DEPARTMENT OF HOMELAND SECURITY

Office of Inspector General

Administration of the Federal Trucking Industry Security Grant Program for FY 2004 and FY 2005





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Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296), by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the department.

This report addresses the procedures and expenditures of the DHS trucking industry security grant program, which funds Highway Watch[®]. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

It is our hope that this report will result in more effective, efficient, and economical operations. We express our appreciation to all of those who contributed to the preparation of this report

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Abbreviations

ATA	American Trucking Associations
DHS	Department of Homeland Security
DOT	Department of Transportation
FEMA	Federal Emergency Management Agency
FY	Fiscal Year
G&T	Office of Grants and Training
ISAC	Information Sharing and Analysis Center
MSU EPEC	Mississippi State University Emergency Planning and Education Center
OIG	Office of Inspector General
OMB	Office of Management and Budget
SLGCP	Office of State and Local Government Coordination and Preparedness
TSA	Transportation Security Administration

OIG

Department of Homeland Security Office of Inspector General

Executive Summary

The Department of Homeland Security administers the trucking industry security grant program, which funds the Highway Watch® program, managed currently by the American Trucking Associations. Highway Watch® trains and supports the nation's transportation community in how to detect and report security threats, how to avoid becoming a target for terrorist activity, and how to recognize potential highway safety hazards. As required by the *Implementing Recommendations of the 9/11 Commission Act of 2007* (Public Law 110-53), we initiated part one of a two-part review of this program. This report describes the announcement, application, receipt, review, award, monitoring, and closeout processes for the FY 2004 and FY 2005 trucking industry security grants. Also, it summarizes the expenditures related to the FY 2004 and FY 2005 grants. We are not making any recommendations in this report. The second part of this review will assess the performance, efficiency, and effectiveness of the trucking industry security grant program, and the need for the program.

In 2004, the Transportation Security Administration provided the first amount of substantial security funding for the Highway Watch® program through a non-competitive award. Shortly after the American Trucking Associations and the Transportation Security Administration signed a cooperative agreement for the FY 2003 funds, the Department of Homeland Security transferred program oversight to its Office of State and Local Government Coordination and Preparedness. Grant officials in the Transportation Security Administration continued to provide financial administration services for both FY 2003 and FY 2004 funding. The cooperative agreement was then amended to award the American Trucking Associations the FY 2004 funds. For FY 2005, American Trucking Associations was granted a new cooperative agreement by the Department of Homeland Security. They received \$26.6 million under trucking industry security grants for FY 2004 and FY 2005. The Department of Homeland Security retained \$366,060 for program administration. The majority of American Trucking Associations' expenditures were for program administration (\$9.3 million) and for training (\$8.8 million). The Transportation Security Administration and Office of State and Local Government Coordination and Preparedness monitored the expenditures, and closeout has not yet occurred for either year's funds because of issues regarding program administration costs.

Background

Our nation's highway infrastructure includes nearly 4 million miles of public roads, close to 600,000 bridges, and more than 1,050 highway-related and transit tunnels. In 1998, the American Trucking Association (ATA) established the Highway Watch® program to take advantage of the experience and commitment of transportation workers to help safeguard America's roadways and communities. With funding from the Department of Transportation (DOT), the Highway Watch® program recruited and trained transportation workers to recognize and report hazardous conditions, vehicle crashes, criminal activity, and other incidents. DOT provided the funds to ATA via a cooperative agreement, which, unlike a grant, envisions "substantial" involvement between the government and the recipient.¹

After the September 11, 2001, terrorist attacks, Congress encouraged the addition of a security component to the Highway Watch® training program so that truck drivers would be better able to identify security threats.² In March 2003, ATA submitted a proposal to the Transportation Security Administration (TSA) seeking \$100,000 to expand the Highway Watch® program, both to serve more states and to support highway communications in the event of a national emergency. In its technical evaluation of the proposal, TSA did not envision that this project would require substantial TSA involvement; therefore, TSA awarded the funds through a noncompetitive grant on August 1, 2003. This funding was referred to as "bridge money" to help ATA sustain the Highway Watch® program while the program was being redesigned and expanded.

