

108TH CONGRESS
2D SESSION

H.R. 5227

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2004

Mr. YOUNG of Florida introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to natural disasters, 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,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2005, to provide emer-
6 gency supplemental appropriations for additional disaster

1 assistance relating to natural disasters, and for other pur-
2 poses, namely:

3 CHAPTER 1

4 DEPARTMENT OF AGRICULTURE

5 FARM SERVICE AGENCY

6 EMERGENCY CONSERVATION PROGRAM

7 For an additional amount for “Emergency Conserva-
8 tion Program”, for expenses resulting from natural disas-
9 ters, \$175,000,000, to remain available until expended:
10 *Provided*, That the amounts provided under this heading
11 are designated as an emergency requirement pursuant to
12 section 402 of S. Con. Res. 95 (108th Congress), as made
13 applicable to the House of Representatives by H. Res. 649
14 (108th Congress) and applicable to the Senate by section
15 14007 of Public Law 108–287.

16 NATURAL RESOURCES CONSERVATION SERVICE

17 EMERGENCY WATERSHED PROTECTION PROGRAM

18 For an additional amount for “Emergency Watershed
19 Protection Program” to repair damages to the waterways
20 and watersheds resulting from natural disasters,
21 \$310,000,000, to remain available until expended: *Pro-*
22 *vided*, That the amounts provided under this heading are
23 designated as an emergency requirement pursuant to sec-
24 tion 402 of S. Con. Res. 95 (108th Congress), as made
25 applicable to the House of Representatives by H. Res. 649

1 (108th Congress) and applicable to the Senate by section
 2 14007 of Public Law 108–287.

3 RURAL DEVELOPMENT

4 RURAL COMMUNITY ADVANCEMENT PROGRAM

5 For an additional amount for the “Rural Community
 6 Advancement Program”, \$68,000,000, to remain available
 7 until expended: *Provided*, That \$50,000,000 shall be avail-
 8 able for water and waste disposal grants described in sec-
 9 tion 381E(d)(2) of the Consolidated Farm and Rural De-
 10 velopment Act (7 U.S.C. 2009d): *Provided further*, That
 11 \$18,000,000 shall be available for community facility
 12 grants described in 381E(d)(1) of the Consolidated Farm
 13 and Rural Development Act (7 U.S.C. 2009d): *Provided*
 14 *further*, That the amounts provided under this heading are
 15 designated as an emergency requirement pursuant to sec-
 16 tion 402 of S. Con. Res. 95 (108th Congress), as made
 17 applicable to the House of Representatives by H. Res. 649
 18 (108th Congress) and applicable to the Senate by section
 19 14007 of Public Law 108–287.

20 RURAL HOUSING SERVICE

21 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

22 For additional gross obligations for the principal
 23 amount of direct loans as authorized by title V of the
 24 Housing Act of 1949, to be available from funds in the
 25 rural housing insurance fund, \$17,000,000 for section 504

1 housing repair loans: *Provided*, That this loan level shall
 2 be considered an estimate and not a limitation.

3 For the additional cost of direct loans, including the
 4 cost of modifying loans, as defined in section 502 of the
 5 Congressional Budget Act of 1974: section 504 housing
 6 repair loans, \$5,000,000, to remain available until ex-
 7 pended: *Provided*, That the amounts provided under this
 8 heading are designated as an emergency requirement pur-
 9 suant to section 402 of S. Con. Res. 95 (108th Congress),
 10 as made applicable to the House of Representatives by H.
 11 Res. 649 (108th Congress) and applicable to the Senate
 12 by section 14007 of Public Law 108–287.

13 RURAL HOUSING ASSISTANCE GRANTS

14 For an additional amount for “Rural Housing Assist-
 15 ance Grants”, \$13,000,000, to remain available until ex-
 16 pended, of which \$8,000,000 shall be for grants and con-
 17 tracts for very low-income housing repair, made by the
 18 Rural Housing Service, as authorized by 42 U.S.C. 1474,
 19 and of which \$5,000,000 shall be for domestic farm labor
 20 housing grants and contracts, as authorized by 42 U.S.C.
 21 1486: *Provided*, That the amounts provided under this
 22 heading are designated as an emergency requirement pur-
 23 suant to section 402 of S. Con. Res. 95 (108th Congress),
 24 as made applicable to the House of Representatives by H.
 25 Res. 649 (108th Congress) and applicable to the Senate
 26 by section 14007 of Public Law 108–287.

1 GENERAL PROVISIONS—THIS CHAPTER

2 SEC. 101. AGRICULTURAL HURRICANE ASSISTANCE.

3 (a) CROP DISASTER ASSISTANCE.—

4 (1)(A) The Secretary of Agriculture shall use
5 such sums as are necessary to make emergency fi-
6 nancial assistance available to producers on a farm
7 in the United States, including Puerto Rico, that
8 have incurred qualifying losses for the 2004 or 2005
9 crop of an agricultural commodity (other than
10 sugar) due to damaging weather related to any hur-
11 ricane or tropical storm of the 2004 hurricane sea-
12 son or related condition, in counties declared dis-
13 aster areas by the President of the United States.

14 (B) The Secretary shall make assistance avail-
15 able under this section in the same manner as pro-
16 vided under section 202 of Public Law 108–7, in-
17 cluding using the same loss thresholds as were used
18 in administering that section.

19 (2)(A) The payment rate for a crop for assist-
20 ance provided under this section to the producers on
21 a farm shall be calculated as follows:

22 (i) If the producers obtained a policy or
23 plan of insurance, including a catastrophic risk
24 protection plan, for the crop under the Federal
25 Crop Insurance Act (7 U.S.C. 1501 et seq.), 65

1 percent of the established RMA price for the
2 crop.

3 (ii) If a policy or plan of insurance, includ-
4 ing a catastrophic risk protection plan, for the
5 crop was not available to the producers under
6 the Federal Crop Insurance Act, 65 percent of
7 the State average price for the crop.

8 (iii) Subject to paragraphs 3 and 4, if the
9 producers did not obtain a policy or plan of in-
10 surance, including a catastrophic risk protection
11 plan, available for the crop under the Federal
12 Crop Insurance Act, 60 percent of the estab-
13 lished RMA price for the crop.

14 (B) Persons that received payments from sec-
15 tion 32 of the Act of August 24, 1935 with respect
16 to 2004 hurricane crop losses are not eligible for
17 payments under this section.

18 (C)(i) Assistance provided under this section to
19 a producer for losses to a crop, together with the
20 amounts specified in clause (ii) applicable to the
21 same crop, may not exceed 95 percent of what the
22 value of the crop would have been in the absence of
23 the losses, as estimated by the Secretary.

24 (ii) In applying the limitation in clause (i), the
25 Secretary shall include the following:

1 (I) Any crop insurance payment made
2 under the Federal Crop Insurance Act (7
3 U.S.C. 1501 et seq.) or payment under section
4 196 of the Federal Agricultural Improvement
5 and Reform Act of 1996 (7 U.S.C. 7333) that
6 the producer receives for losses to the same
7 crop.

8 (II) The value of the crop that was not lost
9 (if any), as estimated by the Secretary.

