

108TH CONGRESS
2D SESSION

H. R. 5212

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2004

Received

AN ACT

Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
 2 money in the Treasury not otherwise appropriated, for the
 3 fiscal year ending September 30, 2005, to provide emer-
 4 gency supplemental appropriations for additional disaster
 5 assistance relating to storm damage, and for other pur-
 6 poses, namely:

7 DEPARTMENT OF AGRICULTURE

8 FOREST SERVICE

9 NATIONAL FOREST SYSTEM

10 For an additional amount for “National Forest Sys-
 11 tem,” \$2,000,000, to remain available until expended, for
 12 emergency hurricane-related expenses: *Provided*, That
 13 Congress designates this amount as an emergency require-
 14 ment for this specific purpose.

15 CAPITAL IMPROVEMENTS AND MAINTENANCE

16 For an additional amount for “Capital Improvements
 17 and Maintenance”, \$33,000,000, to remain available until
 18 expended, for emergency hurricane-related expenses: *Pro-*
 19 *vided*, That Congress designates this amount as an emer-
 20 gency requirement for this specific purpose.

21 GENERAL PROVISIONS—DEPARTMENT OF AGRICULTURE

22 AGRICULTURAL ASSISTANCE

23 AGRICULTURAL HURRICANE ASSISTANCE

24 **SEC. 101. AGRICULTURAL DISASTER ASSISTANCE.**

25 (a) CROP DISASTER ASSISTANCE.—

26 (1) DEFINITIONS.—In this subsection:

1 (A) ADDITIONAL COVERAGE.—The term
2 “additional coverage” has the meaning given
3 the term in section 502(b) of the Federal Crop
4 Insurance Act (7 U.S.C. 1502(b)).

5 (B) INSURABLE COMMODITY.—The term
6 “insurable commodity” means an agricultural
7 commodity (excluding livestock) for which the
8 producers on a farm are eligible to obtain a pol-
9 icy or plan of insurance under the Federal Crop
10 Insurance Act (7 U.S.C. 1501 et seq.).

11 (C) NONINSURABLE COMMODITY.—The
12 term “noninsurable commodity” means an agri-
13 cultural commodity for which the producers on
14 a farm are eligible to obtain assistance under
15 section 196 of the Federal Agriculture Improve-
16 ment and Reform Act of 1996 (7 U.S.C. 7333).

17 (2) EMERGENCY FINANCIAL ASSISTANCE.—Not-
18 withstanding section 508(b)(7) of the Federal Crop
19 Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary
20 of Agriculture shall use such sums as are necessary
21 of funds of the Commodity Credit Corporation to
22 make emergency financial assistance authorized
23 under this subsection available to producers on a
24 farm that have incurred qualifying crop or quality
25 losses for the 2003 or 2004 crop (as elected by a

1 producer), but not both crops, due to damaging
2 weather or related condition, as determined by the
3 Secretary.

4 (3) ADMINISTRATION.—The Secretary shall
5 make assistance available under this subsection in
6 the same manner as provided under section 815 of
7 the Agriculture, Rural Development, Food and Drug
8 Administration, and Related Agencies Appropria-
9 tions Act, 2001 (Public Law 106–387; 114 Stat.
10 1549A–55), including using the same loss thresholds
11 for the quantity and quality losses as were used in
12 administering that section.

13 (4) INELIGIBILITY FOR ASSISTANCE.—Except
14 as provided in paragraph (5), the producers on a
15 farm shall not be eligible for assistance under this
16 subsection with respect to losses to an insurable
17 commodity or noninsurable commodity if the pro-
18 ducers on the farm—

19 (A) in the case of an insurable commodity,
20 did not obtain a policy or plan of insurance for
21 the insurable commodity under the Federal
22 Crop Insurance Act (7 U.S.C. 1501 et seq.) for
23 the crop incurring the losses; and

24 (B) in the case of a noninsurable com-
25 modity, did not file the required paperwork, and

1 pay the administrative fee by the applicable
2 State filing deadline, for the noninsurable com-
3 modity under section 196 of the Federal Agri-
4 culture Improvement and Reform Act of 1996
5 (7 U.S.C. 7333) for the crop incurring the
6 losses.

7 (5) CONTRACT WAIVER.—The Secretary may
8 waive paragraph (4) with respect to the producers
9 on a farm if the producers enter into a contract with
10 the Secretary under which the producers agree—

11 (A) in the case of an insurable commodity,
12 to obtain a policy or plan of insurance under
13 the Federal Crop Insurance Act (7 U.S.C. 1501
14 et seq.) providing additional coverage for the in-
15 surable commodity for each of the next 2 crops;
16 and

17 (B) in the case of a noninsurable com-
18 modity, to file the required paperwork and pay
19 the administrative fee by the applicable State
20 filing deadline, for the noninsurable commodity
21 for each of the next 2 crops under section 196
22 of the Federal Agriculture Improvement and
23 Reform Act of 1996 (7 U.S.C. 7333).