A week later, TSA announced via the Federal Register, the application period for \$19.7 million in fiscal year (FY) 2003 program funds. TSA planned to make the award competitively, across four program priorities:

- Recruitment of watch participants;
- Training of watch participants, including curriculum development;
- Call center operations; and
- Management and consulting services.

Fourteen companies, including ATA, applied for the grant. However, before TSA announced the awards decision, ATA asserted that TSA could not call its program "Highway Watch" because ATA registered the term as a service

¹ 31 U.S.C. §§ 6304 – 6305.

² S. Rep. No. 107-224, at 84 (2002).

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mark in March 2002. ATA further contended that Congress specifically earmarked the trucking industry security grant funds to the "existing joint industry–government Highway Watch program."³

On January 16, 2004, TSA sent a letter to each of the applicants stating that in the best interests of the government, TSA was canceling the announcement to solicit grant applications under the Highway Watch Program Request for Applications. In March 2004, TSA and ATA entered into a cooperative agreement using the FY 2003 funds to expand the Highway Watch® program nationwide and to increase the capability for reporting security-related incidents. The cooperative agreement increased the amount of government oversight compared to the August 2003 noncompetitive grant. The period of performance was initially set from March 15, 2004, to March 15, 2005. See Appendices C and D for a summary of the trucking industry security grant awards, funding profile, and timeline for application and awards.

The scope of work of the cooperative agreement for the FY 2003 funds included all four program priorities.

- The first priority focused on participant identification and recruitment, and established a goal of increasing the number of Highway Watch® participants by 300,000 to 400,000 during the project year. New participants would be recruited from the commercial and public sectors, including independent, unaffiliated passenger and cargo drivers, and law enforcement and first responders.
- The second priority required ATA to create highway security training programs designed specifically for each service segment of the motor carrier industry: individual driver, first responder, and law enforcement communities. The cooperative agreement further required ATA to develop a plan for evaluating the effectiveness of the training programs.
- The third priority focused on communications, specifically the Highway Watch® Call Center. ATA was required to create a continuously operating communications call center capable of directing safety and security-related observations to first responders and law enforcement for immediate action, or to TSA for investigation as possible terrorist activity.
- The final priority required ATA to provide management and consulting services and oversight, in cooperation with TSA leadership, to create an Information Sharing and Analysis Center (ISAC)

³ H.R. Rep. No. 108-76, at 82 (2003) (Conf. Rep.).

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dedicated exclusively to highway and highway-transport-related security needs and issues.

Within the Department of Homeland Security (DHS), TSA initially administered the program. In 2003, DHS decided to consolidate grant programs and functions from several components within the Office of State and Local Government Coordination and Preparedness (SLGCP). Program oversight of Highway Watch® transferred from TSA to SLGCP in May 2004. SLGCP provided day-to-day management for the trucking industry security grants, and TSA provided subject matter expertise. TSA was responsible for ensuring the cooperative agreement was designed to accomplish risk-based security objectives. Also, TSA retained fiduciary responsibility for the cooperative agreement, approving and distributing the FY 2003 and FY 2004 program funds.

In October 2005, SLGCP became the Office of Grants and Training (G&T) within the DHS Preparedness Directorate. G&T began overseeing the program management, which included the day-to-day operations and ATA's completion of the program priorities set by the agreement. G&T's operations were transferred to the Federal Emergency Management Agency (FEMA) in March 2007. The G&T staff who provide daily oversight of Highway Watch® is now a part of the Capabilities Division in FEMA's National Preparedness Directorate.

Results of Review

Procedures for the FY 2004 Trucking Industry Security Grant

TSA awarded the FY 2003 trucking industry security grant funds to ATA in March 2004 under a cooperative agreement. For the \$21.8 million in FY 2004 funds, TSA did not announce an application period or publish a FY 2004 application kit. In September 2004, a modification to the existing FY 2003 cooperative agreement awarded ATA the FY 2004 funds and extended the project period through March 2006. With this modification, ATA received more than \$41 million under the FY 2003 and FY 2004 program awards. An additional, no-cost modification in November 2004 expanded the agreement's scope of work to include mobilization planning, exercises, and other tasks.

