

Aug. 9

Authorization

PUBLIC LAW 99-88 [H.R. 2577]; August 15, 1985

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1985

An Act making supplemental appropriations for the fiscal year ending September 30, 1985, 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, to provide supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

Supplemental Appropriations Act, 1985.

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of available funds under this head, for budget and program analysis, \$7,000; for personnel, finance and management, operations, information resources management, equal opportunity, small and disadvantaged business utilization, and administrative law judges and judicial officer, \$42,000; making a total of \$49,000, are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

98 Stat. 1207.

AGRICULTURAL RESEARCH SERVICE

(RESCISSION)

Of available funds under this head, \$1,000,000 are rescinded pursuant to section 2901 of the Deficit Reduction Act of 1984.

COOPERATIVE STATE RESEARCH SERVICE

For an additional amount for necessary expenses of "Cooperative State Research Service", \$300,000.

For an additional amount for a grant to the New Mexico State University to help relocate the Fort Stanton Experimental Station to another site, thereby making available land needed for a new Ruidoso airport, \$1,200,000 to remain available until expended: *Provided*, That payment to the New Mexico State University in the amount of \$1,000,000 for its real or personal property interest is hereby determined to be an allowable project cost in accordance with section 513 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2212): *Provided further*, That the Secretary of the Interior is authorized and directed to convey to the Sierra Blanca Airport Commission (hereinafter referred to as the "Commission"), Ruidoso, New Mexico, at a cost of \$2.50 per acre (to be used for administrative

49 USC app. 2212.

mine and submitted to the Appropriations and Intelligence Committees of the Congress by September 1, 1985.

GENERAL PROVISIONS

Civil Air Patrol.
98 Stat. 1940.

Funds made available for the Civil Air Patrol pursuant to section 8089 of the Department of Defense Appropriation Act of 1985 (Public Law 98-473) may be used to reimburse the Civil Air Patrol for costs incurred in procuring such major items of equipment as the Secretary of the Air Force considers needed by the Civil Air Patrol to carry out its missions.

Section 8091 of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473; 98 Stat. 1940) is amended by striking out "On or after June 30, 1985" and inserting in lieu thereof "After September 30, 1985".

In lieu of section 8070 of Public Law 98-473 (98 Stat. 1938), insert the following:

Prohibitions.

"SEC. 8070. None of the funds available to the Department of Defense during the current fiscal year may be used to enter into any contract with a term of eighteen months or more or to extend or renew any contract for a term of eighteen months or more, for any vessel, aircraft or vehicles, through a lease, charter, or similar agreement without previously having been submitted to Committees on Appropriations of the House of Representatives and the Senate in the budgetary process. Further, any contractual agreement which imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 per centum of the original purchase value of the vessel, aircraft, or vehicle must have specific authority in an appropriation Act for the obligation of 10 per centum of such termination liability."

None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair or maintenance of any naval vessel which includes charges for interport differential as an evaluation factor for award.

CHAPTER IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

Construction projects.

For an additional amount for the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (but such studies shall not constitute a commitment of the Government to construction), to remain available until expended, \$48,000,000 for "Construction, general" and \$800,000 for "Flood control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee"; of which \$7,800,000 shall be derived from the Inland Waterways Trust Fund; except that the Secretary of the Army acting through the Chief of Engineers is

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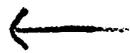
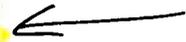
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authorized and directed to proceed with planning, design, engineering, and construction of the following projects substantially in accordance with the individual report describing such project as reflected in the Joint Explanatory Statement of the Committee of Conference accompanying the Conference Report for H.R. 2577: Ardsley, New York; Atchafalaya Basin Floodway System, Louisiana; Baltimore Harbor and Channels, Maryland and Virginia; Barnegat Inlet, New Jersey; Bassett, Creek, Minnesota; Bonneville Navigation Lock, Oregon and Washington; Clear Creek, Texas; Cleveland Harbor, Ohio; Colorado River and tributaries, Boggy Creek at Austin, Texas; Cowanesque Lake, Pennsylvania; Dade County, Florida (north of Haulover Beach Park); Des Moines Recreational River and Greenbelt, Iowa; Eight Mile Creek, Arkansas; Ellicott Creek, New York; Fairfield Vicinity Streams, California; Freeport Harbor, including relocation of North Jetty, Texas; Gallipolis Locks and Dams, Ohio and West Virginia; Geneva-on-the-Lake, Ohio; Gulfport Harbor, Mississippi; Jonesport Harbor, Maine; Kahoma Stream, Hawaii; Kill Van Kull Channel, Newark Bay Channel, New York and New Jersey; Liberty State Park Levee and Seawall, New Jersey; Little Dell Lake, Utah; Locks and Dam 26, Illinois and Missouri (Second Lock), including environmental management along the Upper Mississippi River Basin; Merced County Streams, California; Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana; Missouri National Recreational River, Nebraska and South Dakota; Mobile Harbor, Alabama; Moriches Inlet, New York; Norfolk Harbor, Virginia; Parker Lake, Oklahoma; Pearl River, Slidell, St. Tammany Parish, Louisiana; Port Ontario Harbor, New York; Richmond Harbor, California; Richmond local protection project, Virginia; Sacramento River Deep Water Ship Channel, California; Savannah Harbor Widening, Georgia; Tampa Harbor Branch Channels, including East Bay Channel maintenance, Florida; Virginia Beach Streams, Canal No. 2, Virginia; William Bacon Oliver Lock and Dam, Alabama: *Provided*, That none of the funds herein appropriated may be expended to undertake such projects except under terms and conditions acceptable to the Secretary of the Army (or under terms and conditions provided for in subsequent legislation when enacted into law) as shall be set forth in binding agreements with non-Federal entities desiring to participate in project construction. Each such agreement shall include a statement that the non-Federal entities are capable of and willing to participate in project cost-sharing and financing in accordance with terms of the agreement. At such time as the Secretary has executed a formal binding agreement and has determined that the non-Federal entities' financing plan demonstrates a reasonable likelihood of the non-Federal entities' ability to satisfy the terms and conditions of the agreement, the Secretary shall initiate construction at a project in accordance with such agreement: *Provided further*, That the funds appropriated herein shall lapse on June 30, 1986, if the agreement required herein for that project has not been executed: *Provided further*, That where construction of a comprehensive project for flood control and improvement of a multi-State region described in this paragraph has commenced prior to the date of enactment of this Act, new or additional non-Federal cost-sharing shall not be required for any part of such comprehensive project, and where construction of such a project has begun prior to the date of enactment of this Act, all elements or features of the comprehensive project shall be considered to be part of that project: *Provided further*, That the initiation



