

105TH CONGRESS
1ST SESSION

S. 1222

To catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 1997

Mr. CHAFEE (for himself, Mr. BREAUX, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. ROBB, Mr. SARBANES, Mr. D'AMATO, Mrs. MURRAY, Mr. MURKOWSKI, Mr. WARNER, Mr. REED, Ms. LANDRIEU, Mr. GRAHAM, Ms. MIKULSKI, Mr. DODD, Mr. MOYNIHAN, and Mr. MACK) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Estuary Habitat Res-
5 toration Partnership Act of 1997”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the estuaries and coastal regions of the
4 United States are home to half the population of the
5 United States;

6 (2) the traditions, economy, and quality of life
7 of many communities depend on the natural abun-
8 dance and health of the estuaries;

9 (3) approximately 75 percent of the commercial
10 fish and shellfish of the United States depend on es-
11 tuaries at some stage in their life cycle;

12 (4) the varied habitats of estuaries and other
13 coastal waters provide jobs to 28,000,000 United
14 States citizens in commercial and sport fishing, tour-
15 ism, recreation, and other industries, with fishing
16 alone contributing \$111,000,000,000 to the United
17 States economy each year;

18 (5) despite the many values of estuaries, estu-
19 aries are gravely threatened by estuary habitat alter-
20 ation and loss;

21 (6) the accumulated loss of estuary habitat,
22 reaching over 90 percent in some estuaries, threat-
23 ens the ecological and economic bounty of regions
24 experiencing the loss, and can be reversed only by
25 action to restore lost and degraded estuary habitat;

1 (7) the demands on Federal, State, and local
2 funding for estuary habitat restoration activities ex-
3 ceed available resources and prompt serious concerns
4 about the ability of the United States to restore es-
5 tuary habitat vital to efforts to restore, preserve,
6 and protect the health of estuaries;

7 (8) successful restoration of estuaries demands
8 the full coordination of Federal and State estuary
9 habitat restoration programs;

10 (9) to succeed in restoring estuaries, it is im-
11 portant to link estuary habitat restoration projects
12 to broader ecosystem planning in order to establish
13 restoration programs that are effective in the long
14 term;

15 (10) efficient leveraging of scarce public re-
16 sources and new and innovative market-based fund-
17 ing for estuary habitat restoration activities would
18 generate real returns on investments for commu-
19 nities through improvement of the vibrancy and
20 health of estuaries;

21 (11) the Federal, State, and private cooperation
22 in estuary habitat restoration activities in existence
23 on the date of enactment of this Act should be
24 strengthened and new public and public-private estu-
25 ary habitat restoration partnerships established; and

1 (12) such new partnerships would help ensure
2 the ecological and economic vibrancy of estuaries for
3 the benefit of future generations.

4 **SEC. 3. PURPOSES.**

5 The purposes of this Act are—

6 (1) to establish a voluntary, community-driven,
7 incentive-based program that will catalyze the res-
8 toration of 1,000,000 acres of estuary habitat by
9 2010;

10 (2) to encourage enhanced coordination and
11 leveraging of Federal, State, and community estuary
12 habitat restoration programs, plans, and studies;

13 (3) to establish effective estuary habitat res-
14 toration partnerships among public agencies at all
15 levels of government and between the public and pri-
16 vate sectors;

17 (4) to promote efficient financing of estuary
18 habitat restoration activities to help better leverage
19 limited Federal funding; and

20 (5) to develop and enhance monitoring and
21 maintenance capabilities designed to ensure that res-
22 toration efforts build on the successes of past and
23 current efforts and scientific understanding.

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1 (1) COLLABORATIVE COUNCIL.—The term “Col-
2 laborative Council” means the interagency council
3 established by section 5.

4 (2) DEGRADED ESTUARY HABITAT.—The term
5 “degraded estuary habitat” means estuary habitat
6 where natural ecological functions have been im-
7 paired and normal beneficial uses have been reduced.

8 (3) ESTUARY.—The term “estuary” means—

9 (A) a body of water in which fresh water
10 from a river or stream meets and mixes with
11 salt water from the ocean; and

12 (B) the physical, biological, and chemical
13 elements associated with such a body of water.