The FY 2004 program year was transitional for the trucking industry security grants. In May 2004, DHS divided program management responsibilities for Highway Watch® between TSA and SLGCP. SLGCP and TSA drafted a memorandum of agreement defining responsibilities and cooperation processes for the program years underway, but SLGCP officials told us it was not signed. The memorandum of agreement established that TSA would

award, administer, and close out all grants made from FY 2004 and prior year appropriations. SLGCP would coordinate and prepare the FY 2004 procurement request and manage future years, including overseeing ATA's completion of program priorities. For future years, TSA would continue to provide transportation subject matter expertise and approve and distribute funds.

Although SLGCP did not solicit applications for the FY 2004 program funds, ATA submitted two proposals to initiate significant changes in the existing cooperative agreement. SLGCP incorporated these proposals in the program documentation as "revised applications" from ATA. One proposal was incorporated as the September 2004 modification that awarded ATA the FY 2004 funds and extended the project period through March 2006. ATA submitted a second proposal two months after this major modification. At no additional cost, ATA proposed to add tasks not originally included in the FY 2003 cooperative agreement. These tasks included Spanish language training and a statement of work for Mississippi State University Emergency Planning and Education Center (MSU EPEC) to conduct several tasks:

- Mobilization planning;
- Exercises;
- Emergency preparedness education and training incorporating the National Infrastructure Protection Plan and the National Response Plan; and
- Technology research, development, demonstration, and application.

The SLGCP program manager initially determined that the MSU EPEC tasks were outside of the scope of the cooperative agreement and incompletely defined. Specifically, descriptions of the tasks did not identify the needs or security benefits, or explain how the tasks would achieve the intended results. Also, project milestones, deliverables, and due dates were not identified. ATA countered that developing preparedness and response strategies, plus providing access to educational and training programs that promote security risk management, were part of their long-term plan, the American trucking industry's May 2002 "Anti-Terrorism Action Plan." Furthermore, the Senate directed that a portion of the Highway Watch® funds be made available for emergency planning and exercises.⁴ SLGCP staff resolved their concerns internally and subsequently modified the cooperative agreement to include the items ATA proposed, with additional oversight requirements.

⁴ S. Rep. No. 108-280, at 56 (2004).

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The majority of monitoring requirements for the FY 2004 program year were set by the cooperative agreement for FY 2003. The FY 2003 cooperative agreement required ATA to submit the following reports to the TSA program manager to aid in monitoring progress:

- Quarterly technical progress reports, to be submitted to the TSA program manager within 30 days after the end of each three-month period;
- The SF-269A *Financial Status Report*, to be submitted quarterly to the TSA program manager and contracting officer within 15 days after each quarter and within 120 days after the end of the project period;
- Audits and accompanying forms, to be submitted to the TSA contracting officer and Federal Audit Clearinghouse in accordance with the requirements and timelines set in Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*; and
- A Final Technical Completion Report, to be submitted to the TSA program manager and contracting officer within 90 days after the end of the project period.

Also, the agreement required ATA to report quarterly to TSA on its activities for training and recruitment, coordination and relationship-building, the Highway Watch® Call Center, and the Highway ISAC. The agreement also required ATA to receive assistance and approval from the TSA program manager for recruitment initiatives, and approval before publication for training and promotional materials. Finally, ATA was required to submit publications and articles to the TSA program manager upon publication.

In addition to these requirements, the TSA program manager was required to provide guidance and support to increase the effectiveness and efficiency of Highway Watch® and to integrate it with broader governmental objectives. TSA had the option of establishing an advisory or steering committee to provide additional guidance to Highway Watch®. TSA planned to procure the services of a third party to perform an independent program evaluation of the Highway Watch® program. TSA set aside \$300,000 for that procurement.

