



THE DIRECTOR

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

October 7, 2004

The Honorable C. W. Bill Young
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Administration appreciates the support of the Congress in expeditiously addressing the effects of the four recent hurricanes on Florida and other areas. As you know, the President is committed to ensuring that the impacts of the recent hurricanes are addressed and, to that end, the Administration has sought resources totaling \$12.9 billion to date.

Our staffs have continued to work together to refine the estimates of hurricane-related needs in Florida and other affected areas. Consistent with those on-going efforts, enclosed is a list of additional emergency hurricane-related resources that we have mutually identified for inclusion in the final version of the emergency supplemental legislation. We have also included legislative language for your consideration.

These additional funds, totaling \$887.4 million, are for the Departments of Agriculture, Homeland Security, the Interior, and Transportation, as well as the U.S. Army Corps of Engineers. When combined with already enacted emergency appropriations, supplemental funding associated with these major disasters will total \$13.8 billion.

The requests include the following:

Department of Agriculture (USDA)

- \$348.1 million is requested for USDA, including: \$78.1 million for the Forest Service; \$55 million for the Emergency Watershed Protection Program; and, \$65 million more for the Emergency Conservation Program for areas damaged by the hurricanes. This request is in addition to the \$565 million already requested for USDA.

Department of Homeland Security

- \$7.4 million is requested for additional hurricane-related damage sustained by the Coast Guard, primarily associated with Hurricane Jeanne. This request is in addition to the \$26 million already requested for the Coast Guard.

Department of the Interior (DOI)

- \$15.1 million is requested for DOI, including: \$13.2 million for the Fish and Wildlife Service, and \$1.9 million for the National Park Service. This request is in addition to the \$77.3 million already requested for DOI.

Department of Transportation

- \$402 million is requested for the Federal Highway Administration's (FHWA) Emergency Relief Program for emergency repairs to eligible highways and roads affected by recent tropical cyclones. This is in addition to the \$800 million already requested for the FHWA.

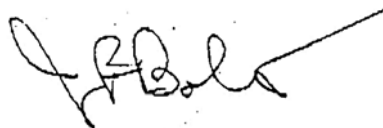
U.S. Army Corps of Engineers (Corps)

- \$117.4 million is requested for the Corps to restore navigation channels, repair and rehabilitate coastal areas, and address other projects in areas affected by the hurricanes. This request is in addition to the \$245 million already requested for the Corps.

The Administration also supports the realignment of the appropriation of funds from defense-wide transfer accounts into service specific accounts for the Department of Defense, accompanied by appropriate transfer authority to meet emerging and unanticipated needs. Likewise, we support realignment of the appropriation of requested funds for the National Oceanic and Atmospheric Administration and the Federal Aviation Administration. We continue to believe, however, that funds for Community Development Block Grants should be provided in the form originally requested by the Administration. These proposals are fully reflected in the attached draft legislative language.

We appreciate your efforts to provide this necessary assistance to areas affected by the recent hurricanes.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bolten', with a long horizontal stroke extending to the right.

Joshua B. Bolten
Director

Enclosure

Identical Letter Sent to The Honorable C. W. Bill Young, The Honorable David R. Obey,
The Honorable Ted Stevens, and The Honorable Robert C. Byrd

ADDITIONAL HURRICANE-RELATED EMERGENCY REQUIREMENTS

Department of Agriculture:	
Forest Service, Capital Improvement and Maintenance.....	\$17,815,000
Forest Service, State and Private Forestry	\$49,100,000
Forest Service, National Forest System.....	\$10,153,000
Forest Service, Wildland Fire Management.....	\$ 1,028,000
Natural Resources Conservation Service, Emergency Watershed Protection Program	\$55,000,000
Farm Service Agency, Emergency Conservation Program	\$65,000,000
Rural Housing Service, Rural Housing Insurance Fund	\$ 5,000,000
Rural Housing Service, Rural Housing Assistance Grants	\$13,000,000
Payments to Sugar Producers	\$40,000,000
Cottonseed	\$10,000,000
Rural Development: Rural Community Assistance Program:	
Water and Wastewater	\$50,000,000
Community Facilities	\$18,000,000
Dairy/Milk	\$10,000,000
Farm Service Administration, Administrative Costs	\$ 4,000,000
 Department of Commerce.....	 (\$3,000,000)
 Department of Defense.....	 \$ 511,000
Department of Homeland Security:	
Coast Guard, Operating Expenses.....	\$ 7,367,310
Department of the Interior:	
Fish and Wildlife Service, Construction	\$13,152,000
National Park Service, Construction and Major Maintenance	\$ 1,902,000
Department of Transportation:	
Federal Highways Administration, Emergency Relief	\$402,000,000
Corps of Engineers	
Operations and Maintenance, General.....	\$51,400,000
Flood Control and Coastal Emergencies	\$ 1,000,000
Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	\$ 2,000,000
General Investigations	\$ 400,000
Construction, General	\$62,600,000