10 (iii) Payments shall be limited to a maximum of
11 \$80,000 per producer.

12 (3) Except as provided in paragraph (4), the
13 producers on a farm shall not be eligible for assist-
14 ance under this section with respect to losses to an
15 insurable commodity or noninsurable commodity if
16 the producers on the farm—

17 (A) in the case of an insurable commodity,
18 did not obtain a policy or plan of insurance for
19 the insurable commodity under the Federal
20 Crop Insurance Act for the crop incurring the
21 losses; and

22 (B) in the case of a noninsurable com-
23 modity, did not file the required paperwork, and
24 pay the administrative fee by the applicable
25 State filing deadline, for the noninsurable com-

1 modity under section 196 of the Federal Agri-
2 culture Improvement and Reform Act of 1996
3 for the crop incurring the losses; or

4 (C) had adjusted gross incomes, as defined
5 by section 1001D of the Food Security Act of
6 1985, of greater than \$2,500,000 in 2003; or

7 (D) were not in compliance with highly
8 erodible land conservation and wetland con-
9 servation provisions.

10 (4) The Secretary may waive paragraphs (3)(A)
11 and (B) with respect to the producers on a farm if
12 the producers enter into a contract with the Sec-
13 retary under which the producers agree—

14 (A) in the case of an insurable commodity,
15 to obtain a policy or plan of insurance under
16 the Federal Crop Insurance Act providing addi-
17 tional coverage for the insurable commodity for
18 each of the next two crop years; and

19 (B) in the case of a noninsurable com-
20 modity, to file the required paperwork, and pay
21 the administrative fee by the applicable State
22 filing deadline, for the noninsurable commodity
23 for each of the next two crops under section
24 196 of the Federal Agriculture Improvement
25 and Reform Act of 1996.

1 (5) In the event of the violation of a contract
2 under paragraph (4) by a producer, the producer
3 shall reimburse the Secretary for the full amount of
4 the assistance provided to the producer under this
5 section.

6 (6) DEFINITIONS.—In this subsection:

7 (A) The term “additional coverage” has
8 the meaning given the term in section
9 502(b)(1) of the Federal Crop Insurance Act (7
10 U.S.C. 1502(b)(1)).

11 (B) The term “insurable commodity”
12 means an agricultural commodity (excluding
13 livestock) for which the producers on a farm are
14 eligible to obtain a policy or plan of insurance
15 under the Federal Crop Insurance Act.

16 (C) The term “noninsurable commodity”
17 means an eligible crop for which the producers
18 on a farm are eligible to obtain assistance
19 under section 196 of the Federal Agriculture
20 Improvement and Reform Act of 1996.

21 (b) SECTION 32 PAYMENTS.—The Secretary shall
22 provide \$90,000,000 to the fund established by section 32
23 of the Act of August 24, 1935 (7 U.S.C. 612c), to make
24 payments with respect to 2004 hurricane losses.

1 (c) The issuance of regulations shall be made without
2 regard to: (1) the notice and comment provisions of sec-
3 tion 553 of title 5, United States Code; (2) the Statement
4 of Policy of the Secretary of Agriculture effective July 24,
5 1971 (36 Fed. Reg. 13804), relating to notices of pro-
6 posed rulemaking and public participation in rulemaking;
7 and (3) chapter 35 of title 44, United States Code (com-
8 monly known as the “Paperwork Reduction Act”): *Pro-*
9 *vided*, That in carrying out this section, the Secretary
10 shall use the authority provided under section 808 of title
11 5, United States Code.

12 (d) The Secretary, acting through the Farm Service
13 Agency, may use not more than \$4,000,000 to cover ad-
14 ministrative expenses associated with the implementation
15 of sections 101 and 102 of this chapter.

16 SEC. 102. The Secretary of Agriculture shall use
17 \$40,000,000 to make payments to processors in Florida
18 that are eligible to obtain a loan under section 156(a) of
19 the Federal Agriculture Improvement and Reform Act of
20 1996 (7 U.S.C. 7272(a)) to compensate first processors
21 and producers for crop and other losses that are related
22 to hurricanes, tropical storms, excessive rains, and floods
23 in Florida during calendar year 2004, to be calculated and
24 paid on the basis of losses on 40 acre harvesting units,
25 in counties declared a disaster by the President of the

1 United States in 2004 due to hurricanes, on the same
2 terms and conditions, to the extent practicable, as the pay-
3 ments made under section 207 of the Agricultural Assist-
4 ance Act of 2003 (Public Law 108–7).

5 SEC. 103. The Secretary of Agriculture shall use
6 \$10,000,000 to make payments to dairy producers for
7 dairy production losses, and dairy spoilage losses in coun-
8 ties declared a disaster by the President of the United
9 States in 2004 due to hurricanes.

10 SEC. 104. (a) The Secretary of Agriculture shall use
11 \$23,000,000 to provide assistance under the Tree Assist-
12 ance Program, subtitle C of title X of the Farm Security
13 and Rural Investment Act of 2002 (7 U.S.C. 8201 et.
14 seq.), to tree-fruit growers in counties declared a disaster
15 by the President of the United States in 2004 in the
16 States of New York and North Carolina who suffered tree
17 losses.

18 (b) The Secretary of Agriculture shall use \$8,500,000
19 to provide assistance under the tree assistance program
20 established under subtitle C of title X of the Farm Secu-
21 rity and Rural Investment Act of 2002 to pecan producers
22 in counties declared a disaster by the President of the
23 United States who suffered tree loss or damage due to
24 damaging weather related to any hurricane or tropical
25 storm of the 2004 hurricane season: *Provided*, That the

1 funds made available under this section shall also be made
2 available to cover costs associated with pruning, rehabili-
3 tating, and other appropriate activities as determined by
4 the Secretary.

5 SEC. 105. The Secretary of Agriculture shall use
6 \$10,000,000 to provide assistance to producers and first
7 handlers of the 2004 crop of cottonseed located in counties
8 declared a disaster by the President of the United States
9 in 2004 due to hurricanes.

10 SEC. 106. (a) The Secretary shall use the funds, fa-
11 cilities, and authorities of the Commodity Credit Corpora-
12 tion to carry out section 101, 102, 103, 104, and 105 of
13 this chapter, to remain available until expended.

14 (b) The amounts provided under sections 101, 102,
15 103, 104, and 105 in this chapter are designated as an
16 emergency requirement pursuant to section 402 of S. Con.
17 Res. 95 (108th Congress), as made applicable to the
18 House of Representatives by H. Res. 649 (108th Con-
19 gress) and applicable to the Senate by section 14007 of
20 Public Law 108–287.

21 SEC. 107. (a) RURAL COMMUNITY ADVANCEMENT
22 PROGRAM.—The communities in Burlington and Camden
23 Counties in New Jersey, affected by the flood which oc-
24 curred on July 12, 2004, are deemed to be rural areas
25 during fiscal year 2005 for purposes of subtitle E of the

1 Consolidated Farm and Rural Development Act. Any limi-
 2 tations under subtitle E of the Consolidated Farm and
 3 Rural Development Act that are based on the income of
 4 families shall not apply during fiscal year 2005 with re-
 5 spect to such communities, or to businesses or families re-
 6 siding in such communities.

