



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 21, 2006

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Thad,

I am transmitting an update on the use of the Emergency Response Fund (ERF) appropriations. This report covers the use of the \$40 billion provided by P.L. 107-38, the FY 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, and P.L. 107-117, the FY 2002 Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States. I am pleased to report that as of the end of May, the Executive Branch agencies have utilized all but three tenths of one percent of the amount appropriated. Almost all of the few remaining funds are supporting projects in various stages of completion. Please see the attached tables for details.

Sincerely,


Rob Portman

Enclosure

Identical Letter Sent to The Honorable Robert C. Byrd, The Honorable Jerry Lewis, and
The Honorable David R. Obey

REPORT ON EXPENDITURES FROM THE EMERGENCY RESPONSE FUND
Amounts as of May 31, 2006
(In millions of dollars)

<u>Agency</u>	<u>Budget Authority</u>	<u>Cumulative Obligations</u>	<u>Unobligated Balance</u>	<u>Percentage obligated</u>
Department of Agriculture	342	340	3	99.2%
Department of Commerce*.....	28	28	0	100.0%
Department of Defense.....	16,623	16,623	0	100.0%
Department of Education	10	10	0	100.0%
Department of Energy*	371	371	0	99.9%
Department of Health and Human Services	2,929	2,925	4	99.9%
Department of Homeland Security.....	8,398	8,368	30	99.6%
Department of Housing and Urban Development.....	2,701	2,701	0	100.0%
Department of the Interior	93	93	0	100.0%
Department of Justice	1,640	1,629	11	99.3%
Department of Labor	118	114	4	96.5%
Department of State and Other International Programs**	1,962	1,959	3	99.8%
Department of Transportation.....	1,330	1,319	11	99.2%
Department of the Treasury	60	59	1	98.2%
Department of Veterans Affairs*.....	2	2	0	79.6%
Army Corps of Engineers	139	139	0	100.0%
Environmental Protection Agency	176	167	9	95.1%
Executive Office of the President.....	154	148	6	96.4%
General Services Administration	140	140	0	100.0%
National Aeronautics and Space Administration*.....	109	108	0	100.0%
Small Business Administration.....	197	182	15	92.4%
Social Security Administration.....	8	8	0	100.0%
Other Independent Agencies.....	373	371	2	99.5%
United States Postal Service	675	675	0	100.0%
Unallocated	3	0	3	
EXECUTIVE BRANCH TOTAL	38,581	38,479	103	99.7%
Judicial Branch.....	116	N.A.		N.A.
Legislative Branch.....	633	N.A.		N.A.
Reductions and Other Rescissions.....	670			
GRAND TOTAL	40,000	38,479		

*Unobligated balance of less than \$500k

**Pursuant to Budget reorganization, the International Assistance Programs category was combined with the Department of State

REPORT ON EXPENDITURES FROM THE EMERGENCY RESPONSE FUND

Amounts as of May 31, 2006

(In thousands of dollars)

	Budget Authority (Total)	Cumulative Obligations
Department of Agriculture		
Animal and Plant Health Inspection Service*		
Salaries and Expenses	104,128	103,550
Buildings and Facilities.....	14,953	14,953
Agricultural Research Service**		
Salaries and Expenses.....	38,155	37,013
Buildings and Facilities.....	50,332	50,332
Food Safety and Inspection***	15,000	14,738
Office of the Secretary****	80,919	80,291
Food and Nutrition Service		
Special Supplemental Program for WIC.....	39,000	39,000
Total	342,487	339,877

*The Animal and Plant Health Inspection Service has approximately \$0.58 million in unobligated balances remaining in the Salaries and Expenses account. The remaining funds will be used to continue a variety of activities begun with the Homeland Security supplemental.

**The Agricultural Research Service has approximately \$1.1 million in unobligated balances remaining in the Salaries and Expenses account. The remaining research funds have been allocated and continue to be obligated for the development and validation of assays targeting rapid detection of high consequence animal and plant pathogens.

***The Food Safety and Inspection Service has approximately \$0.26 million in unobligated balances. The remaining funds will be used to continue to provide technical assistance to States.

