available records indicate that beginning with the first multi-year appropriation received, the FY 2000–2001 capital appropriation in Pub. L. No. 106-113, 113 Stat. 1502 (1999), the Courts have routinely requested apportionment of the full capital appropriation in the first year and have not requested a new apportionment of the carry-over balance in the second year. Therefore, violations of 31 U.S.C. § 1517(a)(1) occurred in the second year of availability of the

¹ Although the violations date back to 2001, the General Services Administration maintains financial records for five years, to 2004. The total of the violations since 2004 is approximately \$134 million.

funds totaled more than \$134 million.³ During the fiscal years in which the violations occurred the Courts received unqualified audit opinions and consistently submitted monthly financial reports to Congress prepared by GSA that expressly indicated how the monies were spent.

No individuals have been designated as responsible for the violations because the violations are due to inadvertent error and inadequate guidance on the apportionment of two-year funds, due in part to the bifurcated responsibility for financial management between GSA and the Courts. There is no evidence of willful or knowing violation of section 1517.

Upon notification by GSA of the need to apportion carry-over funds, the Courts' Fiscal Officer, Budget Chief, Associate General Counsel and other staff reviewed OMB Circular No. A-11 instructions on budget execution and subsequently incorporated the apportionment rules for multi-year appropriations into the Courts' budget operational procedures to prevent a recurrence of this violation. To ensure full compliance with OMB Circular A-11, the Courts have revised the operational procedures to include a requirement to obtain GSA review of the Courts' apportionment schedules prior to submission to OMB. Staff responsible for budget execution activities will be trained by OMB budget officials on apportionment rules and regulations, and will attend a training program on federal appropriations and budget execution. The Courts currently utilize a financial management system provided by GSA. GSA has scheduled a site visit to implement additional system safeguards to prevent any reoccurrence and to work with Court financial staff to enhance existing Court business processes.

Identical letters are being submitted to the presiding officer of each House of Congress and the Comptroller General.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric T. Washington", with a long horizontal flourish extending to the right.

Eric T. Washington
Chief Judge, D.C. Court of Appeals and
Chair, Joint Committee on Judicial Administration

³ See footnote 1.



District of Columbia Courts
Joint Committee on Judicial Administration
Washington, D. C. 20001



October 23, 2009

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

Dear Mr. President:

This letter is to report violations of the Antideficiency Act, as required by section 1517(b) of Title 31, United States Code. These violations involved the obligation of budgetary resources in excess of fiscal year apportionments, but did not involve obligations in excess of appropriations.

A violation of section 1517 occurred in the Federal Payment to the District of Columbia Courts account (Department of the Treasury account symbol 95-1712) in the total amount of more than \$134 million.¹ The violations occurred between fiscal years 2001 and 2008 when the D.C. Courts inadvertently did not request apportionment of carry over funding for multi-year appropriations in the account and subsequently obligated such funding.

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Available records indicate that beginning with the first multi-year appropriation received, the FY 2000-2001 capital appropriation in Pub. L. No. 106-113, 113 Stat. 1502 (1999), the Courts have routinely requested apportionment of the full capital appropriation in the first year and have not requested a new apportionment of the carry-over balance in the second year. Therefore, violations of 31 U.S.C. § 1517(a)(1) occurred in the second year of availability of the two-year capital appropriation account 95-1712 for the fiscal years 2001 through 2008.² These

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funds totaled more than \$134 million.³ During the fiscal years in which the violations occurred the Courts received unqualified audit opinions and consistently submitted monthly financial reports to Congress prepared by GSA that expressly indicated how the monies were spent.

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Chief Judge, D.C. Court of Appeals and
Chair, Joint Committee on Judicial Administration

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District of Columbia Courts
Joint Committee on Judicial Administration
Washington, D. C. 20001



October 23, 2009

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

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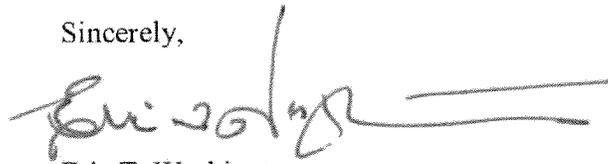
funds totaled more than \$134 million.³ During the fiscal years in which the violations occurred the Courts received unqualified audit opinions and consistently submitted monthly financial reports to Congress prepared by GSA that expressly indicated how the monies were spent.

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District of Columbia Courts
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October 23, 2009

The Honorable Nancy Pelosi
Speaker of the House of Representatives
The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

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