	\$887,428,310

Administration Proposal

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, to provide emergency supplemental appropriations for additional disaster assistance relating to storm damage, and for other purposes, namely:

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

The matter under this heading is amended to read as follows:

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 Congress designates this amount as an emergency requirement for this specific purpose.

National Forest System

For an additional amount for "National Forest System," \$12,153,000, to remain available until expended, for emergency hurricane-related expenses: *Provided*,

That Congress designates this amount as an emergency requirement for this specific purpose.

Wildland Fire Management

For an additional amount for "Wildland Fire Management", \$1,028,000, to remain available until expended, to address damages from natural disasters:

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

Capital Improvements and Maintenance

For an additional amount for "Capital Improvements and Maintenance", \$50,815,000, to remain available until expended, for emergency hurricane-related

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

GENERAL PROVISIONS - DEPARTMENT OF AGRICULTURE

AGRICULTURAL ASSISTANCE

The matter under this heading is amended to read as follows:

SEC. 101. Agricultural Hurricane Assistance

(a) Crop Disaster Assistance

(1)(A) The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm in the United States, including Puerto Rico that have incurred qualifying losses for the 2004 or 2005 crop of an agricultural commodity due to damaging weather related to any hurricane or tropical storm of the 2004 hurricane season, in counties declared disaster areas by the President of the United States.

(B) The Secretary shall make assistance available under this section in the same manner as provided under section 202 of Public Law 108-7, including using the same loss thresholds as were used in administering that section.

(2)(A) The payment rate for a crop for assistance provided under this section to the producers on a farm shall be calculated as follows:

(i) If the producers obtained a policy or plan of insurance, including a catastrophic risk protection plan, for the crop under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), 50 percent of the established RMA price for the crop.

(ii) If a policy or plan of insurance, including a catastrophic risk protection plan, for the crop was not available to the producers under the Federal Crop Insurance Act, 50 percent of the State average price for the crop.

(iii) Subject to sub-paragraphs 4 and 5, if the producers did not obtain a policy or plan of

insurance, including a catastrophic risk protection plan, available for the crop under the Federal Crop Insurance Act, 45 percent of the established RMA price for the crop.

(B) The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under paragraph A of this subsection shall be reduced by the amount of assistance that the producer receives from section 32 of the Act of August 24, 1935 with respect to 2004 hurricane losses.

(C)(i) Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2)(A) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(ii) In applying the limitation in paragraph (C)(i), the Secretary shall include the following:

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

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

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

(A) This limit applies to the sum of payments from this program, as well as payments made under section 32 of the Act of August 24, 1935 with respect to 2004 hurricane losses.

(3) Except as provided in paragraph (4), the producers on a farm shall not be eligible for assistance under this section with

respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

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

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 for the crop incurring the losses; or

(C) had adjusted gross incomes, as defined by section 1001D of the Food Security Act of 1985, of greater than \$2.5 million in 2003; or

(D) were not in compliance with highly erodible land conservation and wetland conservation provisions.

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

(A) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act providing additional coverage for the insurable commodity for each of the next two crop years;

(B) in the case of a noninsurable commodity, to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next two crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996.

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

(6) Definitions.—In this sub-section:

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

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

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

(b) Clean-Up Assistance.--The Secretary shall provide up to \$100,000,000 of Commodity Credit Corporation funds for the Emergency Watershed Protection Program and/or the Emergency Conservation Program to carry out additional activities in response to the 2004 hurricanes and tropical storms, including the provision of technical and financial assistance for improvements and clean-up. Persons that received payments from section 32 of the Act of August

24, 1935 with respect to 2004 hurricane losses are not eligible for these funds. Funds will be allocated to the programs, as determined by the Secretary.