****Of the funds appropriated to the Office of the Secretary, approximately \$0.63 million remains in unobligated balances. Within this total, \$0.43 million remains in the allocation to Departmental Administration and will be used for physical/operational security needs, \$0.1 million remains in the allocation to the Office of the Chief Information Officer and will be used to complete the Business Resumption and Disaster Recovery Plans for critical information systems and complete the Project Matrix review that is to be conducted by the Department of Homeland Security, and \$0.1 million remains in the allocation to the Homeland Security Staff to cover salary and benefit costs.

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	Budget Authority (Total)	Cumulative Obligations
Department of Commerce		
Departmental Management		
Salaries and Expenses.....	4,775	4,774
Economic Development Administration		
Economic development assistance programs.....	2,000	2,000
International Trade Administration		
Operations and Administration*	1,100	1,096
Bureau of Industry and Security		
Operations and Administration	1,756	1,756
National Oceanic and Atmospheric Administration		
Operations, Research and Facilities.....	2,750	2,750
National Institute of Standards & Technology		
Scientific and Technical Research and Services.....	4,999	4,999
Construction of Research Facilities.....	1,225	1,224
National Telecommunications and Information Administration		
Public Telecommunications Facilities, Planning and Construction	8,250	8,250
United States Patent and Trademark Office		
Salaries and expenses	1,500	1,500
Total	28,355	28,349

*Obligation of these funds has been slowed by the pace of risk assessments of various posts. The remaining balances will be used for the security of personnel and posts of ITA and should be obligated by the end of FY 2006.

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	Budget Authority (Total)	Cumulative Obligations
Department of Defense - Military		
Increased Situational Awareness.....	5,121,863	5,012,919
Enhanced Force Protection.....	1,524,000	1,323,851
Improved Command and Control.....	1,403,000	1,314,585
Increased Worldwide Posture.....	4,849,331	4,887,859
Offensive Counterterrorism.....	1,862,000	1,827,365
Procurement		
Initial Crisis Response.....	588,800	482,398
Pentagon Repair/Upgrade.....	1,442,000	1,338,000
Other.....	221,000	213,323
Airport Security.....	246,000	222,294
	17,257,994	16,622,594
Cumulative rescissions/transfers.....	-635,400	
Total	16,622,594	16,622,594

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	<u>Budget Authority (Total)</u>	<u>Cumulative Obligations</u>
Department of Education		
Office of Elementary and Secondary Education		
School Improvement Programs	10,000	10,000
Total	<u>10,000</u>	<u>10,000</u>

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	Budget Authority (Total)	Cumulative Obligations
Department of Energy		
Weapons Activities*	135,684	135,649
Defense Environmental Restoration & Waste Management.....	8,200	8,200
Other Defense Activities	3,400	3,400
Defense Nuclear Nonproliferation*	224,061	223,896
Total	371,345	371,145

* Obligations have decreased since the last report because work was completed under budget.

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	Budget Authority (Total)	Cumulative Obligations
Department of Health and Human Services		
Food and Drug Administration*.....	15,000	14,898
Health Resources and Services Administration.....	185,000	185,000
Centers for Disease Control and Prevention**.....	45,900	44,557
National Institutes of Health.....	10,500	10,500
Substance Abuse and Mental Health Services Admin.....	38,000	38,000
Administration for Children and Families.....	23,700	23,700
Administration on Aging.....	1,300	1,300
Bioterrorism		
Food and Drug Administration.....	137,850	137,584
Food and Drug Administration -- July 2003 transfers.....	5,000	4,714
Centers for Disease Control and Prevention.....	1,011,000	1,010,520
CDC and Prevention (Stockpile/Smallpox).....	1,105,000	1,105,000
National Institutes of Health***.....	180,000	179,616
Health Resources and Services Administration.....	135,000	135,000
Office of the Secretary****.....	36,000	34,492
Total	2,929,250	2,924,881

* The majority of the rest of the unobligated funds to be used for upgrades for Lab Security.

** The CDC unobligated balance is planned for an upgrade to the CDC capacity fund and Evaluation Request for FY 2006, State Local Capacity funds, security improvement, and for ongoing NIOSH critical recovery work.

*** The NIH unobligated balance of approximately \$384 k is for the BL-4 lab at RML and these funds are being held for the construction contingency, and may be used during FY 2006.