14 (4) ESTUARY HABITAT.—

15 (A) IN GENERAL.—The term “estuary
16 habitat” means the complex of physical and hy-
17 drologic features and living organisms within
18 estuaries and associated ecosystems.

19 (B) INCLUSIONS.—The term “estuary
20 habitat” includes salt and fresh water coastal
21 marshes, coastal forested wetlands and other
22 coastal wetlands, tidal flats, natural shoreline
23 areas, shellfish beds, sea grass meadows, kelp
24 beds, river deltas, and river and stream banks
25 under tidal influence.

1 (5) ESTUARY HABITAT RESTORATION ACTIV-
2 ITY.—

3 (A) IN GENERAL.—The term “estuary
4 habitat restoration activity” means an activity
5 that results in improving degraded estuary
6 habitat (including both physical and functional
7 restoration), with the goal of attaining a self-
8 sustaining, ecologically based system integrated
9 into the surrounding landscape.

10 (B) INCLUDED ACTIVITIES.—The term
11 “estuary habitat restoration activity” in-
12 cludes—

13 (i) the reestablishment of physical fea-
14 tures and biological and hydrologic func-
15 tions;

16 (ii) except as provided in subpara-
17 graph (C)(ii), the cleanup of contamina-
18 tion;

19 (iii) the control of nonnative and
20 invasive species;

21 (iv) the reintroduction of native or
22 ecologically beneficial species through
23 planting or natural succession; and

24 (v) other activities that improve estu-
25 ary habitat.

1 (C) EXCLUDED ACTIVITIES.—The term
2 “estuary habitat restoration activity” does not
3 include—

4 (i) an act that constitutes mitigation
5 for the adverse effects of an activity regu-
6 lated or otherwise governed by Federal or
7 State law; or

8 (ii) an act that constitutes satisfaction
9 of liability for natural resource damages
10 under any Federal or State law.

11 (6) ESTUARY HABITAT RESTORATION
12 PROJECT.—The term “estuary habitat restoration
13 project” means an estuary habitat restoration activ-
14 ity under consideration or selected by the Collabo-
15 rative Council, in accordance with this Act, to re-
16 ceive financial, technical, or another form of assist-
17 ance.

18 (7) ESTUARY HABITAT RESTORATION STRAT-
19 EGY.—The term “estuary habitat restoration strat-
20 egy” means the estuary habitat restoration strategy
21 developed under section 6(a).

22 (8) FEDERAL ESTUARY MANAGEMENT OR HABI-
23 TAT RESTORATION PLAN.—The term “Federal estu-
24 ary management or habitat restoration plan” means

1 any Federal plan for restoration of degraded estuary
2 habitat that—

3 (A) was developed by a public body with
4 the substantial participation of appropriate
5 public and private stakeholders; and

6 (B) reflects a community-based planning
7 process.

8 (9) PERSON.—The term “person” includes an
9 entity of a Federal, State, or local government, an
10 Indian tribe, an entity organized or existing under
11 the law of a State, and a nongovernmental organiza-
12 tion.

13 (10) SECRETARY.—The term “Secretary”
14 means the Secretary of the Army, or a designee.

15 (11) UNDER SECRETARY.—The term “Under
16 Secretary” means the Under Secretary for Oceans
17 and Atmosphere of the Department of Commerce, or
18 a designee.

19 **SEC. 5. ESTABLISHMENT OF COLLABORATIVE COUNCIL.**

20 (a) COLLABORATIVE COUNCIL.—There is established
21 an interagency council to be known as the “Estuary Habi-
22 tat Restoration Collaborative Council”.

23 (b) MEMBERSHIP.—The Collaborative Council shall
24 be composed of the Secretary, the Under Secretary, the
25 Administrator of the Environmental Protection Agency,

1 the Secretary of the Interior (acting through the Director
2 of the United States Fish and Wildlife Service), the Sec-
3 retary of Agriculture, and the Secretary of Transpor-
4 tation, or their designees.