(c) Section 32 Payments.--The Secretary shall transfer \$90,000,000 of funds of the Commodity Credit Corporation to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out payments with respect to 2004 hurricane losses.

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

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

(f) The Secretary, acting through the Farm Service Agency, may use not more than \$4,000,000 to cover administrative expenses associated with the implementation of sections 101 and 102 of this chapter.

SEC. 102. – The Secretary of Agriculture shall use \$40,000,000 to make payments to processors in Florida that are eligible to obtain a loan under section

156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses that are related to hurricanes, tropical storms, excessive rains, and floods in Florida during calendar year 2004, to be calculated and paid on the basis of losses on 40 acre harvesting units, in counties declared a disaster by the President of the United States in 2004 due to hurricanes, on the same terms and conditions, to the extent practicable, as the payments made under section 207 of the Agricultural Assistance Act of 2003 (P.L. 108-7).

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

SEC. 104. The Secretary of Agriculture shall use \$10,000,000 to provide assistance to producers and first handlers of the 2004 crop of cottonseed located in counties declared a disaster by the President of the United States in 2004 due to hurricanes.

SEC. 105. The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out section 101, 102, 103, and 104 of this chapter, to remain available through September 30, 2006: *Provided*, That

Congress designates the amounts provided under sections 101, 102, 103, and 104 in this chapter an emergency requirement for these purposes.

SEC. 106. In addition to amounts otherwise provided, up to \$250,000,000, to remain available until expended, for the Emergency Watershed Protection Program and/or the Emergency Conservation Program for emergency hurricane-related expenses including the provision of technical and financial assistance for improvements and clean-up: *Provided*, That Congress designates this amount as an emergency requirement for these purposes. Persons that received payments from section 32 of the Act of August 24, 1935 with respect to 2004 hurricane losses are not eligible for these funds.

New Section:

Rural Development

Rural Community Advancement Program

For an additional amount for the “Rural Community Advancement Program”, \$68,000,000, to remain available until expended: *Provided*, That \$50,000,000 shall be available for water and waste disposal grants described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d): *Provided further*, That \$18,000,000 shall be available for community facility grants described in 381E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d): *Provided further*, That Congress designates this amount as an emergency requirement for this specific purpose.

Rural Housing Service

Rural Housing Insurance Fund Program Account

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, \$17,000,000 for section 504 housing repair loans: *Provided*, That this loan level shall be considered an estimate and not a limitation.

For the additional cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974: section 504 housing repair loans, \$5,000,000, to remain available until expended: *Provided*,

That Congress designates this amount as an emergency requirement for this specific purpose.

Rural Housing Assistance Grants

For an additional amount for “Rural Housing Assistance Grants”, \$13,000,000, to remain available until expended, of which \$8,000,000 shall be for grants and contracts for very low-income housing repair, made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and of which \$5,000,000 shall be for domestic farm labor housing grants and contracts, as authorized by 42 U.S.C. 1486: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Operations, Research, and Facilities

For an additional amount for "Operations, Research, and Facilities", \$7,900,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

Procurement, Acquisition and Construction

For an additional amount for "Procurement, Acquisition and Construction", \$3,800,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF DEFENSE

The matter under this heading is amended to read as follows:

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE -- MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Army", \$8,600,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Navy”, \$458,000,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,300,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Air Force”, \$165,400,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$100,000,000, 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 the Secretary of Defense may transfer these funds to appropriations for military personnel; operation and maintenance; the Defense Health Program; and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the

congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That Congress designates this amount as an emergency requirement for this specific purpose.