**** The OS unobligated balance is tasked for the Emergency Operation Contingency Fund, which are used to respond to emergency activations that are not authorized under the Stafford Act. The funds will be used to continue funding the needed technological upgrades to the Secretary's Command Center and daily operation; along with funding the HHS alternative COOP site in Raleigh, NC.

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	Budget Authority (Total)	Cumulative Obligations
Department of Homeland Security (from Treasury)		
Federal Law Enforcement Training Center		
Salaries and Expenses.....	23,000	23,000
Acquisition, Construction, Improvements.....	8,500	8,500
Customs and Border Protection		
Salaries and Expenses*.....	472,240	462,053
Operations and Maintenance, Air and Marine Interdiction Programs**.....	9,600	9,564
United States Secret Service		
Salaries and Expenses.....	126,983	126,983
Department of Homeland Security (from Justice)		
Immigration and Customs Enforcement.....	583,400	583,400
Department of Homeland Security (from Agriculture)		
Plum Island, NY, Facility	5,943	5,943
Department of Homeland Security (from HHS)		
Office of the Secretary (OER).....	0	0
Department of Homeland Security (from Transportation)		
Transportation Security Administration		
Direct appropriation from P.L. 107-117.....	94,800	94,800
Temporary transfer of BA from FAA.....	325,000	325,000
Temporary transfer of BA from FEMA.....	1,030,000	1,030,000
United States Coast Guard		
Operating Expenses***.....	141,897	141,897
Department of Homeland Security (from Federal Emergency Management Agency)		
Disaster Relief Fund.....	5,326,871	5,311,489
Emergency Management Planning and Assistance.....	212,672	211,660
Salaries and Expenses.....	18,197	14,832
Department of Homeland Security - Additional Headquarter Costs		
Transfer from Secret Service.....	4,500	4,500
Transfer from FEMA EMPA.....	2,900	2,900
Transfer from FEMA ONP.....	11,200	11,200
Total	8,397,703	8,367,721

*The remaining unobligated balance is allocated as follows: \$10.187M – \$1.9M of the remaining balance will be obligated for the purchase and installation of Radiation Portal Monitors (RPMs), Personal Radiation Detectors (PRDs) and \$500K will be obligated in support of Facilities Repair and Maintenance Projects. \$3.7M will be used to purchase X-rays per OFO. \$1.4M – for the Northern Border/Seaport Support, funds will be used for related program support cost. \$2.7M in transfer funding from Dept of State in support of the Department's International Air Interdiction Program. Obligation of this funding is on hold pending resolution of human right issues in Uzbekistan. This funding can only be used at the direction of Department of State. Surplus balances will be transferred back to USAID if not obligated by CBP.

**Residual balance to cover unanticipated obligation adjustments.

***PL 108-90 rescinded \$71,000,000 of BA and PL 109-90 rescinded \$15,103,000 of BA.

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	Budget Authority (Total)	Cumulative Obligations
Department of Housing and Urban Development		
Community Planning and Development		
Community Development Block Grants	2,700,000	2,700,000
Office of Inspector General		
Inspector General	1,000	1,000
Total	2,701,000	2,701,000

REPORT ON EXPENDITURES FROM THE EMERGENCY RESPONSE FUND

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	Budget Authority (Total)	Cumulative Obligations
Department of the Interior		
National Park Service		
Operation of the National Park System	11,811	11,811
United States Park Police.....	26,695	26,695
Construction.....	21,624	21,624
Bureau of Reclamation		
Water and Related Resources.....	30,259	30,259
Office of the Secretary		
Departmental Management Salaries and Expenses.....	2,205	2,205
Total	92,594	92,594

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	Budget Authority (Total)	Cumulative Obligations
Department of Justice		
General Administration - S&E	5,000	5,000
Administrative Review & Appeals - S&E*	3,500	3,438
Legal Activities		
Criminal Division - S&E	4,800	4,800
Civil Division - S&E	15,000	15,000
U.S. Attorneys - S&E	56,370	56,370
Counterterrorism Fund		
U.S. Marshals Service	2,795	2,795
Counterterrorism Fund**	1,105	0
Federal Bureau of Investigation	36,900	36,900
U.S. Marshals Service - S&E	10,200	10,200
U.S. Marshals Service - Construction	9,125	9,125
ATF - S&E.....	10,605	10,604
Federal Bureau of Investigation - S&E***	784,700	778,635
Office of Justice Programs		
Justice Assistance	400,000	400,000
State & Local Law Enforcement	251,100	251,100
Crime Victims Fund****	48,835	44,933
Total	1,640,035	1,628,900

*For ARA the remaining unobligated balance of \$62,000 will be obligated by the end of the 3rd quarter.