7 (b) RURAL HOUSING INSURANCE FUND AND RURAL
 8 HOUSING ASSISTANCE GRANTS.—The communities re-
 9 ferred to in subsection (a) are deemed to be rural areas
 10 during fiscal year 2005 for purposes of the direct and
 11 guaranteed loan programs under title V of the Housing
 12 Act of 1949 and the grant programs under sections 504,
 13 509(c), 525, and 533 of such title V. Any limitations
 14 under title V of the Housing Act of 1949 that are based
 15 on the income of families shall not apply during fiscal year
 16 2005 with respect to such communities or to families re-
 17 siding in such communities.

18 SEC. 108. The Secretary of Agriculture shall provide
 19 financial and technical assistance to repair, and if nec-
 20 essary, replace Hope Mills Dam, Cumberland County,
 21 North Carolina, in accordance with the dam safety stand-
 22 ards of the state of North Carolina: *Provided*, That from
 23 within the funds provided in this chapter for the Emer-
 24 gency Watershed Protection program of the Natural Re-

1 sources Conservation Service \$1,600,000 is provided for
2 this purpose.

3 SEC. 109. Section 1241(a)(3) of the Food Security
4 Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by insert-
5 ing before the period at the end the following: “, using
6 not more than \$8,386,000,000 for the period of fiscal
7 years 2005 through 2014”.

8 CHAPTER 2

9 DEPARTMENT OF JUSTICE

10 FEDERAL PRISON SYSTEM

11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
13 penses”, \$5,500,000, to remain available until September
14 30, 2005 for emergency hurricane-related expenses: *Pro-*
15 *vided*, That such amount is designated as an emergency
16 requirement pursuant to section 402 of S. Con. Res. 95
17 (108th Congress), as made applicable to the House of
18 Representatives by H. Res. 649 (108th Congress) and ap-
19 plicable to the Senate by section 14007 of Public Law
20 108–287.

21 BUILDINGS AND FACILITIES

22 For an additional amount for “Buildings and Facili-
23 ties”, \$18,600,000, to remain available until expended for
24 emergency hurricane-related expenses: *Provided*, That
25 such amount is designated as an emergency requirement
26 pursuant to section 402 of S. Con. Res. 95 (108th Con-

1 gress), as made applicable to the House of Representatives
2 by H. Res. 649 (108th Congress) and applicable to the
3 Senate by section 14007 of Public Law 108–287.

4 DEPARTMENT OF COMMERCE

5 NATIONAL OCEANIC AND ATMOSPHERIC

6 ADMINISTRATION

7 OPERATIONS, RESEARCH, AND FACILITIES

8 For an additional amount for “Operations, Research,
9 and Facilities”, \$7,900,000, to remain available until Sep-
10 tember 30, 2006: *Provided*, That such amount is des-
11 ignated as an emergency requirement pursuant to section
12 402 of S. Con. Res. 95 (108th Congress), as made applica-
13 ble to the House of Representatives by H. Res. 649 (108th
14 Congress) and applicable to the Senate by section 14007
15 of Public Law 108–287.

16 PROCUREMENT, ACQUISITION AND CONSTRUCTION

17 For an additional amount for “Procurement, Acquisi-
18 tion and Construction”, \$3,800,000, to remain available
19 until September 30, 2007: *Provided*, That such amount
20 is designated as an emergency requirement pursuant to
21 section 402 of S. Con. Res. 95 (108th Congress), as made
22 applicable to the House of Representatives by H. Res. 649
23 (108th Congress) and applicable to the Senate by section
24 14007 of Public Law 108–287.

1 SMALL BUSINESS ADMINISTRATION

2 DISASTER LOANS PROGRAM ACCOUNT

3 For an additional amount for “Disaster Loans Pro-
4 gram Account” for the cost of direct loans, \$501,000,000,
5 to remain available until expended: *Provided*, That such
6 costs, including the cost of modifying such loans, shall be
7 as defined in Section 502 of the Congressional Budget Act
8 of 1974.

9 In addition, for an additional amount for “Disaster
10 Loans Program Account” for administrative expenses to
11 carry out the disaster loan program, \$428,000,000, to re-
12 main available until expended, which may be transferred
13 to the appropriations for “Salaries and Expenses”: *Pro-*
14 *vided*, That no funds shall be transferred to the appropria-
15 tions for “Salaries and Expenses” for indirect administra-
16 tive expenses: *Provided further*, That the amounts pro-
17 vided under this heading are designated as an emergency
18 requirement pursuant to section 402 of S. Con. Res. 95
19 (108th Congress), as made applicable to the House of
20 Representatives by H. Res. 649 (108th Congress) and ap-
21 plicable to the Senate by section 14007 of Public Law
22 108–287.

1 CHAPTER 3
2 DEPARTMENT OF DEFENSE
3 DEPARTMENT OF DEFENSE—MILITARY
4 OPERATION AND MAINTENANCE
5 OPERATION AND MAINTENANCE, ARMY
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Operation and Main-
8 tenance, Army”, \$8,600,000, for emergency hurricane and
9 other natural disaster-related expenses, which shall be
10 available for transfer to reimburse costs incurred in fiscal
11 year 2004: *Provided*, That such amount is designated as
12 an emergency requirement pursuant to section 402 of S.
13 Con. Res. 95 (108th Congress), as made applicable to the
14 House of Representatives by H. Res. 649 (108th Con-
15 gress) and applicable to the Senate by section 14007 of
16 Public Law 108–287.

17 OPERATION AND MAINTENANCE, NAVY
18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Operation and Main-
20 tenance, Navy”, \$458,000,000, for emergency hurricane
21 and other natural disaster-related expenses, which shall be
22 available for transfer to reimburse costs incurred in fiscal
23 year 2004: *Provided*, That such amount is designated as
24 an emergency requirement pursuant to section 402 of S.
25 Con. Res. 95 (108th Congress), as made applicable to the

1 House of Representatives by H. Res. 649 (108th Con-
2 gress) and applicable to the Senate by section 14007 of
3 Public Law 108–287.

4 OPERATION AND MAINTENANCE, MARINE CORPS
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “Operation and Main-
7 tenance, Marine Corps”, \$1,300,000, for emergency hurri-
8 cane and other natural disaster-related expenses, which
9 shall be available for transfer to reimburse costs incurred
10 in fiscal year 2004: *Provided*, That such amount is des-
11 ignated as an emergency requirement pursuant to section
12 402 of S. Con. Res. 95 (108th Congress), as made applica-
13 ble to the House of Representatives by H. Res. 649 (108th
14 Congress) and applicable to the Senate by section 14007
15 of Public Law 108–287.