5 (c) CONVENING OF COLLABORATIVE COUNCIL.—The
6 Secretary shall—

7 (1) convene the first meeting of the Collabo-
8 rative Council not later than 30 days after the date
9 of enactment of this Act; and

10 (2) convene additional meetings as often as ap-
11 propriate to ensure that this Act is fully carried out,
12 but not less often than quarterly.

13 (d) COLLABORATIVE COUNCIL PROCEDURES.—

14 (1) QUORUM.—Three members of the Collabo-
15 rative Council shall constitute a quorum.

16 (2) VOTING AND MEETING PROCEDURES.—The
17 Collaborative Council shall establish procedures for
18 voting and the conduct of meetings by the Council.

19 **SEC. 6. DUTIES OF COLLABORATIVE COUNCIL.**

20 (a) ESTUARY HABITAT RESTORATION STRATEGY.—

21 (1) IN GENERAL.—

22 (A) DEVELOPMENT.—Not later than 1
23 year after the date of enactment of this Act, the
24 Collaborative Council, in consultation with rep-
25 resentatives from coastal States and nonprofit

1 organizations with expertise in estuary habitat
2 restoration, shall develop an estuary habitat
3 restoration strategy designed to ensure a com-
4 prehensive approach to the selection and
5 prioritization of estuary habitat restoration
6 projects and the full coordination of Federal
7 and non-Federal activities related to restoration
8 of estuary habitat.

9 (B) PROVISION OF NATIONAL FRAME-
10 WORK.—The estuary habitat restoration strat-
11 egy shall provide a national framework for estu-
12 ary habitat restoration activities by—

13 (i) identifying existing estuary habitat
14 restoration plans;

15 (ii) integrating overlapping estuary
16 habitat restoration plans; and

17 (iii) identifying appropriate processes
18 for the development of estuary habitat res-
19 toration plans where needed.

20 (2) INTEGRATION OF PREVIOUSLY AUTHORIZED
21 ESTUARY HABITAT RESTORATION PLANS, PROGRAMS,
22 AND PARTNERSHIPS.—In developing the estuary
23 habitat restoration strategy, the Collaborative Coun-
24 cil shall—

25 (A) conduct a review of—

1 (i) Federal estuary management or
2 habitat restoration plans; and

3 (ii) Federal programs established
4 under other law that provide funding for
5 estuary habitat restoration activities;

6 (B) develop, based on best management
7 practices, a framework for fully coordinating
8 and streamlining the activities of the Federal
9 plans and programs referred to in subpara-
10 graph (A);

11 (C) develop a set of proposals for—

12 (i) using programs established under
13 this or any other Act to maximize the in-
14 centives for the creation of new public-pri-
15 vate partnerships to carry out estuary
16 habitat restoration projects; and

17 (ii) leveraging Federal resources to
18 encourage increased private sector involve-
19 ment in estuary habitat restoration activi-
20 ties; and

21 (D) ensure that the estuary habitat res-
22 toration strategy is developed and will be imple-
23 mented in a manner that is consistent with the
24 findings and requirements of Federal estuary
25 management or habitat restoration plans.

1 (3) ELEMENTS TO BE CONSIDERED.—Consist-
2 ent with the requirements of this section, the Col-
3 laborative Council, in the development of the estuary
4 habitat restoration strategy, shall consider—

5 (A) the contributions of estuary habitat
6 to—

7 (i) wildlife, including endangered and
8 threatened species, migratory birds, and
9 resident species of an estuary watershed;

10 (ii) fish and shellfish, including com-
11 mercial and sport fisheries;

12 (iii) surface and ground water quality
13 and quantity, and flood control;

14 (iv) outdoor recreation; and

15 (v) other areas of concern that the
16 Collaborative Council determines to be ap-
17 propriate for consideration;

18 (B) the estimated historic losses, estimated
19 current rate of loss, and extent of the threat of
20 future loss or degradation of each type of estu-
21 ary habitat;

22 (C) the most appropriate method for se-
23 lecting estuary habitat restoration projects es-
24 sential to—

1 (i) the proper protection and preserva-
2 tion of an estuary ecosystem;

3 (ii) the implementation of a Federal
4 estuary management or habitat restoration
5 plan; or

6 (iii) the selection by the Collaborative
7 Council of an appropriate balance of small-
8 er and larger estuary habitat restoration
9 projects; and

10 (D) procedures to minimize duplicative and
11 conflicting application requirements for public
12 and private landowners seeking assistance for
13 estuary habitat restoration activities.