**Of the \$40,800,000 transferred to the CT Fund, \$1,105,000 was made available to the United States Marshals Service, but could not be used for the purpose for which it was provided. Therefore, \$1,105,000 balance remains.

***Of the unobligated balance, \$4,143,000 is for the recently approved reprogramming request for the FBI's Sentinel project. There is \$1,096,000 remaining for the expansion and enhancement of overseas offices ("Legats"), including information technology improvements. FBI will obligate these funds once Controlled Access Area space at the embassies is made available. The remaining amount of \$826,000 is to support the Engineering Research Facility.

****There have been recoveries/deobligations for several grants, resulting in a decrease in obligations from the previous report. The remaining balance of \$3,902,068 will be used to provide counseling and other assistance for 9/11 Victims. In addition, \$19,265,095 of the original BA was rescinded.

REPORT ON EXPENDITURES FROM THE EMERGENCY RESPONSE FUND

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	Budget Authority (Total)	Cumulative Obligations
Department of Labor		
Training and Employment Services*	48,910	48,839
State Unemployment Insurance and Employment Service Operations	5,328	1,228
Occupational Safety and Health Administration	1,500	1,485
Workers Compensation	55,000	55,000
Pension and Welfare Benefits Administration	1,600	1,598
Departmental Management	5,880	5,875
Total**	118,218	114,025

*\$5,000,000 of BA was rescinded by PL 109-149 and \$3,590,000 of BA is in the process of being returned to the original account. Agency has no plans to use remaining \$71,000.

**Agency has no plans to use unobligated balance of \$4,193,000.

REPORT ON EXPENDITURES FROM THE EMERGENCY RESPONSE FUND

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	Budget Authority (Total)	Cumulative Obligations
Department of State		
Bureau of Information Resource Management		
Capital Investment Fund.....	15,000	15,000
Department of State - Various Bureaus		
Diplomatic and Consular Programs.....	103,990	103,607
Educational and Cultural Exchanges	2,400	2,400
Bureau of Resource Management		
Emergencies in the Diplomatic and Consular Service.....	51,000	51,000
Overseas Buildings Operations		
Embassy Security Construction and Maintenance.....	42,850	42,085
Bureau of Population, Refugees, and Migration		
Migration and Refugee Assistance	100,000	100,000
Bureau of International Narcotics Control & Law Enforcement		
International Narcotics and Law Enforcement.....	124,000	124,000
Bureau of European and Eurasian Affairs.....	100	100
Nonproliferation, Anti-Terrorism, Demining and Related Programs		
NADR****.....	118,200	118,200
Bureau of Political and Military Affairs		
Foreign Military Financing Program.....	122,000	122,000
Peacekeeping.....	220,000	220,000
Subtotal, Department of State	899,540	898,392
US Agency For International Development		
Europe and Eurasia Bureau		
Assistance for the New Independent States of the former Soviet Union.....	43,000	43,000
Bureau of Humanitarian Relief		
PL 480 Title II*.....	95,000	95,000
International Disaster Assistance.....	146,000	144,244
Asia Near East Bureau		
Economic Support Fund**	753,000	753,000
Management Bureau		
Operating Expense***.....	2,000	1,754
USAID.....	15,400	15,400
Subtotal, US Agency For International Development	1,054,400	1,052,398
Other International Programs		
Departmental Offices		
International Affairs Technical Assistance	3,000	3,000
Peace Corps		
General and special funds*****	5,290	4,987
Subtotal, Other International Programs	8,290	7,987
Total, Department of State and International Assistance Programs	1,962,230	1,958,777

*Funds were used for activities related to Tajikistan

**Funds were used for a cash disbursement to Pakistan

***Remaining funds are planned for use in potential evacuations of staff and family members from overseas missions as a result of US actions in response to the terrorist attack of Sept. 11, and for enhanced security equipment in overseas Missions.