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

For an additional amount for “Operation and Maintenance, Army Reserve”, \$1,400,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, NAVY RESERVE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Navy Reserve”, \$1,000,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Air Force Reserve”, \$2,400,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Army National Guard”, \$10,500,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Air National Guard”, \$2,200,000, 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 Congress designates this amount as an emergency requirement for this specific purpose.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, \$2,500,000, to remain available until September 30, 2007, 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 Congress designates this amount as an emergency requirement for this specific purpose.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Procurement, Defense-Wide”, \$140,000,000, to remain available until September 30, 2007, for emergency hurricane and other

natural 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, replacement 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; procurement; and research, development, test and evaluation: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That not less than \$10,500,000 shall be transferred to “Aircraft Procurement, Air Force” for the procurement of WC-130 Hurricane Tracking

Equipment: *Provided further*, That not less than \$10,000,000 shall be transferred to “Missile Procurement, Air Force”, and not less than \$10,000,000 shall be transferred to “Other Procurement, Air Force” for costs associated with delayed satellite launches: *Provided further*, That not less than \$18,700,000 shall be transferred to “Other Procurement, Air Force” for Continuity of Operations equipment procurement at Headquarters United States Central Command: *Provided further*, That not less than \$20,000,000 shall be available only for replacement of laboratory and test range equipment at Eglin Air Force Base: *Provided further*, That Congress designates this amount as an emergency requirement for this specific purpose.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Defense Working Capital Funds”, \$4,100,000, for emergency hurricane and other natural disaster-related expenses, and which shall be available for transfer to reimburse costs incurred in fiscal year 2004: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

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 Congress designates this amount as an emergency requirement for this specific purpose.

Military Construction

Military Construction, Navy and Marine Corps

For an additional amount for “Military Construction, Navy and Marine Corps”, \$138,800,000, to remain available until September 30, 2007 for emergency expenses resulting 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 applicable to the Senate by section 14007 of Public Law 108-287: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That none

of these funds may be obligated for new construction projects until fourteen days after the Secretary of the Navy provides a notification that describes the project, including the form 1391, to the Subcommittee on Military Construction of the Committee on Appropriations and the Committee on Armed Services of both Houses of Congress.

Military Construction, Army Reserve

For an additional amount for “Military Construction, Army Reserve”, \$8,700,000, to remain available until September 30, 2007 for emergency expenses resulting 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 applicable to the Senate by section 14007 of Public Law 108-287: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

Family Housing Operation and Maintenance, Army

For an additional amount for “Family Housing Operation and Maintenance, Army”, \$1,200,000, to remain available until September 30, 2005 for emergency

expenses resulting 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 applicable to the Senate by section 14007 of Public Law 108-287.

Family Housing Operation and Maintenance, Navy and Marine Corps

For an additional amount for “Family Housing Operation and Maintenance, Navy and Marine Corps”, \$9,100,000, to remain available until September 30, 2005 for emergency expenses resulting 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 applicable to the Senate by section 14007 of Public Law 108-287.

Family Housing Operation and Maintenance, Air Force

For an additional amount for “Family Housing Operation and Maintenance, Air Force”, \$11,400,000, to remain available until September 30, 2005 for emergency expenses resulting 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 applicable to the Senate by section 14007 of Public Law 108-287.

Base Realignment and Closure Account

For an additional amount to be deposited into the Department of Defense Base Closure Account 1990, \$50,000, to remain available until September 30, 2005 for emergency expenses resulting 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 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. 303. Unless specifically enumerated elsewhere in this chapter, none of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2004 and 2005 defense appropriations, or to initiate a procurement or research, development, test and evaluation new start program without prior notification to the congressional defense committees.

Sec. 304. Section 8007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287); 118 Stat. 970), is amended by striking the words “in session”.

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

(TRANSFER OF FUNDS)

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 to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287): *Provided further*, That Congress designates this amount as an emergency requirement for this specific purpose.

Sec. 307. Section 9010(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1008; 10 U.S.C. 113 note), is amended by striking “section 12304” in paragraphs (7) and (8) and inserting “section 12302”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 308. TECHNICAL ADJUSTMENTS TO PUBLIC LAW 108-287.

Notwithstanding any other provision in law, the following adjustments and transfers shall apply to funds previously made available and to restrictions in the Department of Defense Appropriations Act, 2005 (Public Law 108-287):

- (a) *ARMORED PASSENGER VEHICLES*. -- Under the heading, “Other Procurement, Army”, strike “purchase of 1 vehicle” and insert “purchase of 21 vehicles”, and under the heading, “Other Procurement, Army”, strike “not

to exceed \$200,000” and insert “not to exceed \$275,000”: *Provided*, That any purchases under the authority of this section in excess of one vehicle may only be in direct support of force protection requirements.