16 OPERATION AND MAINTENANCE, AIR FORCE
17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “Operation and Main-
19 tenance, Air Force”, \$165,400,000, for emergency hurri-
20 cane and other natural disaster-related expenses, which
21 shall be available for transfer to reimburse costs incurred
22 in fiscal year 2004: *Provided*, That such amount is des-
23 ignated as an emergency requirement pursuant to section
24 402 of S. Con. Res. 95 (108th Congress), as made applica-
25 ble to the House of Representatives by H. Res. 649 (108th

1 Congress) and applicable to the Senate by section 14007
2 of Public Law 108–287.

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE
4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Operation and Main-
6 tenance, Defense-Wide”, \$100,000,000, for emergency
7 hurricane and other natural disaster-related expenses,
8 which shall be available for transfer to reimburse costs in-
9 curred in fiscal year 2004: *Provided*, That the Secretary
10 of Defense may transfer these funds to appropriations for
11 military personnel; operation and maintenance; the De-
12 fense Health Program; and working capital funds: *Pro-*
13 *vided further*, That funds transferred shall be merged with
14 and be available for the same purposes and for the same
15 time period as the appropriation or fund to which trans-
16 ferred: *Provided further*, That this transfer authority is in
17 addition to any other transfer authority available to the
18 Department of Defense: *Provided further*, That upon a de-
19 termination that all or part of the funds transferred from
20 this appropriation are not necessary for the purposes pro-
21 vided herein, such amounts may be transferred back to
22 this appropriation: *Provided further*, That the Secretary
23 of Defense shall, not fewer than 15 days prior to making
24 transfers from this appropriation, notify the congressional
25 defense committees in writing of the details of any such

1 transfer: *Provided further*, That the Secretary shall submit
2 a report no later than 30 days after the end of each fiscal
3 quarter to the congressional defense committees summa-
4 rizing the details of the transfer of funds from this appro-
5 priation: *Provided further*, That such amount is designated
6 as an emergency requirement pursuant to section 402 of
7 S. Con. Res. 95 (108th Congress), as made applicable to
8 the House of Representatives by H. Res. 649 (108th Con-
9 gress) and applicable to the Senate by section 14007 of
10 Public Law 108–287.

11 OPERATION AND MAINTENANCE, ARMY RESERVE
12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount for “Operation and Main-
14 tenance, Army Reserve”, \$1,400,000, for emergency hur-
15 ricane and other natural disaster-related expenses, which
16 shall be available for transfer to reimburse costs incurred
17 in fiscal year 2004: *Provided*, That such amount is des-
18 ignated as an emergency requirement pursuant to section
19 402 of S. Con. Res. 95 (108th Congress), as made applica-
20 ble to the House of Representatives by H. Res. 649 (108th
21 Congress) and applicable to the Senate by section 14007
22 of Public Law 108–287.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Operation and Main-
4 tenance, Navy Reserve”, \$1,000,000, for emergency hurri-
5 cane and other natural disaster-related expenses, which
6 shall be available for transfer to reimburse costs incurred
7 in fiscal year 2004: *Provided*, That such amount is des-
8 ignated as an emergency requirement pursuant to section
9 402 of S. Con. Res. 95 (108th Congress), as made applica-
10 ble to the House of Representatives by H. Res. 649 (108th
11 Congress) and applicable to the Senate by section 14007
12 of Public Law 108–287.

13 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for “Operation and Main-
16 tenance, Air Force Reserve”, \$2,400,000, for emergency
17 hurricane and other natural disaster-related expenses,
18 which shall be available for transfer to reimburse costs in-
19 curred in fiscal year 2004: *Provided*, That such amount
20 is designated as an emergency requirement pursuant to
21 section 402 of S. Con. Res. 95 (108th Congress), as made
22 applicable to the House of Representatives by H. Res. 649
23 (108th Congress) and applicable to the Senate by section
24 14007 of Public Law 108–287.

14 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
15 (INCLUDING TRANSFER OF FUNDS)

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OTHER PROCUREMENT, AIR FORCE

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Procurement, De-
fense-Wide”, \$140,000,000, to remain available until Sep-
tember 30, 2007, for emergency hurricane and other nat-
ural disaster-related expenses, which shall be available for
transfer to reimburse costs incurred in fiscal year 2004,
for the costs of repairs to structures and facilities, replace-
ment of destroyed or damaged equipment, and preparation
and recovery of naval vessels under construction: *Provided*,
That the Secretary of Defense may transfer these funds
to appropriations for operation and maintenance; procure-

1 ment; and research, development, test and evaluation: *Pro-*
2 *vided further*, That funds transferred shall be merged with
3 and be available for the same purposes and for the same
4 time period as the appropriation or fund to which trans-
5 ferred: *Provided further*, That this transfer authority is in
6 addition to any other transfer authority available to the
7 Department of Defense: *Provided further*, That upon a de-
8 termination that all or part of the funds transferred from
9 this appropriation are not necessary for the purposes pro-
10 vided herein, such amounts may be transferred back to
11 this appropriation: *Provided further*, That the Secretary
12 of Defense shall, not fewer than 15 days prior to making
13 transfers from this appropriation, notify the congressional
14 defense committees in writing of the details of any such
15 transfer: *Provided further*, That the Secretary shall submit
16 a report no later than 30 days after the end of each fiscal
17 quarter to the congressional defense committees summa-
18 rizing the details of the transfer of funds from this appro-
19 priation: *Provided further*, That not less than \$10,500,000
20 shall be transferred to “Aircraft Procurement, Air Force”
21 for the procurement of WC-130 Hurricane Tracking
22 Equipment: *Provided further*, That not less than
23 \$10,000,000 shall be transferred to “Missile Procurement,
24 Air Force”, and not less than \$10,000,000 shall be trans-
25 ferred to “Other Procurement, Air Force” for costs associ-

1 ated with delayed satellite launches: *Provided further*,
 2 That not less than \$18,700,000 shall be transferred to
 3 “Other Procurement, Air Force” for Continuity of Oper-
 4 ations equipment procurement at Headquarters United
 5 States Central Command: *Provided further*, That not less
 6 than \$20,000,000 shall be available only for replacement
 7 of laboratory and test range equipment at Eglin Air Force
 8 Base: *Provided further*, That such amount is designated
 9 as an emergency requirement pursuant to section 402 of
 10 S. Con. Res. 95 (108th Congress), as made applicable to
 11 the House of Representatives by H. Res. 649 (108th Con-
 12 gress) and applicable to the Senate by section 14007 of
 13 Public Law 108–287.

14 REVOLVING AND MANAGEMENT FUNDS

15 DEFENSE WORKING CAPITAL FUNDS

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for “Defense Working
 18 Capital Funds”, \$4,100,000, for emergency hurricane and
 19 other natural disaster-related expenses, and which shall be
 20 available for transfer to reimburse costs incurred in fiscal
 21 year 2004: *Provided*, That such amount is designated as
 22 an emergency requirement pursuant to section 402 of S.
 23 Con. Res. 95 (108th Congress), as made applicable to the
 24 House of Representatives by H. Res. 649 (108th Con-

gress) and applicable to the Senate by section 14007 of Public Law 108–287.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Defense Health Program”, \$12,000,000, for emergency hurricane and other natural disaster-related expenses, which shall be available for transfer to reimburse costs incurred in fiscal year 2004: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Appropriations provided in this chapter are available for obligation until September 30, 2005, unless otherwise so provided in this chapter.

SEC. 302. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 305. Section 8090(b) of the Department of De-
fense Appropriations Act, 2005 (Public Law 108–287;
118 Stat. 992), is amended by striking “\$185,000,000”,
and inserting “\$190,000,000”.