****Funds will be used for security training, the terrorist interdiction program, demining in Afghanistan, and for Israeli assistance. Account reflects \$17.5 million

*****Peace Corps - the remaining \$303K will be used in FY 2006 to complete those activities begun in FY 2005 such as physical security upgrades, office moves necessary for security reasons, and the purchase of emergency communication equipment.

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	Budget Authority (Total)	Cumulative Obligations
Department of Transportation		
Federal Aviation Administration		
Operations - General Fund.....	241,000	241,000
Operations - Trust Fund*.....	200,000	199,970
Facilities and Equipment*.....	196,000	193,122
Aviation Insurance Revolving Fund		
Grants-in-Aid to Airports.....	175,000	175,000
Research, Engineering and Development*.....	50,000	49,756
Federal Highway Administration		
Federal-Aid Highways.....	75,000	75,000
Miscellaneous Highway Trust Funds.....	100,000	97,000
Federal Railroad Administration		
Safety and Operations.....	6,000	5,638
Capital Grants to Amtrak.....	100,000	100,000
Federal Transit Administration		
Formula Grants Program.....	33,500	29,770
Capital Investments.....	100,000	100,000
Office of the Inspector General		
Salaries and Expenses.....	1,300	1,300
Office of the Secretary		
Payments to Air Carriers.....	50,000	50,000
Research and Special Programs Administration		
Research and Special Programs.....	2,500	1,891
Total	1,330,300	1,319,447

*No further obligations are anticipated at this time.

REPORT ON EXPENDITURES FROM THE EMERGENCY RESPONSE FUND
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	Budget Authority (Total)	Cumulative Obligations
Department of Veterans Affairs		
National Cemetery Administration (NCA).....	217	19
General Operating Expenses (GOE)*.....	2,000	1,746
Total	2,217	1,765

*GOE plans on obligating the balance.

REPORT ON EXPENDITURES FROM THE EMERGENCY RESPONSE FUND

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	Budget Authority (Total)	Cumulative Obligations
Department of the Treasury		
Departmental Offices		
Salaries and Expenses.....	6,100	6,100
Air Transportation Stabilization Program	9,400	9,400
Training for Global Effort to Combat Terrorist Financing (OASIA)	3,000	3,000
Financial Crimes Enforcement Network		
Salaries and Expenses	1,760	1,751
Financial Management Service		
Salaries and Expenses	110	110
Internal Revenue Service*		
Processing, Assistance and Maintenance.....	14,910	14,860
Tax Law Enforcement.....	6,714	6,404
Information Systems	16,441	15,820
Inspector General for Tax Administration		
Salaries and Expenses	2,032	1,938
Total	60,467	59,383

*There are no plans for further obligations

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	<u>Budget Authority (Total)</u>	<u>Cumulative Obligations</u>
Army Corps of Engineers		
Operations and Maintenance.....	139,000	139,000
Total	<u><u>139,000</u></u>	<u><u>139,000</u></u>

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	Budget Authority (Total)	Cumulative Obligations
Executive Office of the President		
Office of Administration*.....	82,765	81,705
Office of Administration to fund the WMD Commission.....	4,000	4,000
Unanticipated Needs.....	51,000	51,000
National Security Council**.....	4,800	3,524
WMD Commission***.....	10,000	6,764
United States Trade Representative.....	1,200	1,200
Total	153,765	148,193

*The remaining \$1.06M in Office of Administration ERF funds will primarily be used to further support the security and safety of EOP employees, data and facilities, consistent with the purpose of the appropriated funds.

**The unobligated \$1.3M will be used for expenses incurred in operating the Directorate for Iraq and Afghanistan.

***Transfer from ERF account of \$10 million to fund WMD Commission on July 16, 2004. Since the Commission has expired, new obligations are not anticipated.

The above numbers are estimates, as the EOP is currently in the process of reconciling and validating no-year carryover funds (including the Emergency Response Fund Account) from the EOP's legacy financial system to a newly implemented compliant financial system.