(b) *Transfer of Funds*. -- Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided*, That the amounts transferred shall be made available for the same purpose and the same time period as the appropriation to which transferred: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That Congress designates this amount as an emergency requirement for this specific purpose: *Provided further*, That the amounts shall be transferred between the following appropriations, in the amounts specified:

To:

Under the heading, “Research, Development, Test and Evaluation, Defense-Wide, 2005/2006”, \$5,950,000;

From:

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

To:

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

From:

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

To:

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

From:

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

To:

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

From:

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

(c) *SECTION 9014 AUTHORITIES.* – The authority provided in section 9014 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1009), shall apply with respect to the period beginning on June 29, 2003, and ending on August 4, 2004, in addition to the period of applicability provided pursuant to section 9001 of that Act.

Sec. 309. Section 9007 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), is amended by striking “\$300,000,000”, and inserting “\$500,000,000”.

Sec. 310. Section 9006 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287), is amended by striking “New Iraqi Army”, and inserting “Iraqi Armed Forces, to include the Iraqi National Guard”.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENTAL MANAGEMENT

Public Health and Social Services Emergency Fund

For an additional amount for "Public Health and Social Services Emergency Fund" to support aging services, social services and health services associated with natural disaster recovery and response efforts, \$50,000,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF HOMELAND SECURITY

EMERGENCY PREPAREDNESS AND RESPONSE

Disaster Relief Fund

For an additional amount for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$6,500,000,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

UNITED STATES COAST GUARD

Operating Expenses

For an additional amount for “Operating Expenses”, \$33,367,310, to remain available until expended for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

Community Development Fund

For an additional amount for "Community Development Fund", as authorized under title I of the Housing and Community Development Act of 1974 (Act), for emergency expenses resulting from natural disasters in Florida, except

those activities reimbursable by the Federal Emergency Management Agency or available through the Small Business Administration, and for reimbursement for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes, \$150,000,000, to remain available until September 30, 2007: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose: *Provided further*, That such funds may be awarded to the State of Florida for affected areas: *Provided further*, That notwithstanding 42 U.S.C. 5306 (d) (2), the State of Florida is authorized to provide such assistance to entitlement communities: *Provided further*, That in administering these funds for economic revitalization activities in Florida, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That for activities funded by amounts provided herein, the Secretary may waive, on a case-by-case basis and upon such other terms as the Secretary may specify, in whole or in part, the requirements that activities principally benefit persons of low- and moderate-

income pursuant to 42 U.S.C. 5301(c) and 5304(b)(3): *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation authorized under this heading no later than 5 days before the effective date of such waiver.

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

Surveys, Investigations, and Research

For an additional amount for “Surveys, Investigations, and Research”, \$1,000,000, to remain available until expended for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

FISH AND WILDLIFE SERVICE

Resource Management

For an additional amount for “Resource Management”, \$2,700,000, to remain available until expended for emergency hurricane-related expenses:

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

Construction

For an additional amount for “Construction”, \$37,852,000, to remain available until expended for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

NATIONAL PARK SERVICE

Construction and Major Maintenance

For an additional amount for “Construction and Major Maintenance”, \$50,802,000, to remain available until expended for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

Buildings and Facilities

For an additional amount for “Buildings and Facilities”, \$18,600,000, to remain available until expended for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

Salaries and Expenses

For an additional amount for “Salaries and Expenses”, \$5,500,000, to remain available until expended for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

The matter under this heading is amended to read as follows:

Facilities and Equipment

(Airport and Airway Trust Fund)

For an additional amount for “Facilities and Equipment”, for expenses resulting from the recent natural disasters in the southeastern United States, \$5,100,000, to be derived from the airport and airway trust fund and to remain

available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

Emergency Assistance to Airports

(Airport and Airway Trust Fund)

Notwithstanding any other provision of law, for emergency hurricane-related insurance-ineligible capital costs to repair or replace public-use airport-related facilities at public-use airports identified in the National Plan of Integrated Airport Systems, to enable the Federal Aviation Administration to compensate entities for such capital costs, up to \$25,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until June 30, 2006: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

FEDERAL HIGHWAY ADMINISTRATION

Federal-aid Highways

Emergency Relief Program

(Highway Trust Fund)

The matter under this heading is amended to read as follows:

“For an additional amount for the Emergency Relief Program for emergency expenses resulting from recent tropical cyclones, as authorized by title 23 U.S.C. 125, \$1,202,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than \$100,000,000 for projects arising from Hurricanes Charley, Frances, Ivan, and Jeanne: *Provided further*, That any amounts in excess of those necessary for emergency expenses relating to the above tropical cyclones may be used for other projects authorized under 23 U.S.C. 125: *Provided further*, That amounts provided herein shall remain available until expended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement for this specific purpose.”