SEC. 306. Upon his determination that such action is necessary in the national interest to address emergency hurricane and other natural disaster-related expenses, the Secretary of Defense may transfer between appropriations up to \$200,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available

1 to the Department of Defense and is subject to the same
 2 terms and conditions as the authority provided in section
 3 8005 of the Department of Defense Appropriations Act,
 4 2005 (Public Law 108–287): *Provided further*, That such
 5 amount is designated as an emergency requirement pursu-
 6 ant to section 402 of S. Con. Res. 95 (108th Congress),
 7 as made applicable to the House of Representatives by H.
 8 Res. 649 (108th Congress) and applicable to the Senate
 9 by section 14007 of Public Law 108–287.

10 SEC. 307. Section 9010(b) of the Department of De-
 11 fense Appropriations Act, 2005 (Public Law 108–287;
 12 118 Stat. 1008; 10 U.S.C. 113 note), is amended by strik-
 13 ing “section 12304” in paragraphs (7) and (8) and insert-
 14 ing “section 12302”.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 308. TECHNICAL ADJUSTMENTS TO PUBLIC
 17 LAW 108–287. Notwithstanding any other provision in
 18 law, the following adjustments and transfers shall apply
 19 to funds previously made available and to restrictions in
 20 the Department of Defense Appropriations Act, 2005
 21 (Public Law 108–287):

22 (1) ARMORED PASSENGER VEHICLES.—Under
 23 the heading, “Other Procurement, Army”, strike
 24 “purchase of 1 vehicle” and insert “purchase of 21
 25 vehicles”, and under the heading, “Other Procure-
 26 ment, Army”, strike “not to exceed \$200,000” and

1 insert “not to exceed \$275,000”: *Provided*, That any
2 purchases under the authority of this section in ex-
3 cess of one vehicle may only be in direct support of
4 force protection requirements.

5 (2) TRANSFER OF FUNDS.—Upon enactment of
6 this Act, the Secretary of Defense shall make the
7 following transfer of funds: *Provided*, That the
8 amounts transferred shall be made available for the
9 same purpose and the same time period as the ap-
10 propriation to which transferred: *Provided further*,
11 That the authority provided in this section is in ad-
12 dition to any other transfer authority available to
13 the Department of Defense: *Provided further*, That
14 all such amounts in this section are designated as an
15 emergency requirement pursuant to section 402 of
16 S. Con. Res. 95 (108th Congress), as made applica-
17 ble to the House of Representatives by H. Res. 649
18 (108th Congress) and applicable to the Senate by
19 section 14007 of Public Law 108–287: *Provided fur-*
20 *ther*, That the amounts shall be transferred between
21 the following appropriations, in the amounts speci-
22 fied:

23 To:

1 Under the heading, “Research, Devel-
2 opment, Test and Evaluation, Defense-
3 Wide, 2005/2006”, \$5,950,000;

4 From:

5 Under the heading, “Operation and
6 Maintenance, Army”, \$5,950,000.

7 To:

8 Under the heading, “Procurement,
9 Marine Corps, 2005/2007”, as provided in
10 title IX of Public Law 108–287,
11 \$7,000,000;

12 From:

13 Under the heading, “Operation and
14 Maintenance, Marine Corps”, as provided
15 in title IX of Public Law 108–287,
16 \$7,000,000.

17 To:

18 The Department of Veterans Affairs,
19 under the heading, “Medical Services”,
20 \$500,000;

21 From:

22 Under the heading, “Defense Health
23 Program”, Operation and Maintenance,
24 \$500,000.

25 To:

1 Under the heading, “Operation and
2 Maintenance, Army National Guard”,
3 \$1,400,000;

4 From:

5 Under the heading, “Operation and
6 Maintenance, Army”, \$1,400,000.

7 (3) SECTION 9014 AUTHORITIES.—The author-
8 ity provided in section 9014 of the Department of
9 Defense Appropriations Act, 2005 (Public Law 108–
10 287; 118 Stat. 1009), shall apply with respect to the
11 period beginning on June 29, 2003, and ending on
12 August 4, 2004, in addition to the period of applica-
13 bility provided pursuant to section 9001 of that Act.

14 SEC. 309. Section 9007 of the Department of De-
15 fense Appropriations Act, 2005 (Public Law 108–287), is
16 amended by striking “\$300,000,000”, and inserting
17 “\$500,000,000”.

18 SEC. 310. Section 9006 of the Department of De-
19 fense Appropriations Act, 2005 (Public Law 108–287), is
20 amended by striking “New Iraqi Army”, and inserting
21 “Iraqi Armed Forces, to include the Iraqi National
22 Guard”.

1 CHAPTER 4
2 DEPARTMENT OF DEFENSE—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL
5 GENERAL INVESTIGATIONS

6 For an additional amount for “General Investiga-
7 tions” for emergency expenses for the update of studies
8 necessitated by storm damage to shore protection projects,
9 \$400,000, to remain available until expended: *Provided*,
10 That such amount is designated as an emergency require-
11 ment pursuant to section 402 of S. Con. Res. 95 (108th
12 Congress), as made applicable to the House of Representa-
13 tives by H. Res. 649 (108th Congress) and applicable to
14 the Senate by section 14007 of Public Law 108–287.

15 CONSTRUCTION, GENERAL

16 For an additional amount for “Construction, Gen-
17 eral” for emergency expenses for repair of storm damage
18 for authorized shore protection projects and assessment
19 of project performance of such projects, \$62,600,000, to
20 remain available until expended: *Provided*, That such
21 amount is designated as an emergency requirement pursu-
22 ant to section 402 of S. Con. Res. 95 (108th Congress),
23 as made applicable to the House of Representatives by H.
24 Res. 649 (108th Congress) and applicable to the Senate
25 by section 14007 of Public Law 108–287.

1 FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES,
2 ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MIS-
3 SSISSIPPI, MISSOURI AND TENNESSEE

4 For an additional amount for “Flood Control, Mis-
5 sissippi River and Tributaries, Arkansas, Illinois, Ken-
6 tucky, Louisiana, Mississippi, Missouri and Tennessee”
7 for emergency expenses for levee and revetment repair and
8 for emergency dredging, \$6,000,000, to remain available
9 until expended: *Provided*, That such amount is designated
10 as an emergency requirement pursuant to section 402 of
11 S. Con. Res. 95 (108th Congress), as made applicable to
12 the House of Representatives by H. Res. 649 (108th Con-
13 gress) and applicable to the Senate by section 14007 of
14 Public Law 108–287.

15 OPERATION AND MAINTENANCE, GENERAL

16 For an additional amount for “Operation and Main-
17 tenance, General” for emergency expenses for repair of
18 storm damage to authorized projects, \$175,000,000, to re-
19 main available until expended: *Provided*, That such
20 amount is designated as an emergency requirement pursu-
21 ant to section 402 of S. Con. Res. 95 (108th Congress),
22 as made applicable to the House of Representatives by H.
23 Res. 649 (108th Congress) and applicable to the Senate
24 by section 14007 of Public Law 108–287.