24 (6) EFFECT OF VIOLATION.—In the event of
25 the violation of a contract under paragraph (5) by

1 a producer, the producer shall reimburse the Sec-
2 retary for the full amount of the assistance provided
3 to the producer under this subsection.

4 (7) PAYMENT LIMITATIONS.—

5 (A) LIMIT ON AMOUNT OF ASSISTANCE.—

6 Assistance provided under this subsection to a
7 producer for losses to a crop, together with the
8 amounts specified in subparagraph (B) applica-
9 ble to the same crop, may not exceed 95 per-
10 cent of what the value of the crop would have
11 been in the absence of the losses, as estimated
12 by the Secretary.

13 (B) OTHER PAYMENTS.—In applying the
14 limitation in subparagraph (A), the Secretary
15 shall include the following:

16 (i) Any crop insurance payment made
17 under the Federal Crop Insurance Act (7
18 U.S.C. 1501 et seq.) or payment under
19 section 196 of the Federal Agricultural Im-
20 provement and Reform Act of 1996 (7
21 U.S.C. 7333) that the producer receives
22 for losses to the same crop.

23 (ii) The value of the crop that was not
24 lost (if any), as estimated by the Secretary.

1 (C) EFFECT OF FLORIDA DISASTER PRO-
2 GRAMS.—The amount of assistance that a pro-
3 ducer would otherwise receive under this sub-
4 section shall be reduced by the amount of as-
5 sistance that the producer receives for the same
6 loss under the Florida Disaster Programs car-
7 ried out pursuant to the Farm Service Agency
8 notice (DAP–203) released October 4, 2004.

9 (b) LIVESTOCK ASSISTANCE PROGRAM.—

10 (1) EMERGENCY FINANCIAL ASSISTANCE.—The
11 Secretary of Agriculture shall use such sums as are
12 necessary of funds of the Commodity Credit Cor-
13 poration to make and administer payments for live-
14 stock losses to producers for 2003 or 2004 losses (as
15 elected by a producer), but not both, in a county
16 that has received an emergency designation by the
17 President or the Secretary after January 1, 2003, of
18 which an amount determined by the Secretary shall
19 be made available for the American Indian livestock
20 program under section 806 of the Agriculture, Rural
21 Development, Food and Drug Administration, and
22 Related Agencies Appropriations Act, 2001 (Public
23 Law 106–387; 114 Stat. 1549A–51).

24 (2) ADMINISTRATION.—The Secretary shall
25 make assistance available under this subsection in

1 the same manner as provided under section 806 of
2 the Agriculture, Rural Development, Food and Drug
3 Administration, and Related Agencies Appropria-
4 tions Act, 2001 (Public Law 106–387; 114 Stat.
5 1549A–51).

6 (3) MITIGATION.—In determining the eligibility
7 for or amount of payments for which a producer is
8 eligible under the livestock assistance program, the
9 Secretary shall not penalize a producer that takes
10 actions (recognizing disaster conditions) that reduce
11 the average number of livestock the producer owned
12 for grazing during the production year for which as-
13 sistance is being provided.

14 (c) TREE ASSISTANCE PROGRAM.—

15 (1) EMERGENCY ASSISTANCE.—The Secretary
16 of Agriculture shall use such sums as are necessary
17 of the funds of the Commodity Credit Corporation to
18 provide assistance under the tree assistance program
19 established under sections 10201 through 10204 of
20 the Farm Security and Rural Investment Act of
21 2002 (7 U.S.C. 8201 et seq.) to producers who suf-
22 fered tree losses during the period beginning on De-
23 cember 1, 2003, and ending on December 31, 2004.

24 (2) ADDITIONAL ASSISTANCE.—In addition to
25 providing assistance to eligible orchardists under the

1 tree assistance program, the Secretary shall use an
2 additional \$15,000,000 of the funds of the Com-
3 modity Credit Corporation to provide reimbursement
4 under section 10203 of the Farm Security and
5 Rural Investment Act of 2002 (7 U.S.C. 8203) to el-
6 igible forest land owners who produce periodic crops
7 of timber from trees for commercial purposes and
8 who have suffered tree losses during the period spec-
9 ified in paragraph (1).

10 (d) EMERGENCY CONSERVATION PROGRAM.—The
11 Secretary of Agriculture shall use an additional
12 \$50,000,000 of the funds of the Commodity Credit Cor-
13 poration to provide assistance under the Emergency Con-
14 servation Program under title IV of the Agriculture Credit
15 Act of 1978 (16 U.S.C. 2201 et seq.). Participants in the
16 Emergency Conservation Program shall receive the max-
17 imum cost share percentage allowed under section 701.26
18 of title 7, Code of Federal Regulations.

19 (e) OFFSET.—Section 1241(a)(3) of the Food Secu-
20 rity Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by
21 inserting before the period at the end the following: “,
22 using not more than \$6,037,000,000 for the period of fis-
23 cal years 2005 through 2014”.