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

Medical Services

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

Medical Facilities

For an additional amount for "Medical Facilities", \$46,910,000, to remain available until expended for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

Medical Administration

For an additional amount for "Medical Administration", \$1,939,000, to remain available until September 30, 2005, for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

DEPARTMENTAL ADMINISTRATION

General Operating Expenses

For an additional amount for "General Operating Expenses", \$545,000, to remain available until September 30, 2005, for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

National Cemetery Administration

For an additional amount for "National Cemetery Administration", \$50,000, to remain available until September 30, 2005, for hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

Construction, Minor Projects

For an additional amount for "Construction, Minor Projects", \$36,343,000, to remain available until expended for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

CORPS OF ENGINEERS – CIVIL WORKS

The matter under this heading is amended to read as follows:

General Investigations

For an additional amount for “General Investigations” for emergency expenses for the update of studies necessitated by storm damage to shore protection projects, \$400,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

Construction, General

For an additional amount for “Construction, General” for emergency expenses for repair of storm damage for authorized shore protection projects and assessment of project performance of such projects, \$62,600,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

Operation and Maintenance, General

For an additional amount for "Operation and Maintenance, General" for hurricane-related expenses necessary to dredge navigation channels and repair other Corps projects, \$145,400,000, to remain available until expended: *Provided*,

That Congress designates this amount as an emergency requirement for this specific purpose.

Flood Control and Coastal Emergencies

For an additional amount for “Flood Control and Coastal Emergencies” as authorized by section 5 of the Flood Control Act of August 16, 1941, as amended (33 USC 701n), for emergency hurricane-related expenses from coastal storm damages and flooding, \$148,000,000, to remain available until expended:

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

Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" to cover the additional costs of dredging and mat laying operations on the main stem of the lower Mississippi River due to hurricanes and other severe storms, \$6,000,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

ENVIRONMENTAL PROTECTION AGENCY

Buildings and Facilities

For an additional amount for “Buildings and Facilities,” \$3,000,000, to remain available until expended, for emergency hurricane-related expenses: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

INTERNATIONAL ASSISTANCE PROGRAMS

AGENCY FOR INTERNATIONAL DEVELOPMENT

International Disaster and Famine Assistance

For an additional amount for “International Disaster and Famine Assistance”, \$100,000,000, to remain available until expended, for emergency hurricane-related expenses without regard to section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Space Flight Capabilities

For an additional amount for "Space Flight Capabilities", to repair facilities damaged and take other emergency measures due to the effects of hurricanes, \$126,000,000, to remain available until expended: *Provided*, That Congress designates this amount as an emergency requirement for this specific purpose.

SMALL BUSINESS ADMINISTRATION

Disaster Loans Program Account

For an additional amount for "Disaster Loans Program Account" for emergency expenses resulting from natural or other disasters, to remain available until expended, \$501,000,000 for the cost of direct loans; and \$428,000,000 for administrative expenses to carry out the disaster loan program, which may be transferred to the appropriations for "Salaries and expenses": *Provided*, That Congress designates these amounts as an emergency requirement for this specific purpose.

EXECUTIVE OFFICE OF THE PRESIDENT

Unanticipated Needs

For an additional amount for “Unanticipated Needs”, not to exceed \$70,000,000, to remain available until September 30, 2005, for the American Red Cross for reimbursement of disaster relief and recovery expenditures and emergency services associated with Hurricanes Charley, Frances, Ivan and Jeanne, and only to the extent funds are not made available for those activities by other federal sources: *Provided*, That these funds may be administered by any authorized federal government agency to meet the purposes of this provision and that total administrative costs shall not exceed three percent of the total appropriation: *Provided further*, That the Comptroller General shall audit the use of these funds by the American Red Cross: *Provided further*, That Congress designates this amount as an emergency requirement for this specific purpose.

This Act may be cited as the “Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005”.