No additional monitoring requirements were added in the documents related to the September 2004 modification, which extended the requirements of the FY 2003 cooperative agreement. Documents related to the November 2004 modification added reporting requirements and milestones for the Spanish language training development and Mississippi State University tasks. Those documents also increased ATA's frequency of technical progress reporting to

monthly. Once ATA met the goal of training 300,000 highway professionals, reporting would return to quarterly intervals.

As required for the duration of the FY 2004 program's performance period, ATA submitted monthly technical progress reports to SLGCP, as well as recruiting training, and promotional materials, and other publications. According to SLGCP staff, ATA was in daily contact with them. When the cooperative agreement was modified to add the Spanish language training development and Mississippi State University tasks, the reports submitted by ATA included information about the progress of each of these items. ATA did not meet the target of training 300,000 highway professionals until June 2006, so monthly reports continued for all but the last quarter of the entire FY 2004 program performance period.

ATA, the MSU EPEC, and SLGCP created three working groups to enhance communication across government and industry and to provide advice to ensure MSU EPEC's work supported the Highway Watch® mission. As of the end of 2005, MSU EPEC, ATA, and DHS officials said the working groups had few meetings and provided little direction.

SLGCP decided to postpone the independent program evaluation until Highway Watch® was a more vigorous program. In March 2005, SLGCP drafted a plan in which it would use its own staff to perform the evaluation, rather than a third party as planned by TSA. This evaluation has not yet been performed, and \$300,000 remains set aside for the work.

ATA did not begin to expend the FY 2004 program funds until November 2005. Under an additional modification to the cooperative agreement, dated March 2006, SLGCP extended the performance period through December 2006. ATA exhausted the FY 2004 funds in September 2006. To monitor ATA's work, the SLGCP program manager reviewed ATA's Highway Watch® invoices before forwarding them to TSA for reimbursement. The SLGCP program manager also received the required quarterly financial status reports from ATA. ATA conducted their A-133 audits annually and submitted the forms documenting their completion. In addition, ATA submitted their final SF-269A *Financial Status Report* after the project period ended.

ATA submitted its final technical completion report in March 2007. There has been no closeout for the FY 2004 program funds. The cause of the delay is ATA's open request to TSA to increase retroactively the indirect cost rates that are permitted under the cooperative agreement. ATA officials said their actual rates for indirect general and administrative costs were significantly more than the approved, provisional billing rates provided. The provisional rates were based on an algorithm used by ATA for other federal contracts and

were billed as a percentage of direct costs. ATA explained it incurred unexpected costs during Highway Watch® due to implementing federal cost accounting principles. ATA added that less-than-anticipated direct costs to run Highway Watch® prevented the provisional rate from yielding sufficient funds to cover ATA's indirect expenses. More than \$3.5 million of ATA's claimed \$8 million in program administration costs for the FY 2004 program funds is the difference between the provisional and actual indirect costs. ATA first made the request for retroactive rate adjustment in October 2005, and it remains open. To respond to the request, TSA plans to have an audit conducted, but work has not begun.

Procedures for the FY 2005 Trucking Industry Security Grant

At \$5 million, the *FY 2005 DHS Appropriations Act* (Public Law 108-334) provided significantly less funding than the FY 2004 act. Eligibility for funding was limited to ATA to support and expand the existing Highway Watch® program. SLGCP managed the announcement, application, receipt, review, award, and monitoring procedures for the FY 2005 trucking industry security grant program. Closeout has not yet occurred for the program year because a special condition restricted ATA's full use of the funding until July 2007 and closure paperwork is still in process.

The grant announcement (DHS-GRANTS-042705-001) appeared on Grants.gov on April 27, 2005, with an application due date of May 25, 2005. In the FY 2005 application kit, SLGCP rephrased the four program priorities as follows:

- Participant identification and recruitment;
- Training;
- Communications; and
- Information analysis and distribution.

For each of the four project priorities, SLGCP required ATA to submit a separate project narrative and a separate budget worksheet and budget narrative. SLGCP also required ATA to provide detailed information on management capabilities, challenges, impediments, and proposed solutions for completing the project. Furthermore, SLGCP required ATA to describe its major initiatives, including a chart showing milestones and target dates for project completion. SLGCP used its internet-based Grants Management System to receive ATA's complete application for the FY 2005 funding.

