



UNDER SECRETARY OF DEFENSE

1100 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1100

AUG 8 2006

COMPTROLLER

The Honorable Rob Portman  
Director  
Office of Management and Budget  
Washington, DC 20503

Dear Mr. Portman:

Enclosed is a letter transmitting a violation report of Title 31, United States Code, Section 1341(a), to the President.

The Antideficiency Act violation, Army case number 04-09, totaled \$54,959.59. This violation report is required by Title 31, United States Code, Section 1351, to be submitted to the President, through the Director of the Office of Management and Budget. The Army did not receive a clean audit opinion during the fiscal year in which the violation occurred.

To comply with the aforementioned provisions, copies of the report are also being submitted to the President of the Senate, the Speaker of the House of Representatives and the Comptroller General of the United States.

Sincerely,



Pina W. Jonas

Enclosure:  
As stated



UNDER SECRETARY OF DEFENSE

1100 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1100

AUG 8 2006

COMPTROLLER

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

Dear Mr. President:

This letter is to report a violation of the Antideficiency Act (ADA) by the Department of the Army, case number 04-09. During fiscal year 2000, the Washington State Army National Guard (WA-ANG) improperly used Operation and Maintenance (O&M) funds to acquire the services of a private attorney. Although an appropriation was not legally available, the WA-ANG incurred obligations and made payments in excess of the O&M funds. The use of funds was a violation of Title 31, United States Code, Section 1341(a), totaling \$54,959.59.

Enclosed is a report from the Deputy Assistant Secretary of the Army (Financial Operations). The following individual was named responsible for the violation:

Major General Timothy J. Lowenberg, The Adjutant General, WA-ANG

The Governor of the State of Washington determined that the individual should not receive discipline, and the Army concluded there was no knowing or willful violation of the ADA by the individual named responsible.

The Army took corrective action by issuing an Army-wide policy memorandum reminding commands that improper procurement of professional advisory or assistance service can result in an ADA. The Army National Guard Bureau alerted all their States to the ADA violation caused by using federal funds to pay for a private law firm.

Identical reports are being submitted to the President of the Senate, the Speaker of the House of Representatives and the Comptroller General of the United States.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Tina W. Jonas", is written over a large, stylized flourish or underline.

Tina W. Jonas

Enclosure:

As stated 2-05



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

AUG 8 2006

COMPTROLLER

The Honorable Richard B. Cheney  
President of the Senate  
285 Eisenhower Executive Office Building  
Washington, DC 20501

Dear Mr. President:

This letter is to report a violation of the Antideficiency Act (ADA) by the Department of the Army, case number 04-09. During fiscal year 2000, the Washington State Army National Guard (WA-ANG) improperly used Operation and Maintenance (O&M) funds to acquire the services of a private attorney. Although an appropriation was not legally available, the WA-ANG incurred obligations and made payments in excess of the O&M funds. The use of funds was a violation of Title 31, United States Code, Section 1341(a), totaling \$54,959.59.

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Identical reports are being submitted to the President, the Speaker of the House of Representatives and the Comptroller General of the United States.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina W. Jonas", is written over a large, light-colored scribble or stamp.

Tina W. Jonas

Enclosure:

ASO-1100-05



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

AUG 8 2006

COMPTROLLER

The Honorable J. Dennis Hastert  
Speaker of the House of Representatives  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

This letter is to report a violation of the Antideficiency Act (ADA) by the Department of the Army, case number 04-09. During fiscal year 2000, the Washington State Army National Guard (WA-ANG) improperly used Operation and Maintenance (O&M) funds to acquire the services of a private attorney. Although an appropriation was not legally available, the WA-ANG incurred obligations and made payments in excess of the O&M funds. The use of funds was a violation of Title 31, United States Code, Section 1341(a), totaling \$54,959.59.

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Tina W. Jonas

Enclosure:

ASCS/MAJ-05



COMPTROLLER

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

AUG 8 2006

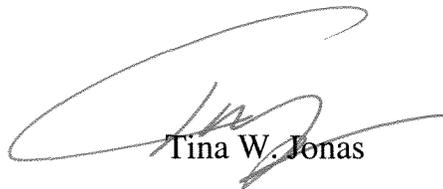
The Honorable David M. Walker  
Comptroller General of the United States  
U.S. Government Accountability Office  
Antideficiency Act Reports  
Room 7165q  
411 G Street, NW  
Washington, DC 20548

Dear Mr. Walker:

This letter is to report a violation of the Antideficiency Act as required by Title 31, United States Code, Section 1351, by the Department of the Army, case number 04-09 in the amount of \$54,959.59.

Enclosed are copies of the letters and report transmitting a violation of Title 31, United States Code, Section 1341(a), that were submitted to the President and the Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina W. Jonas".

Tina W. Jonas

Enclosure:  
As stated