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For an additional amount for “Flood Control and
 3 Coastal Emergencies” for emergency expenses for repair
 4 of damage to flood control and hurricane shore protection
 5 projects by storms and other natural disasters,
 6 \$148,000,000, to remain available until expended: *Pro-*
 7 *vided*, That such amount is designated as an emergency
 8 requirement pursuant to section 402 of S. Con. Res. 95
 9 (108th Congress), as made applicable to the House of
 10 Representatives by H. Res. 649 (108th Congress) and ap-
 11 plicable to the Senate by section 14007 of Public Law
 12 108–287.

13 CHAPTER 5

14 BILATERAL ECONOMIC ASSISTANCE

15 FUNDS APPROPRIATED TO THE PRESIDENT

16 UNITED STATES AGENCY FOR INTERNATIONAL

17 DEVELOPMENT

18 INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

19 For an additional amount for “International Disaster
 20 and Famine Assistance”, \$100,000,000, to remain avail-
 21 able until September 30, 2005: *Provided*, That funds ap-
 22 propriated by this paragraph shall be available to respond
 23 to the disasters caused by hurricanes and tropical storms
 24 in the Caribbean region: *Provided further*, That such
 25 amount is designated as an emergency requirement pursu-

1 ant to section 402 of S. Con. Res. 95 (108th Congress),
 2 as made applicable to the House of Representatives by H.
 3 Res. 649 (108th Congress) and applicable to the Senate
 4 by section 14007 of Public Law 108–287: *Provided fur-*
 5 *ther*, That funds appropriated by this paragraph shall be
 6 available notwithstanding section 10 of Public Law 91–
 7 672 and section 15 of the State Department Basic Au-
 8 thorities Act of 1956.

9 CHAPTER 6

10 DEPARTMENT OF HOMELAND SECURITY

11 UNITED STATES COAST GUARD

12 OPERATING EXPENSES

13 For an additional amount for “Operating Expenses”
 14 for expenses resulting from the recent natural disasters
 15 in the southeastern United States, \$33,367,310, to remain
 16 available until expended: *Provided*, That the amounts pro-
 17 vided herein are designated as an emergency requirement
 18 pursuant to section 402 of S. Con. Res. 95 (108th Con-
 19 gress), as made applicable to the House of Representatives
 20 by H. Res. 649 (108th Congress) and applicable to the
 21 Senate by section 14007 of Public Law 108–287.

22 EMERGENCY PREPAREDNESS AND RESPONSE

23 DISASTER RELIEF

24 For an additional amount for “Disaster Relief”,
 25 \$6,500,000,000, to remain available until expended: *Pro-*

1 *vided*, That such amount is designated as an emergency
 2 requirement pursuant to section 402 of S. Con. Res. 95
 3 (108th Congress), as made applicable to the House of
 4 Representatives by H. Res. 649 (108th Congress) and ap-
 5 plicable to the Senate by section 14007 of Public Law
 6 108–287.

7 CHAPTER 7

8 DEPARTMENT OF THE INTERIOR

9 UNITED STATES FISH AND WILDLIFE SERVICE

10 CONSTRUCTION

11 For an additional amount for “Construction”,
 12 \$50,352,000, to remain available until expended, to ad-
 13 dress damages from natural disasters: *Provided*, That
 14 such amount is designated as an emergency requirement
 15 pursuant to section 402 of S. Con. Res. 95 (108th Con-
 16 gress), as made applicable to the House of Representatives
 17 by H. Res. 649 (108th Congress) and applicable to the
 18 Senate by section 14007 of Public Law 108–287.

19 NATIONAL PARK SERVICE

20 CONSTRUCTION

21 For an additional amount for “Construction”,
 22 \$50,802,000, to remain available until expended, to ad-
 23 dress damages from natural disasters: *Provided*, That
 24 such amount is designated as an emergency requirement
 25 pursuant to section 402 of S. Con. Res. 95 (108th Con-

gress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research”, \$3,000,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108–287.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry”, \$49,100,000, to remain available until expended, to address damages from natural disasters: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and ap-

1 plicable to the Senate by section 14007 of Public Law
2 108–287.

3 NATIONAL FOREST SYSTEM

4 For an additional amount for “National Forest Sys-
5 tem”, \$12,153,000, to remain available until expended, to
6 address damages from natural disasters: *Provided*, That
7 such amount is designated as an emergency requirement
8 pursuant to section 402 of S. Con. Res. 95 (108th Con-
9 gress), as made applicable to the House of Representatives
10 by H. Res. 649 (108th Congress) and applicable to the
11 Senate by section 14007 of Public Law 108–287.

12 WILDLAND FIRE MANAGEMENT

13 For an additional amount for “Wildland Fire Man-
14 agement”, \$1,028,000, to remain available until expended,
15 to address damages from natural disasters: *Provided*, That
16 such amount is designated as an emergency requirement
17 pursuant to section 402 of S. Con. Res. 95 (108th Con-
18 gress), as made applicable to the House of Representatives
19 by H. Res. 649 (108th Congress) and applicable to the
20 Senate by section 14007 of Public Law 108–287.

21 CAPITAL IMPROVEMENT AND MAINTENANCE

22 For an additional amount for “Capital Improvement
23 and Maintenance”, \$50,815,000, to remain available until
24 expended, to address damages from natural disasters: *Pro-*
25 *vided*, That such amount is designated as an emergency
26 requirement pursuant to section 402 of S. Con. Res. 95

1 (108th Congress), as made applicable to the House of
2 Representatives by H. Res. 649 (108th Congress) and ap-
3 plicable to the Senate by section 14007 of Public Law
4 108–287.

5 CHAPTER 8

6 DEPARTMENT OF HEALTH AND HUMAN
7 SERVICES

8 DEPARTMENTAL MANAGEMENT

9 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

10 FUND

11 For an additional amount for “Public Health and So-
12 cial Services Emergency Fund” to support aging services,
13 social services and health services associated with natural
14 disaster recovery and response efforts, \$50,000,000, to re-
15 main available until expended: *Provided*, That such
16 amount is designated as an emergency requirement pursu-
17 ant to section 402 of S. Con. Res. 95 (108th Congress),
18 as made applicable to the House of Representatives by H.
19 Res. 649 (108th Congress) and applicable to the Senate
20 by section 14007 of Public Law 108–287.

1 CHAPTER 9
2 DEPARTMENT OF DEFENSE
3 MILITARY CONSTRUCTION
4 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
5 For an additional amount for “Military Construction,
6 Navy and Marine Corps”, \$138,800,000, to remain avail-
7 able until September 30, 2007 for emergency expenses re-
8 sulting from natural disasters: *Provided*, That such
9 amount is designated as an emergency requirement pursu-
10 ant to section 402 of S. Con. Res. 95 (108th Congress),
11 as made applicable to the House of Representatives by H.
12 Res. 649 (108th Congress) and applicable to the Senate
13 by section 14007 of Public Law 108–287: *Provided fur-*
14 *ther*, That notwithstanding any other provision of law,
15 such funds may be obligated and expended to carry out
16 planning and design and military construction projects not
17 otherwise authorized by law: *Provided further*, That none
18 of these funds may be obligated for new construction
19 projects until fourteen days after the Secretary of the
20 Navy provides a notification that describes the project, in-
21 cluding the form 1391, to the Subcommittee on Military
22 Construction of the Committee on Appropriations and the
23 Committee on Armed Services of both Houses of Congress.