24 (f) CLEAN-UP ASSISTANCE.—The Secretary shall
25 provide up to \$100,000,000 of Commodity Credit Cor-

1 poration funds for the Emergency Watershed Protection
2 Program and/or the Emergency Conservation Program to
3 carry out additional activities in response to the 2004 hur-
4 ricanes and tropical storms, including the provision of
5 technical and financial assistance for improvements and
6 clean-up. Persons that received payments from section 32
7 of the Act of August 24, 1935 with respect to 2004 hurri-
8 cane losses are not eligible for these funds. Funds will be
9 allocated to the programs, as determined by the Secretary.

10 (g) SECTION 32 PAYMENTS.—The Secretary shall
11 transfer \$90,000,000 of funds of the Commodity Credit
12 Corporation to the fund established by section 32 of the
13 Act of August 24, 1935 (7 U.S.C. 612c), to carry out pay-
14 ments with respect to 2004 hurricane losses.

15 (h) The Secretary shall use the funds, facilities, and
16 authorities of the Commodity Credit Corporation to carry
17 out this section, to remain available through September
18 30, 2006.

19 (i) The Secretary may promulgate such regulations
20 as are necessary to implement this section, provided that
21 the Secretary shall use the authority provided under 5
22 U.S.C. 808.

23 (j) Congress designates the amounts provided under
24 this section as an emergency requirement for the specific
25 purposes authorized herein.

1 SEC. 102. In addition to amounts otherwise provided,
2 up to \$130,000,000, to remain available until expended,
3 for the Emergency Watershed Protection Program and/
4 or the Emergency Conservation Program for emergency
5 hurricane-related expenses including the provision of tech-
6 nical and financial assistance for improvements and clean-
7 up: *Provided*, That Congress designates this amount as
8 an emergency requirement for these purposes. Persons
9 that received payments from section 32 of the Act of Au-
10 gust 24, 1935 with respect to 2004 hurricane losses are
11 not eligible for these funds.

12 DEPARTMENT OF COMMERCE

13 NATIONAL OCEANIC AND ATMOSPHERIC

14 ADMINISTRATION

15 OPERATIONS, RESEARCH, AND FACILITIES

16 For an additional amount for “Operations, Research,
17 and Facilities”, \$7,900,000, to remain available until ex-
18 pended: *Provided*, That Congress designates this amount
19 as an emergency requirement for this specific purpose.

20 PROCUREMENT, ACQUISITION AND CONSTRUCTION

21 For an additional amount for “Procurement, Acquisi-
22 tion and Construction”, \$6,800,000, to remain available
23 until expended: *Provided*, That Congress designates this
24 amount as an emergency requirement for this specific pur-
25 pose.

1 DEPARTMENT OF DEFENSE

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, NAVY

4 For an additional amount for “Military Personnel,
5 Navy”, \$1,000,000, to remain available until September
6 30, 2005, for emergency hurricane-related expenses, for
7 the costs of evacuation, which shall be available for trans-
8 fer to reimburse costs incurred in FY 2004 as a result
9 of emergency evacuations due to hurricanes: *Provided*,
10 That Congress designates this amount as an emergency
11 requirement for this specific purpose.

12 MILITARY PERSONNEL, AIR FORCE

13 For an additional amount for “Military Personnel,
14 Air Force”, \$13,225,000, to remain available until Sep-
15 tember 30, 2005, for emergency hurricane-related ex-
16 penses, for the costs of evacuation, which shall be available
17 for transfer to reimburse costs incurred in FY 2004 as
18 a result of emergency evacuations due to hurricanes: *Pro-*
19 *vided*, That Congress designates this amount as an emer-
20 gency requirement for this specific purpose.

21 OPERATION AND MAINTENANCE

22 OPERATION AND MAINTENANCE, ARMY

23 For an additional amount for “Operation and Main-
24 tenance, Army”, \$2,844,000, to remain available until
25 September 30, 2005, for emergency hurricane-related ex-
26 penses, for the costs of repairs to structures and equip-

1 ment, evacuation, base preparation, and base recovery; of
2 which not to exceed 25 percent shall be available for trans-
3 fer to reimburse costs incurred in FY 2004 as a result
4 of emergency evacuations and immediate recovery related
5 to basic infrastructure due to hurricanes: *Provided*, That
6 Congress designates these amounts as an emergency re-
7 quirement for this specific purpose.