26 USC 1 note;
33 USC 1802.

of inland waterways projects identified for planning, design, engineering, and construction in this Act may be funded from sums available in the Inland Waterways Trust Fund, established by the Inland Waterways Revenue Act of 1978 (title II of Public Law 95-502) notwithstanding the second sentence of section 204 of such Act. Notwithstanding any other provision of law (including any other provision of this Act), initiation of construction with respect to any project referred to in this paragraph shall be subject to subsequent enactment of legislation specifying the requirements of local cooperation for water resources development projects under the jurisdiction of the Department of the Army and where appropriate, to enactment of needed authorizing legislation; except that this sentence shall not apply after May 15, 1986.

GENERAL INVESTIGATIONS

For an additional amount for "General Investigations", to remain available until expended, \$1,200,000 with which the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake studies of the Buffalo Harbor, New York; St. Petersburg Harbor, Florida; Tangier Island, Virginia; South Kohala water supply, Hawaii; West Onslow Beach and New River Inlet, North Carolina; Meredosia, Willow Creek, and Coon Run Drainage and Levee District, Illinois (AE&D); and a reconnaissance study of the feasibility of making the Wabash River navigable under the authorized Wabash River Basin Comprehensive Study; and in addition, the Secretary of the Army is directed to proceed with the feasibility phase of the Brunswick Harbor, Georgia, study and the South Metropolitan Atlanta Region, Georgia study at full Federal expense, using funds made available in Public Law 98-360.

98 Stat. 403.

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", to remain available until expended, \$7,500,000 for the construction, at full Federal expense, of facilities at the Mill Creek recreation area of the Tioga-Hammond Lakes project in Pennsylvania which would typically be cost shared, making a special effort to adapt such authorized facilities to the specific needs of the handicapped, provided that local interests develop specialized facilities to include buildings, lodges, demonstration centers, and non-water oriented equipment, and accept full responsibility for operation and maintenance of the entire recreation area which must be made available to the general public: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to utilize funds heretofore appropriated for Construction, General to carry out engineering and design and acquisition of land for Gallipolis Locks and Dam, Ohio and West Virginia; Locks and Dam 26, Illinois and Missouri Second Lock; Monongahela River, Grays Landing (Lock No. 7), Pennsylvania; Monongahela River, Point Marion (Lock No. 8), Pennsylvania and West Virginia; William Bacon Oliver Lock and Dam, Alabama; Bonneville Navigation Lock, including necessary relocations, Oregon and Washington; and Winfield Lock and Dam, West Virginia; and in addition, \$15,000,000 to remain available until expended, for construction of the main dam of the Elk Creek-Lake, Rogue River Basin, Oregon project as authorized by the River and Harbor and Flood Control Act of 1962, Public Law 87-874.

76 Stat. 1173,
1180.

FLOOR

For an additional amount for "Construction, General", \$25,000,000

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For an additional amount for "Construction, General", to remain available until expended, \$400,000 to be used for the construction of a recreation structure within available funds. (including a recreation structure) use \$400,000 to be used for the construction of a recreation structure within available funds. 95-625.

The Secretary of the Army is directed to provide facilities at the Ouachita River, Louisiana; New Melones Lake, California; and the Oklahoma River, Oklahoma; and to provide for the expense, in accordance with the provisions of the Act, of using funds heretofore appropriated for the purpose of the Chief of Engineers to carry out the necessary channel and levee work at the Mill Creek, Pennsylvania project as may be necessary to remove debris blocking the channel in the vicinity of the Mill Creek, Mississippi; and to perform necessary work at the Glencoe, Alabama project.

Notwithstanding the provisions of the Act, the Secretary of the Army is authorized to operate and maintain the Mill Creek project in accordance with the provisions of the Act, as amended by the fourth Congress, as amended by the seventh Congress, as amended by the seventh Congress, after the date of enactment of the Act.

Section 105 of the Act, as amended by the Act, in the words "at a cost not to exceed the cost thereof, the words

The Secretary of the Army is directed to carry out the construction of the Langdon Park, West Virginia project, and the construction of the Point Marion Lock and Dam, Pennsylvania and West Virginia; and the construction of the William Bacon Oliver Lock and Dam, Alabama; and the construction of the Bonneville Navigation Lock, including necessary relocations, Oregon and Washington; and the construction of the Winfield Lock and Dam, West Virginia; and in addition, \$15,000,000 to remain available until expended, for construction of the main dam of the Elk Creek-Lake, Rogue River Basin, Oregon project as authorized by the River and Harbor and Flood Control Act of 1962, Public Law 87-874.

Section 14 of the Act, as amended by the Act, is amended by adding at the end of the section the following: "The Secretary of the Army may, in accordance with the provisions of the Act, grant permits for the construction or use of any of the structures within the judgment of the Secretary of the Army."