15 FAMILY HOUSING OPERATION AND MAINTENANCE,

For an additional amount for “Family Housing Oper-
ation and Maintenance, Army”, \$1,200,000, to remain
available until September 30, 2005 for emergency ex-
penses resulting from natural disasters: *Provided*, That
such amount is designated as an emergency requirement
pursuant to section 402 of S. Con. Res. 95 (108th Con-
gress), as made applicable to the House of Representatives
by H. Res. 649 (108th Congress) and applicable to the
Senate by section 14007 of Public Law 108–287.

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

3 For an additional amount for “Family Housing Oper-
4 ation and Maintenance, Navy and Marine Corps”,
5 \$9,100,000, to remain available until September 30, 2005
6 for emergency expenses resulting from natural disasters:
7 *Provided*, That such amount is designated as an emer-
8 gency requirement pursuant to section 402 of S. Con. Res.
9 95 (108th Congress), as made applicable to the House of
10 Representatives by H. Res. 649 (108th Congress) and ap-
11 plicable to the Senate by section 14007 of Public Law
12 108–287.

13 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
14 FORCE

15 For an additional amount for “Family Housing Oper-
16 ation and Maintenance, Air Force”, \$11,400,000, to re-
17 main available until September 30, 2005 for emergency
18 expenses resulting from natural disasters: *Provided*, That
19 such amount is designated as an emergency requirement
20 pursuant to section 402 of S. Con. Res. 95 (108th Con-
21 gress), as made applicable to the House of Representatives
22 by H. Res. 649 (108th Congress) and applicable to the
23 Senate by section 14007 of Public Law 108–287.

1 BASE REALIGNMENT AND CLOSURE ACCOUNT

2 For an additional amount to be deposited into the
 3 Department of Defense Base Closure Account 1990,
 4 \$50,000, to remain available until September 30, 2005 for
 5 emergency expenses resulting from natural disasters: *Pro-*
 6 *vided*, That such amount is designated as an emergency
 7 requirement pursuant to section 402 of S. Con. Res. 95
 8 (108th Congress), as made applicable to the House of
 9 Representatives by H. Res. 649 (108th Congress) and ap-
 10 plicable to the Senate by section 14007 of Public Law
 11 108–287.

12 CHAPTER 10

13 DEPARTMENT OF TRANSPORTATION

14 FEDERAL AVIATION ADMINISTRATION

15 FACILITIES AND EQUIPMENT

16 (AIRPORT AND AIRWAY TRUST FUND)

17 For an additional amount for “Facilities and Equip-
 18 ment”, for expenses resulting from the recent natural dis-
 19 asters in the southeastern United States, \$5,100,000, to
 20 be derived from the airport and airway trust fund and to
 21 remain available until expended: *Provided*, That such
 22 amount is designated as an emergency requirement pursu-
 23 ant to section 402 of S. Con. Res. 95 (108th Congress),
 24 as made applicable to the House of Representatives by H.
 25 Res. 649 (108th Congress) and applicable to the Senate
 26 by section 14007 of Public Law 108–287.

1 GRANTS-IN-AID FOR AIRPORTS

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For emergency capital costs to repair or replace pub-
4 lic use facilities at public use airports listed in the Federal
5 Aviation Administration's National Plan of Integrated
6 Airport Systems resulting from damage from hurricanes
7 Charley, Frances, Ivan, and Jeanne, to enable the Federal
8 Aviation Administrator to compensate airports for such
9 costs, \$25,000,000, to be derived from the airport and air-
10 way trust fund and to remain available until expended:
11 *Provided*, That such amount is designated as an emer-
12 gency requirement pursuant to section 402 of S. Con. Res.
13 95 (108th Congress), as made applicable to the House of
14 Representatives by H. Res. 649 (108th Congress) and ap-
15 plicable to the Senate by section 14007 of Public Law
16 108-287.

17 FEDERAL HIGHWAY ADMINISTRATION

18 FEDERAL-AID HIGHWAYS

19 EMERGENCY RELIEF PROGRAM

20 (HIGHWAY TRUST FUND)

21 (INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

22 For an additional amount for the Emergency Relief
23 Program, as authorized by 23 U.S.C. 125,
24 \$1,550,000,000, for emergency expenses to respond to
25 natural disasters or catastrophic failures from external
26 causes, to be derived from the Highway Trust Fund (other

1 than the Mass Transit Account) and to remain available
2 until expended: *Provided*, That notwithstanding 23 U.S.C.
3 125(d)(1), the Secretary of Transportation may obligate
4 more than \$100,000,000 for projects arising from hurri-
5 canes Charley, Frances, Ivan, and Jeanne: *Provided fur-*
6 *ther*, That the amounts provided under this heading are
7 designated as an emergency requirement pursuant to sec-
8 tion 402 of S. Con. Res. 95 (108th Congress), as made
9 applicable to the House of Representatives by H. Res. 649
10 (108th Congress) and applicable to the Senate by section
11 14007 of Public Law 108–287: *Provided further*, That, of
12 the unobligated balances of funds apportioned to each
13 State under the programs authorized under sections
14 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and
15 1101(a)(5) of Public Law 105–178, as amended,
16 \$1,063,000,000 are hereby rescinded.

17 EXECUTIVE OFFICE OF THE PRESIDENT

18 UNANTICIPATED NEEDS

19 For an additional amount for “Unanticipated
20 Needs”, not to exceed \$70,000,000, to remain available
21 until September 30, 2005, for the American Red Cross
22 for reimbursement of disaster relief and recovery expendi-
23 tures and emergency services associated with Hurricanes
24 Charley, Frances, Ivan, and Jeanne, and only to the ex-
25 tent funds are not made available for those activities by

1 other federal sources: *Provided*, That these funds may be
 2 administered by any authorized federal government agen-
 3 cy to meet the purposes of this provision and that total
 4 administrative costs shall not exceed three percent of the
 5 total appropriation: *Provided further*, That the Comp-
 6 troller General shall audit the use of these funds by the
 7 American Red Cross: *Provided further*, That such amount
 8 is designated as an emergency requirement pursuant to
 9 section 402 of S. Con. Res. 95 (108th Congress), as made
 10 applicable to the House of Representatives by H. Res. 649
 11 (108th Congress) and applicable to the Senate by section
 12 14007 of Public Law 108–287

13 CHAPTER 11

14 DEPARTMENT OF VETERANS AFFAIRS

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL SERVICES

17 For an additional amount for “Medical services” for
 18 expenses related to recent natural disasters in the South-
 19 east, \$38,283,000, to remain available until September
 20 30, 2005: *Provided*, That the amounts provided herein are
 21 designated as an emergency requirement pursuant to sec-
 22 tion 402 of S. Con. Res. 95 (108th Congress), as made
 23 applicable to the House of Representatives by H. Res. 649
 24 (108th Congress) and applicable to the Senate by section
 25 14007 of Public Law 108–287.