8 OPERATION AND MAINTENANCE, NAVY

9 For an additional amount for “Operation and Main-
10 tenance, Navy”, \$404,591,000, to remain available until
11 September 30, 2005, for emergency hurricane-related ex-
12 penses, for the costs of repairs to structures and equip-
13 ment, evacuation, base preparation, and base recovery; of
14 which not to exceed 25 percent shall be available for trans-
15 fer to reimburse costs incurred in FY 2004 as a result
16 of emergency evacuations and immediate recovery related
17 to basic infrastructure due to hurricanes: *Provided*, That
18 Congress designates these amounts as an emergency re-
19 quirement for this specific purpose.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for “Operation and Main-
22 tenance, Air Force”, \$128,672,000, to remain available
23 until September 30, 2005, for emergency hurricane-re-
24 lated expenses, for the costs of repairs to structures and
25 equipment, evacuation, base preparation, and base recov-
26 ery; of which not to exceed 25 percent shall be available

1 for transfer to reimburse costs incurred in FY 2004 as
2 a result of emergency evacuations and immediate recovery
3 related to basic infrastructure due to hurricanes: *Provided*,
4 That Congress designates these amounts as an emergency
5 requirement for this specific purpose.

6 OPERATION AND MAINTENANCE, DEFENSE-WIDE

7 For an additional amount for “Operation and Main-
8 tenance, Defense-Wide”, \$172,506,000, to remain avail-
9 able until September 30, 2005, for emergency hurricane-
10 related expenses, for the costs of repairs to structures and
11 equipment, evacuation, base preparation, base recovery,
12 and delayed satellite launches; of which not to exceed 25
13 percent shall be available for transfer to reimburse costs
14 incurred in FY 2004 as a result of emergency evacuations
15 and immediate recovery related to basic infrastructure due
16 to hurricanes: *Provided*, That Congress designates these
17 amounts as an emergency requirement for this specific
18 purpose: *Provided further*, That the Secretary of Defense
19 may transfer these funds to appropriations for military
20 personnel; operation and maintenance; procurement; and
21 family housing: *Provided further*, That funds transferred
22 shall be merged with and made available for the same pur-
23 poses and for the same time period as the appropriation
24 to which transferred: *Provided further*, That this transfer
25 authority is in addition to any other transfer authority
26 available to the Department of Defense.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Army Reserve”, \$1,442,000, to remain available
4 until September 30, 2005, for emergency hurricane-re-
5 lated expenses, for the costs of repairs to structures and
6 equipment, evacuation, base preparation, and base recov-
7 ery; of which not to exceed 25 percent shall be available
8 for transfer to reimburse costs incurred in FY 2004 as
9 a result of emergency evacuations and immediate recovery
10 related to basic infrastructure due to hurricanes: *Provided*,
11 That Congress designates these amounts as an emergency
12 requirement for this specific purpose.

13 OPERATION AND MAINTENANCE, NAVY RESERVE

14 For an additional amount for “Operation and Main-
15 tenance, Navy Reserve”, \$399,000, to remain available
16 until September 30, 2005, for emergency hurricane-re-
17 lated expenses, for the costs of repairs to structures and
18 equipment, evacuation, base preparation, and base recov-
19 ery; of which not to exceed 25 percent shall be available
20 for transfer to reimburse costs incurred in FY 2004 as
21 a result of emergency evacuations and immediate recovery
22 related to basic infrastructure due to hurricanes: *Provided*,
23 That Congress designates these amounts as an emergency
24 requirement for this specific purpose.

1 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

2 For an additional amount for “Operation and Main-
3 tenance, Army National Guard”, \$3,350,000, to remain
4 available until September 30, 2005, for emergency hurri-
5 cane-related expenses, for the costs of repairs to structures
6 and equipment, evacuation, base preparation, and base re-
7 covery; of which not to exceed 25 percent shall be available
8 for transfer to reimburse costs incurred in FY 2004 as
9 a result of emergency evacuations and immediate recovery
10 related to basic infrastructure due to hurricanes: *Provided*,
11 That Congress designates these amounts as an emergency
12 requirement for this specific purpose.

13 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

14 For an additional amount for “Operation and Main-
15 tenance, Air National Guard”, \$1,085,000, to remain
16 available until September 30, 2005, for emergency hurri-
17 cane-related expenses, for the costs of repairs to structures
18 and equipment, evacuation, base preparation, and base re-
19 covery; of which not to exceed 25 percent shall be available
20 for transfer to reimburse costs incurred in FY 2004 as
21 a result of emergency evacuations and immediate recovery
22 related to basic infrastructure due to hurricanes: *Provided*,
23 That Congress designates these amounts as an emergency
24 requirement for this specific purpose.

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS

2 DEFENSE HEALTH PROGRAM

3 For an additional amount for “Defense Health Pro-
4 gram”, \$10,286,000, to remain available until September
5 30, 2005, for emergency hurricane-related expenses, for
6 the costs of repairs to structures and equipment, evacu-
7 ation, base preparation, and base recovery: *Provided*, That
8 Congress designates this amount as an emergency require-
9 ment for this specific purpose.

10 PROCUREMENT

11 OTHER PROCUREMENT, AIR FORCE

12 For an additional amount for “Other Procurement,
13 Air Force,” \$2,500,000, to remain available until Sep-
14 tember 30, 2005, for emergency hurricane-related ex-
15 penses and replacement of destroyed or damaged equip-
16 ment: *Provided*, That Congress designates these amounts
17 as an emergency requirement for this specific purpose.