In collaboration with TSA subject matter experts, SLGCP reviewed ATA's application for the FY 2005 program funds. SLGCP also solicited comments from DOT's Federal Motor Carrier Safety Administration. During the review process, no substantial issues or concerns arose to require changes to ATA's application. As part of its standard procedures, SLGCP attached a special condition to ATA's FY 2005 funding. At the time of the award, ATA was not allowed to obligate, expend, or draw down any grant funds until SLGCP received clearance from a third-party review of ATA's application budget. When that occurred, SLGCP planned to issue a Grant Adjustment Notice removing the special condition. In May 2006, the special condition was revised to allow ATA to draw down all but \$893,448. After ATA submitted a federally approved indirect cost rate agreement, the condition was fully removed in July 2007.

The notification that SLGCP approved ATA's application, with the special condition, occurred in September 2005. The FY 2005 cooperative agreement required ATA to submit the following reports to the SLGCP to aid in monitoring progress:

- Quarterly financial status reports, within 45 days of the end of each calendar quarter and within 90 days after the end of the grant period;
- Categorical Assistance Progress Reports, twice yearly for the life of the award; and
- Audits and accompanying forms, to be submitted in accordance with the requirements and timelines set in OMB Circular A-133.

ATA began expending the FY 2005 funds in September 2006 and exhausted the majority of the funds in December 2006. During that period, ATA provided all required reports and A-133 audits to FEMA's Capabilities Division, where the SLGCP staff are now located. Because the special condition prevented full use of the funds until July 2007, ATA had not completed and submitted the two final reports on use of FY 2005 funds when our fieldwork concluded in September 2007. The 90-day window for ATA's final reporting was still open. Now that ATA exhausted the FY 2005 funds, FEMA's Capabilities Division staff plans to initiate closeout of those funds. To do so, they will request ATA to provide a final financial status report and a final Categorical Assistance Progress Report that details all Highway Watch® accomplishments related to the FY 2005 funds. That step will permit FEMA's Capabilities Division to close out the FY 2005 trucking industry security grant.

Grant Funding for FY 2004 and FY 2005

ATA received \$26.6 million under the FY 2004 and FY 2005 trucking industry security grants. DHS retained \$366,060 for program administration. Because ATA continued to expend funds from the FY 2003 grant until November 2005, the grant funds for FY 2004 and FY 2005 were expended in FY 2006 and FY 2007. ATA spent the FY 2004 funds between November 2005 and September 2006 and the FY 2005 funds between September and December 2006. The following table categorizes these funds by activity:

Funded Activity	FY 2004 funds work performed 11/18/05 9/13/06	FY 2005 funds work performed 9/14/06 – 12/28/06
Infrastructure Protection	\$3,091,458	\$1,214,056
Training	\$6,828,570	\$1,977,997
Equipment	\$94,454	\$31,524
Educational Materials	\$1,897,066	\$0
Program Administration	\$7,960,968	\$1,370,476
Marketing	\$1,933,017	\$234,334
TOTALS	\$21,805,533	\$4,828,387

Table 1: ATA Expenditure of FY 2004 and FY 2005 program funds

Source: ATA.

Of the \$21.8 million in FY 2004 grant funds that ATA expended, nearly \$8 million paid for ten months of program administration costs: indirect general and administrative costs, plus salaries for employees whose primary responsibility was program administration. The \$8 million also included more than \$1 million for software development and database management for an online training module. The \$6.8 million that ATA spent on training activities paid for Highway Watch® training staff and for training-related support from state trucking associations and Total Security Services International, Inc., the curriculum developer. Printing and reproduction of the Highway Watch® training materials cost \$1.9 million. The \$3.1 million in infrastructure protection funds paid for the Highway Watch® Call Center; support for the Highway ISAC, which included salaries for intelligence analysts; and emergency planning and exercises, including Mississippi State University's exercise support.