1 MEDICAL ADMINISTRATION

2 For an additional amount for “Medical administra-
3 tion” for expenses related to recent natural disasters in
4 the Southeast, \$1,940,000, to remain available until Sep-
5 tember 30, 2005: *Provided*, That the amounts provided
6 herein are designated as an emergency requirement pursu-
7 ant to section 402 of S. Con. Res. 95 (108th Congress),
8 as made applicable to the House of Representatives by H.
9 Res. 649 (108th Congress) and applicable to the Senate
10 by section 14007 of Public Law 108–287.

11 MEDICAL FACILITIES

12 For an additional amount for “Medical facilities” for
13 expenses related to recent natural disasters in the South-
14 east, \$46,909,000, to remain available until September
15 30, 2005: *Provided*, That the amounts provided herein are
16 designated as an emergency requirement pursuant to sec-
17 tion 402 of S. Con. Res. 95 (108th Congress), as made
18 applicable to the House of Representatives by H. Res. 649
19 (108th Congress) and applicable to the Senate by section
20 14007 of Public Law 108–287.

21 DEPARTMENTAL ADMINISTRATION

22 GENERAL OPERATING EXPENSES

23 For an additional amount for “General operating ex-
24 penses”, for expenses related to recent natural disasters
25 in the Southeast, \$545,000, to remain available until Sep-
26 tember 30, 2005: *Provided*, That the amounts provided

1 herein are designated as an emergency requirement pursu-
2 ant to section 402 of S. Con. Res. 95 (108th Congress),
3 as made applicable to the House of Representatives by H.
4 Res. 649 (108th Congress) and applicable to the Senate
5 by section 14007 of Public Law 108–287.

6 NATIONAL CEMETERY ADMINISTRATION

7 For an additional amount for “National Cemetery
8 Administration”, for expenses related to recent natural
9 disasters in the Southeast, \$50,000, to remain available
10 until September 30, 2005: *Provided*, That the amounts
11 provided herein are designated as an emergency require-
12 ment pursuant to section 402 of S. Con. Res. 95 (108th
13 Congress), as made applicable to the House of Representa-
14 tives by H. Res. 649 (108th Congress) and applicable to
15 the Senate by section 14007 of Public Law 108–287.

16 CONSTRUCTION, MINOR PROJECTS

17 For an additional amount for “Construction, minor
18 projects”, for expenses related to recent natural disasters
19 in the Southeast, \$36,343,000, to remain available until
20 September 30, 2005: *Provided*, That the amounts provided
21 herein are designated as an emergency requirement pursu-
22 ant to section 402 of S. Con. Res. 95 (108th Congress),
23 as made applicable to the House of Representatives by H.
24 Res. 649 (108th Congress) and applicable to the Senate
25 by section 14007 of Public Law 108–287.

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT
3 COMMUNITY PLANNING AND DEVELOPMENT
4 COMMUNITY DEVELOPMENT FUND

5 For an additional amount for “Community development
6 block grants”, as authorized under title I of the Housing
7 and Community Development Act of 1974 (Act), for use
8 only for disaster relief, long-term recovery, and mitigation
9 in communities affected by disasters designated by the
10 President during fiscal year 2004, except those activities
11 reimbursable by the Federal Emergency Management
12 Agency or available through the Small Business Adminis-
13 tration, and for reimbursement for expenditures incurred
14 from the regular Community Development Block Grant
15 formula allocation used to achieve these same purposes,
16 \$150,000,000, to remain available until September 30,
17 2007: *Provided*, That the amounts provided herein are
18 designated as an emergency requirement pursuant to sec-
19 tion 402 of S. Con. Res. 95 (108th Congress), as made
20 applicable to the House of Representatives by H. Res. 649
21 (108th Congress) and applicable to the Senate by section
22 14007 of Public Law 108–287: *Provided further*, That all
23 funds under this heading shall be awarded by the Sec-
24 retary to states (including Indian tribes for all purposes
25 under this heading) to be administered by each state in

1 conjunction with its community development block grants
2 program: *Provided further*, That notwithstanding 42
3 U.S.C. 5306(d)(2), states are authorized to provide such
4 assistance to entitlement communities: *Provided further*,
5 That in administering these funds, the Secretary may
6 waive, or specify alternative requirements for, any provi-
7 sion of any statute or regulation that the Secretary admin-
8 isters in connection with the obligation by the Secretary
9 or the use by the recipient of these funds (except for re-
10 quirements related to fair housing, nondiscrimination,
11 labor standards, and the environment), upon a finding
12 that such waiver is required to facilitate the use of such
13 funds, and would not be inconsistent with the overall pur-
14 pose of the statute: *Provided further*, That the Secretary
15 may waive the requirements that activities benefit persons
16 of low and moderate income, except that at least 50 per-
17 cent of the funds under this heading must benefit pri-
18 marily persons of low and moderate income unless the Sec-
19 retary makes a finding of compelling need: *Provided fur-*
20 *ther*, That the Secretary shall publish in the Federal Reg-
21 ister any waiver of any statute or regulation authorized
22 under this heading no later than 5 days before the effec-
23 tive date of such waiver: *Provided further*, That any
24 project or activity underway prior to a Presidential dis-
25 aster declaration may not receive funds under this heading

1 unless the disaster directly impacted the project: *Provided*
 2 *further*, That each state shall provide not less than 25 per-
 3 cent in non-Federal public matching funds or its equiva-
 4 lent value (other than administrative costs) for any funds
 5 allocated to the state under this heading.

6 INDEPENDENT AGENCIES

7 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

8 SPACE FLIGHT CAPABILITIES

9 For an additional amount for “Space flight capabili-
 10 ties”, to repair assets damaged and take other emergency
 11 measures due to the effects of hurricanes and other disas-
 12 ters declared by the President, \$185,000,000, to remain
 13 available until expended: *Provided*, That the amounts pro-
 14 vided herein are designated as an emergency requirement
 15 pursuant to section 402 of S. Con. Res. 95 (108th Con-
 16 gress), as made applicable to the House of Representatives
 17 by H. Res. 649 (108th Congress) and applicable to the
 18 Senate by section 14007 of Public Law 108–287.

19 GENERAL PROVISION—THIS CHAPTER

20 SEC. 1101. From funds that are available in the un-
 21 obligated balances of any funds appropriated under “Med-
 22 ical services”, for fiscal year 2004, the Secretary of Vet-
 23 erans Affairs may transfer up to \$125,000,000 to “Gen-
 24 eral operating expenses” for costs associated with proc-
 25 essing claims where the basis of the entitlement is claimed

1 disability incurred as a result of a veteran's service, sub-
2 ject to a determination by the Secretary of Veterans Af-
3 fairs that such additional funds are necessary.

4 CHAPTER 12

5 GENERAL PROVISION—THIS ACT

6 SEC. 1201. No part of any appropriation contained
7 in this Act shall remain available for obligation beyond
8 the current fiscal year unless expressly so provided herein.

9 This Act may be cited as the “Emergency Supple-
10 mental Appropriations for Hurricane Disasters Assistance
11 Act, 2005”.