18 PROCUREMENT, DEFENSE-WIDE

19 For an additional amount for “Procurement, De-
20 fense-Wide”, \$102,500,000, to remain available until Sep-
21 tember 30, 2005 for emergency hurricane-related ex-
22 penses, for the costs of repairs to structures and facilities,
23 replacement of destroyed or damaged equipment, and
24 preparation and recovery of naval vessels under construc-
25 tion: *Provided*, That Congress designates these amounts
26 as an emergency requirement for this specific purpose:

1 *Provided further*, That the Secretary of Defense may
 2 transfer these funds to appropriations for procurement;
 3 research, development, test, and evaluation; and military
 4 construction: *Provided further*, That funds transferred
 5 shall be merged with and made available for the same pur-
 6 poses and for the same time period as the appropriation
 7 to which transferred: *Provided further*, That this transfer
 8 authority is in addition to any other transfer authority
 9 available to the Department of Defense: *Provided further*,
 10 That such funds may be obligated and expended to carry
 11 out rebuilding of military construction projects not other-
 12 wise authorized by law.

13 MILITARY CONSTRUCTION

14 MILITARY CONSTRUCTION, NAVY

15 For an additional amount for “Military Construction,
 16 Navy”, \$138,800,000, to remain available until September
 17 30, 2005, for emergency hurricane-related expenses, for
 18 the costs of repairs to structures and facilities: *Provided*,
 19 That Congress designates this amount as an emergency
 20 requirement for this specific purpose: *Provided further*,
 21 That such funds may be obligated and expended to carry
 22 out rebuilding of military construction projects not other-
 23 wise authorized by law.

24 MILITARY CONSTRUCTION, ARMY RESERVE

25 For an additional amount for “Military Construction,
 26 Army Reserve”, \$8,700,000, to remain available until Sep-

1 tember 30, 2005, for emergency hurricane-related ex-
 2 penses, for the costs of repairs to structures and facilities:
 3 *Provided*, That Congress designates this amount as an
 4 emergency requirement for this specific purpose: *Provided*
 5 *further*, That such funds may be obligated and expended
 6 to carry out rebuilding of military construction projects
 7 not otherwise authorized by law.

8 BASE REALIGNMENT AND CLOSURE ACCOUNT

9 For an additional amount for “Base Realignment and
 10 Closure Account”, \$50,000, to remain available until Sep-
 11 tember 30, 2005, for emergency hurricane-related ex-
 12 penses, for the costs of repairs to structures and equip-
 13 ment: *Provided*, That Congress designates this amount as
 14 an emergency requirement for this specific purpose.

15 FAMILY HOUSING

16 FAMILY HOUSING, OPERATION AND MAINTENANCE, ARMY

17 For an additional amount for “Family Housing, Op-
 18 eration and Maintenance, Army”, \$313,000, to remain
 19 available until September 30, 2005, for emergency hurri-
 20 cane-related expenses, for the costs of repairs to structures
 21 and equipment, evacuation, base preparation, and base re-
 22 covery: *Provided*, That Congress designates this amount
 23 as an emergency requirement for this specific purpose.

1 FAMILY HOUSING, OPERATION AND MAINTENANCE, NAVY
2 AND MARINE CORPS

3 For an additional amount for “Family Housing, Op-
4 eration and Maintenance, Navy and Marine Corps”,
5 \$3,276,000, to remain available until September 30, 2005,
6 for emergency hurricane-related expenses, for the costs of
7 repairs to structures and equipment, evacuation, base
8 preparation, and base recovery: *Provided*, That Congress
9 designates this amount as an emergency requirement for
10 this specific purpose.

11 FAMILY HOUSING, OPERATION AND MAINTENANCE, AIR
12 FORCE

13 For an additional amount for “Family Housing, Op-
14 eration and Maintenance, Air Force”, \$5,600,000, to re-
15 main available until September 30, 2005, for emergency
16 hurricane-related expenses, for the costs of repairs to
17 structures and equipment, evacuation, base preparation,
18 and base recovery: *Provided*, That Congress designates
19 this amount as an emergency requirement for this specific
20 purpose.

21 REVOLVING AND MANAGEMENT FUNDS
22 WORKING CAPITAL FUND, DEFENSE-WIDE

23 For an additional amount for “Working Capital
24 Fund, Defense-Wide”, \$77,000,000, to remain available
25 until September 30, 2005, for emergency hurricane-re-
26 lated expenses, for the costs of repairs to structures and

1 equipment, and base recovery: *Provided*, That Congress
2 designates this amount as an emergency requirement for
3 this specific purpose.