For the subsequent three and a half months, the FY 2005 grant continued funding for program salaries and general and administrative costs; training staff and support; and the Highway Watch® Call Center and Highway ISAC. Software development and database management consumed approximately 64

percent of program administration costs, or \$901,000 of \$1.4 million. In FY 2005, ATA did not need to print or reproduce any additional training materials; therefore, ATA did not spend any funds on the educational materials activity.

As required by the *Implementing Recommendations of the 9/11 Commission Act of 2007*,⁵ we initiated a two-part review of the federal trucking industry security grant program. The purpose of this first part was to:

- Describe the announcement, application, receipt, review, award, monitoring, and closeout processes for trucking security grants; and
- Summarize expenditures related to the FY 2004 and FY 2005 programs.

We reviewed DHS administration of the trucking industry security grant program from FY 2003 to FY 2005. This review included how the Highway Watch® cooperative agreements were developed, including the original agreement between TSA and ATA, modifications, all financial adjustments, and the contractual relationship between ATA and MSU EPEC. Because the financial reports associated with the FY 2004 and FY 2005 cooperative agreements did not track expenditures according to the categories listed in Public Law 110-53 § 1542 (2), we obtained data from ATA officials to apply the categories to ATA's expenditures. Although we reviewed costs claimed, we did not conduct a financial audit of those costs. Accordingly, we do not express an opinion on the funds ATA claimed in status reports submitted to TSA or SLGCP.

We conducted our initial fieldwork between August 2005 and April 2006, with additional fieldwork in September 2007. Our review was conducted under the authority of the Inspector General Act of 1978, as amended, and according to the *Quality Standards for Inspections* issued by the President's Council on Integrity and Efficiency.

⁵ Pub. L. 110-53 § 1542.

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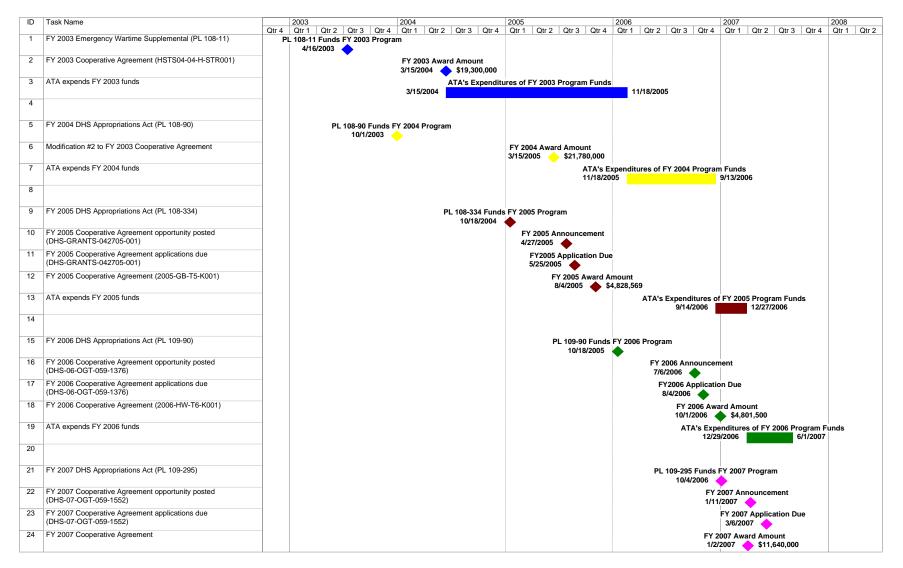
We provided TSA and FEMA with a draft of this report for review and comment. TSA provided technical comments on the report, which we reviewed and incorporated as appropriate. FEMA had no comment on the draft report.