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	Budget Authority (Total)	Cumulative Obligations
Environmental Protection Agency		
Environmental Programs and Management (EPM)*	39,000	36,394
Science and Technology (S&T)**	90,308	86,647
Hazardous Substances Superfund***	41,292	38,877
State and Tribal Grants	5,000	4,999
Total	175,600	166,917

*EPA anticipates obligating the remaining EPM funds to mitigate EPA facility vulnerabilities.

**EPA deobligated S&T funds from vulnerability assessment grants in which work has been completed. However, EPA anticipates obligating the remaining S&T funds to continue to support the water sector in enhancing security.

***EPA anticipates obligating the remaining SF funds to enhance & maintain emergency personnel readiness.

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	Budget Authority (Total)	Cumulative Obligations
General Services Administration		
Public Buildings Service		
Federal Buildings Fund.....	140,321	139,630
Rescission*.....	-691	139,630
Total	139,630	139,630

*The \$691,000 unobligated balance was rescinded by P.L. 108-199, Division H, Sec 168

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	Budget Authority (Total)	Cumulative Obligations
National Aeronautics and Space Administration		
Human Space Flight.....	76,000	75,990
Science, Aeronautics and Technology.....	32,500	32,467
Total	108,500	108,457

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	Budget Authority (Total)	Cumulative Obligations
Small Business Administration		
Salaries and Expenses -Disaster WTCP.....	31,000	24,808 *
Disaster Loan Program Account.....	119,968	116,217 **
Business Loan Program Account.....	46,102	41,069 ***
Total	197,070	182,094

FY 2007 budget proposed cancelling almost all of the SBA unobligated balances as offsets to spending. Specifically:

* 6,100,000 of the 6,192,000 unobligated balance

** 3,700,000 of the 3,751,000 unobligated balance

*** 5,000,000 of the 5,033,000 unobligated balance

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	Budget Authority (Total)	Cumulative Obligations
Social Security Administration		
Limitation on Administrative Expenses (LAE)	7,500	7,500
Total	7,500	7,500

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	Budget Authority (Total)	Cumulative Obligations
Other Independent Agencies (Total)		
Commodity Futures Trading Commission (CFTC)		
Salaries and Expenses*.....	17,100	16,231
Total	17,100	16,231
District of Columbia		
Total	204,902	204,902
Equal Employment Opportunity Commission		
Salaries and Expenses	1,301	1,299
Total	1,301	1,299
Federal Drug Control Programs		
High Intensity Drug Trafficking Areas Program (through ONDCP)	2,300	2,300
Total	2,300	2,300
National Capital Planning Commission		
Salaries and Expenses.....	758	758
Total	758	758
National Labor Relations Board		
Salaries and Expenses.....	180	180
Total	180	180
National Transportation Safety Board		
Departmental Offices		
Salaries and Expenses.....	800	800
Total	800	800

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	Budget Authority (Total)	Cumulative Obligations
Broadcasting Board of Governors		
International Broadcasting Operations.....	23,050	23,045
Broadcasting Capital Improvements.....	35,000	34,675
Total	58,050	57,720
Export-Import Bank of the United States		
New York Regional Office, 6 World Trade Center Management Bureau.....	75	75
Nuclear Regulatory Commission		
Salaries and Expenses.....	36,000	35,394
Total	36,000	35,394
Securities Exchange Commission		
Salaries and Expenses.....	20,705	20,705
Total	20,705	20,705
Smithsonian Institution		
Salaries and Expenses.....	21,707	21,707
Kennedy Center for the Performing Arts Operations and Maintenance.....	4,274	4,199
National Gallery of Art Salaries and Expenses.....	2,148	2,148
Total	28,129	28,054
National Science Foundation		
Research and Related Activities.....	300	300
Total	300	300
National Archives and Records Administration		
Operating Expenses.....	1,600	1,578
Repairs and Restoration.....	1,000	997
Total	2,600	2,575
Other Independent Agencies (Total)	373,200	371,293

REPORT ON EXPENDITURES FROM THE EMERGENCY RESPONSE FUND
Amounts as of May 31, 2006
(In thousands of dollars)

	Budget Authority (Total)	Cumulative Obligations
United States Postal Service		
Payment to Postal Service Fund	675,000	675,000
Total	675,000	675,000