4 GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

5 GENERAL TRANSFER AUTHORITY

6 SEC. 201. Upon his determination that such action
7 is necessary in the national interest, the Secretary of De-
8 fense may transfer between appropriations up to
9 \$210,000,000 of the funds made available to the Depart-
10 ment of Defense in this title: *Provided*, That the Secretary
11 shall notify the Congress promptly of each transfer made
12 pursuant to this authority: *Provided further*, That the
13 transfer authority provided in this section is in addition
14 to any other transfer authority available to the Depart-
15 ment of Defense: *Provided further*, That the authority in
16 this section is subject to the same terms and conditions
17 as the authority provided in section 8005 of the Depart-
18 ment of Defense Appropriations Act, 2005, except for the
19 fourth proviso.

20 SEC. 202. Funds appropriated in this title, or made
21 available by the transfer of funds in or pursuant to this
22 title, for intelligence activities are deemed to be specifically
23 authorized by the Congress for purposes of section 504
24 of the National Security Act of 1947 (50 U.S.C. 414).

3 DEPARTMENTAL MANAGEMENT
4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
5 FUND

6 For an additional amount for “Public Health and So-
7 cial Services Emergency Fund” to support aging services,
8 social services and health services associated with natural
9 disaster recovery and response efforts, \$50,000,000, to re-
10 main available until expended: *Provided*, That Congress
11 designates this amount as an emergency requirement for
12 this specific purpose.

13 DEPARTMENT OF HOMELAND SECURITY
14 EMERGENCY PREPAREDNESS AND RESPONSE
15 DISASTER RELIEF FUND

16 For an additional amount for necessary expenses
17 under the Robert T. Stafford Disaster Relief and Emer-
18 gency Assistance Act (42 U.S.C. 5121 et seq.),
19 \$6,500,000,000, to remain available until expended: *Pro-*
20 *vided*, That Congress designates this amount as an emer-
21 gency requirement for this specific purpose.

22 UNITED STATES COAST GUARD
23 OPERATING EXPENSES

24 For an additional amount for “Operating Expenses”,
25 \$26,000,000, to remain available until expended for emer-

1 agency hurricane-related expenses: *Provided*, That Con-
2 gress designates this amount as an emergency require-
3 ment for this specific purpose.

4 DEPARTMENT HOUSING AND URBAN
5 DEVELOPMENT

6 COMMUNITY PLANNING AND DEVELOPMENT

7 COMMUNITY DEVELOPMENT FUND

8 For an additional amount for “Community Develop-
9 ment Fund”, as authorized under title I of the Housing
10 and Community Development Act of 1974 (Act), for emer-
11 gency expenses resulting from natural disasters in Florida,
12 except those activities reimbursable by the Federal Emer-
13 gency Management Agency or available through the Small
14 Business Administration, and for reimbursement for ex-
15 penditures incurred from the regular Community Develop-
16 ment Block Grant formula allocation used to achieve these
17 same purposes, \$150,000,000, to remain available until
18 September 30, 2007: *Provided*, That Congress designates
19 this amount as an emergency requirement for this specific
20 purpose: *Provided further*, That such funds may be award-
21 ed to the State of Florida for affected areas: *Provided fur-*
22 *ther*, That notwithstanding 42 U.S.C. 5306 (d) (2), the
23 State of Florida is authorized to provide such assistance
24 to entitlement communities: *Provided further*, That in ad-
25 ministering these funds for economic revitalization activi-

1 ties in Florida, the Secretary may waive, or specify alter-
2 native requirements for, any provision of any statute or
3 regulation that the Secretary administers in connection
4 with the obligation by the Secretary or the use by the re-
5 cipient of these funds (except for requirements related to
6 fair housing, nondiscrimination, labor standards, and the
7 environment), upon a finding that such waiver is required
8 to facilitate the use of such funds, and would not be incon-
9 sistent with the overall purpose of the statute or regula-
10 tion: *Provided further*, That for activities funded by
11 amounts provided herein, the Secretary may waive, on a
12 case-by-case basis and upon such other terms as the Sec-
13 retary may specify, in whole or in part, the requirements
14 that activities principally benefit persons of low- and mod-
15 erate-income pursuant to 42 U.S.C. 5301(c) and
16 5304(b)(3): *Provided further*, That the Secretary shall
17 publish in the Federal Register any waiver of any statute
18 or regulation authorized under this heading no later than
19 5 days before the effective date of such waiver.

20 DEPARTMENT OF THE INTERIOR

21 UNITED STATES GEOLOGICAL SURVEY

22 SURVEYS, INVESTIGATIONS, AND RESEARCH

23 For an additional amount for “Surveys, Investiga-
24 tions, and Research”, \$1,000,000, to remain available
25 until expended for emergency hurricane-related expenses:

1 *Provided*, That Congress designates this amount as an
2 emergency requirement for this specific purpose.

3 FISH AND WILDLIFE SERVICE

4 RESOURCE MANAGEMENT

5 For an additional amount for “Resource Manage-
6 ment”, \$2,700,000, to remain available until expended for
7 emergency hurricane-related expenses: *Provided*, That
8 Congress designates this amount as an emergency require-
9 ment for this specific purpose.