Date of Award	Award Vehicle	Legislative Authority	Period of Performance	Award Amount
9/30/2000	DOT Cooperative Agreement (DFTH61-00-X-00112)	Conference Report ⁶	9/30/2000 to 9/30/2001	\$275,000
10/4/2001	Amendment to DOT Cooperative Agreement (to extend period of performance)		9/30/2000 to 9/30/2002	No additional funds awarded
9/5/2002	Amendment to DOT Cooperative Agreement (to extend period of performance and increase funding)	Conference Report ⁷	9/30/2000 to 12/31/2003	\$500,000
8/1/2003	TSA Grant Award (DTSA20- 03-G-01924)	FY 2003 Consolidated Appropriations Resolution (Public Law 108-7)	8/4/2003 to 10/15/2003	\$99,917
3/15/2004	TSA FY 2003 Cooperative Agreement (HSTS04-04-H- STR001)	FY 2003 Emergency Wartime Supplemental Appropriations Act (Public Law 108-11)	3/15/2004 to 3/15/2005	\$19,300,000
9/10/2004	Modification to TSA FY 2003 Cooperative Agreement (to extend period of performance and increase funding)	FY 2004 DHS Appropriations Act (Public Law 108-90)	3/15/2004 to 3/15/2006	\$21,780,000
11/5/2004	Modification to TSA FY 2003 Cooperative Agreement (to add Spanish language training and MSU EPEC statements of work)	Senate Report ⁸	3/15/2004 to 3/15/2006	No additional funds awarded
3/3/2006	Modification to TSA FY 2003 Cooperative Agreement (to extend period of performance)		3/15/2004 to 12/31/2006	No additional funds awarded
9/30/2005	SLGCP FY 2005 Cooperative Agreement (2005-GB-T5-K001)	<i>FY 2005 DHS Appropriations Act</i> (Public Law 108-334)	8/1/2005 to 1/31/2008	\$4,828,569
9/30/2006	G&T FY 2006 Cooperative Agreement (2006-HW-T6- K001)	FY 2006 DHS Appropriations Act (Public Law 109-90)	10/1/2006 to 3/31/2009	\$4,801,500
TBD	G&T FY 2007 Cooperative Agreement (pending)	FY 2007 DHS Appropriations Act (Public Law 109-295)	1/1/2007 to 12/31/2009	\$11,640,000
ГОТАL				\$63,224,986

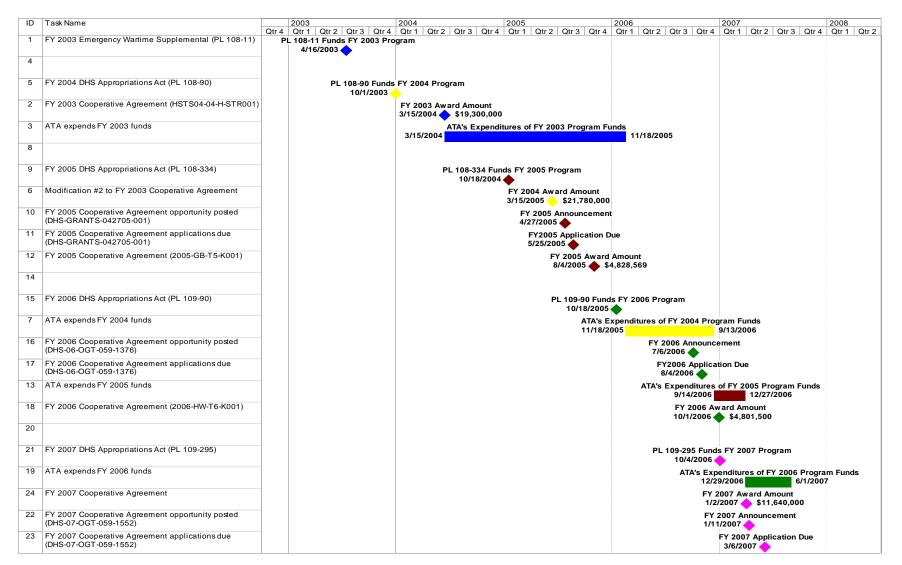
⁶ H.R. Rep. No. 106-355 (1999) (Conf. Rep.). ⁷ H.R. Rep. No. 107-308 (2001) (Conf. Rep.). ⁸ S. Rep. No. 108-280 (2004).

Administration of the Federal Trucking Industry Security Grant Program for FY 2004 and FY 2005





Timeline of Grant Application and Awards (sorted chronologically)



Kirsten Murray, Inspector Melissa Keaster, Inspector Wynne Kelch, Inspector

Department of Homeland Security

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