10 CONSTRUCTION

11 For an additional amount for “Construction”,
12 \$24,700,000, to remain available until expended for emer-
13 gency hurricane-related expenses: *Provided*, That Con-
14 gress designates this amount as an emergency require-
15 ment for this specific purpose.

16 NATIONAL PARK SERVICE

17 CONSTRUCTION AND MAJOR MAINTENANCE

18 For an additional amount for “Construction and
19 Major Maintenance”, \$48,900,000, to remain available
20 until expended for emergency hurricane-related expenses:
21 *Provided*, That Congress designates this amount as an
22 emergency requirement for this specific purpose.

1 DEPARTMENT OF JUSTICE
2 FEDERAL PRISON SYSTEM
3 BUILDINGS AND FACILITIES

4 For an additional amount for “Buildings and Facili-
5 ties”, \$18,600,000, to remain available until expended for
6 emergency hurricane-related expenses: *Provided*, That
7 Congress designates this amount as an emergency require-
8 ment for this specific purpose.

9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and Ex-
11 penses”, \$5,500,000, to remain available until expended
12 for emergency hurricane-related expenses: *Provided*, That
13 Congress designates this amount as an emergency require-
14 ment for this specific purpose.

15 DEPARTMENT OF TRANSPORTATION

16 FEDERAL AVIATION ADMINISTRATION

17 OPERATIONS

18 For an additional amount for “Operations”,
19 \$5,100,000, to remain available until expended for emer-
20 gency hurricane-related expenses: *Provided*, That Con-
21 gress designates this amount as an emergency require-
22 ment for this specific purpose.

23 EMERGENCY ASSISTANCE TO AIRPORTS

24 (AIRPORT AND AIRWAY TRUST FUND)

25 Notwithstanding any other provision of law, for emer-
26 gency hurricane-related insurance-ineligible capital costs

1 to repair or replace public-use airport-related facilities at
 2 public-use airports identified in the National Plan of Inte-
 3 grated Airport Systems, to enable the Federal Aviation
 4 Administration to compensate entities for such capital
 5 costs, up to \$25,000,000, to be derived from the Airport
 6 and Airway Trust Fund, to remain available until June
 7 30, 2006: *Provided*, That Congress designates this amount
 8 as an emergency requirement for this specific purpose.

9 FEDERAL HIGHWAY ADMINISTRATION

10 FEDERAL-AID HIGHWAYS

11 EMERGENCY RELIEF PROGRAM

12 (HIGHWAY TRUST FUND)

13 For an additional amount for the Emergency Relief
 14 Program for emergency expenses resulting from 2004
 15 Hurricanes Charley, Frances, Ivan, and Jeanne, as au-
 16 thorized by title 23 U.S.C. 125, \$800,000,000, to be de-
 17 rived from the Highway Trust Fund (other than the Mass
 18 Transit Account): *Provided*, That notwithstanding 23
 19 U.S.C. 125(d)(1), the Secretary of Transportation may
 20 obligate more than \$100,000,000 for projects arising from
 21 Hurricanes Charley, Frances, Ivan, and Jeanne: *Provided*
 22 *further*, That any amounts in excess of those necessary
 23 for emergency expenses relating to the above hurricanes
 24 may be used for other projects authorized under 23 U.S.C.
 25 125: *Provided further*, That amounts provided herein shall
 26 remain available until expended: *Provided further*, That

1 the entire amount is designated by the Congress as an
2 emergency requirement for this specific purpose.

3 DEPARTMENT OF VETERANS AFFAIRS

4 VETERANS HEALTH ADMINISTRATION

5 MEDICAL SERVICES

6 For an additional amount for “Medical Services”,
7 \$38,283,000, to remain available until September 30,
8 2005, for emergency hurricane-related expenses: *Provided*,
9 That Congress designates this amount as an emergency
10 requirement for this specific purpose.

11 MEDICAL FACILITIES

12 For an additional amount for “Medical Facilities”,
13 \$46,910,000, to remain available until expended for emer-
14 gency hurricane-related expenses: *Provided*, That Con-
15 gress designates this amount as an emergency require-
16 ment for this specific purpose.

17 MEDICAL ADMINISTRATION

18 For an additional amount for “Medical Administra-
19 tion”, \$1,939,000, to remain available until September 30,
20 2005, for emergency hurricane-related expenses: *Provided*,
21 That Congress designates this amount as an emergency
22 requirement for this specific purpose.

23 DEPARTMENTAL ADMINISTRATION

24 GENERAL OPERATING EXPENSES

25 For an additional amount for “General Operating
26 Expenses”, \$545,000, to remain available until September

1 30, 2005, for emergency hurricane-related expenses: *Pro-*
2 *vided*, That Congress designates this amount as an emer-
3 gency requirement for this specific purpose.

4 NATIONAL CEMETERY ADMINISTRATION

5 For an additional amount for “National Cemetery
6 Administration”, \$50,000, to remain available until Sep-
7 tember 30, 2005, for hurricane-related expenses: *Provided*,
8 That Congress designates this amount as an emergency
9 requirement for this specific purpose.

10 CONSTRUCTION, MINOR PROJECTS

11 For an additional amount for “Construction, Minor
12 Projects”, \$36,343,000, to remain available until ex-
13 pended for emergency hurricane-related expenses: *Pro-*
14 *vided*, That Congress designates this amount as an emer-
15 gency requirement for this specific purpose.

16 CORPS OF ENGINEERS—CIVIL WORKS

17 OPERATION AND MAINTENANCE, GENERAL

18 For an additional amount for “Operation and Main-
19 tenance, General” for hurricane-related expenses nec-
20 essary to dredge navigation channels and repair other
21 Corps projects, \$94,000,000, to remain available until ex-
22 pended: *Provided*, That Congress designates this amount
23 as an emergency requirement for this specific purpose.

24 FLOOD CONTROL AND COASTAL EMERGENCIES

25 For an additional amount for “Flood Control and
26 Coastal Emergencies” as authorized by section 5 of the

1 Flood Control Act of August 16, 1941, as amended (33
2 USC 701n), for emergency hurricane-related expenses
3 from coastal storm damages and flooding, \$147,000,000,
4 to remain available until expended: *Provided*, That Con-
5 gress designates this amount as an emergency require-
6 ment for this specific purpose.

7 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
8 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
9 SSISSIPPI, MISSOURI, AND TENNESSEE

10 For an additional amount for “Flood Control, Mis-
11 sissippi River and Tributaries, Arkansas, Illinois, Ken-
12 tucky, Louisiana, Mississippi, Missouri, and Tennessee”
13 to cover the additional costs of dredging and mat laying
14 operations on the main stem of the lower Mississippi River
15 due to hurricanes and other severe storms, \$4,000,000,
16 to remain available until expended: *Provided*, That Con-
17 gress designates this amount as an emergency require-
18 ment for this specific purpose.

19 ENVIRONMENTAL PROTECTION AGENCY
20 BUILDINGS AND FACILITIES

21 For an additional amount for “Buildings and Facili-
22 ties,” \$3,000,000, to remain available until expended, for
23 emergency hurricane-related expenses: *Provided*, That
24 Congress designates this amount as an emergency require-
25 ment for this specific purpose.

1 INTERNATIONAL ASSISTANCE PROGRAMS

2 AGENCY FOR INTERNATIONAL DEVELOPMENT

3 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

4 For an additional amount for “International Disaster
5 and Famine Assistance”, \$100,000,000, to remain avail-
6 able until expended, for emergency hurricane-related ex-
7 penses without regard to section 10 of Public Law 91–
8 672 and section 15 of the State Department Basic Au-
9 thorities Act of 1956: *Provided*, That Congress designates
10 this amount as an emergency requirement for this specific
11 purpose.

12 NATIONAL AERONAUTICS AND SPACE

13 ADMINISTRATION

14 SPACE FLIGHT CAPABILITIES

15 For an additional amount for “Space Flight Capabili-
16 ties”, to repair facilities damaged and take other emer-
17 gency measures due to the effects of hurricanes,
18 \$126,000,000, to remain available until expended: *Pro-*
19 *vided*, That Congress designates this amount as an emer-
20 gency requirement for this specific purpose.

21 SMALL BUSINESS ADMINISTRATION

22 DISASTER LOANS PROGRAM ACCOUNT

23 For an additional amount for “Disaster Loans Pro-
24 gram Account” for emergency expenses resulting from
25 natural or other disasters, to remain available until ex-

1 pended, \$501,000,000 for the cost of direct loans; and
2 \$428,000,000 for administrative expenses to carry out the
3 disaster loan program, which may be transferred to the
4 appropriations for “Salaries and expenses”: *Provided*,
5 That Congress designates these amounts as an emergency
6 requirement for this specific purpose.

7 EXECUTIVE OFFICE OF THE PRESIDENT

8 UNANTICIPATED NEEDS

9 For an additional amount for “Unanticipated
10 Needs”, not to exceed \$70,000,000, to remain available
11 until September 30, 2005, for the American Red Cross
12 for reimbursement of disaster relief and recovery expendi-
13 tures and emergency services associated with Hurricanes
14 Charley, Frances and Ivan, and only to the extent funds
15 are not made available for those activities by other federal
16 sources: *Provided*, That these funds may be administered
17 by any authorized federal government agency to meet the
18 purposes of this provision and that total administrative
19 costs shall not exceed three percent of the total appropria-
20 tion: *Provided further*, That the Comptroller General shall
21 audit the use of these funds by the American Red Cross:
22 *Provided further*, That Congress designates this amount
23 as an emergency requirement for this specific purpose.

1 This Act may be cited as the “Emergency Supple-
2 mental Appropriations for Hurricane Disasters Assistance
3 Act, 2005”.

 Passed the House of Representatives October 6,
2004.

Attest:

JEFF TRANDAHL,
Clerk.