14 (4) COMMUNITY ADVICE.—The Collaborative
15 Council shall seek the advice of experts in restora-
16 tion of estuary habitat from the private, including
17 nonprofit, sectors to assist in the development of an
18 estuary habitat restoration strategy.

19 (5) PUBLIC REVIEW AND COMMENT.—Before
20 adopting a final estuary habitat restoration strategy,
21 the Collaborative Council shall publish in the Fed-
22 eral Register a draft of the estuary habitat restora-
23 tion strategy and provide an opportunity for public
24 review and comment.

1 (b) ESTABLISHMENT OF PROJECT APPLICATION AND
2 SELECTION CRITERIA.—

3 (1) IN GENERAL.—Consistent with the other
4 provisions of this section, the Collaborative Council
5 shall establish—

6 (A) application procedures to be followed
7 by States and other non-Federal persons to
8 nominate estuary habitat restoration activities
9 for consideration by the Collaborative Council
10 for assistance under this Act;

11 (B) criteria for determining eligibility for
12 financial assistance under this Act for an estu-
13 ary habitat restoration project;

14 (C) application procedures and criteria for
15 granting a reduction in the minimum non-Fed-
16 eral share requirement, in accordance with sec-
17 tion 7(d)(2); and

18 (D) such other criteria as the Collaborative
19 Council determines to be reasonable and nec-
20 essary in carrying out this Act.

21 (2) PROPOSALS.—A proposal for an estuary
22 habitat restoration project shall originate from a
23 non-Federal person and shall require, when appro-
24 priate, the approval of State or local agencies.

1 (3) FACTORS TO BE TAKEN INTO ACCOUNT.—

2 The criteria established under paragraph (1) shall
3 provide for the consideration of the following factors
4 in determining the eligibility of an estuary habitat
5 restoration project for financial assistance under this
6 Act and in prioritizing the selection of estuary habi-
7 tat restoration projects by the Collaborative Council:

8 (A) Whether the proposed estuary habitat
9 restoration project meets the criteria specified
10 in the estuary habitat restoration strategy.

11 (B) The technical merit and feasibility of
12 the proposed estuary habitat restoration
13 project.

14 (C) Whether the non-Federal persons pro-
15 posing the estuary habitat restoration project
16 can provide satisfactory assurances that they
17 will have adequate personnel, funding, and au-
18 thority to carry out and properly maintain the
19 estuary habitat restoration project.

20 (D) Whether, in the State in which a pro-
21 posed estuary habitat restoration project is to
22 be carried out, there is a State dedicated source
23 of funding for programs to acquire or restore
24 estuary habitat, natural areas, and open spaces.

1 (E) Whether the proposed estuary habitat
2 restoration project will encourage the increased
3 coordination and cooperation of Federal, State,
4 and local Government agencies.

5 (F) The level of private matching fund or
6 in-kind contributions to the estuary habitat res-
7 toration project.

8 (G) Whether the proposed habitat restora-
9 tion project includes a monitoring plan to en-
10 sure that short-term and long-term restoration
11 goals are achieved.

12 (H) Other factors that the Collaborative
13 Council determines to be reasonable and nec-
14 essary for consideration.

15 (4) PRIORITY ESTUARY HABITAT RESTORATION
16 PROJECTS.—

17 (A) DESIGNATION.—The Collaborative
18 Council may designate an estuary habitat res-
19 toration project as a priority estuary habitat
20 restoration project if, in addition to meeting the
21 selection criteria specified in this section—

22 (i) the estuary habitat restoration
23 project addresses a restoration goal identi-
24 fied in the estuary habitat restoration
25 strategy;

1 (ii) the estuary habitat restoration
2 project is part of an approved Federal es-
3 tuary management or habitat restoration
4 plan;

5 (iii) the non-Federal share with re-
6 spect to the estuary habitat restoration
7 project exceeds 50 percent; or

8 (iv) there is a nonpoint source pro-
9 gram upstream of the estuary habitat res-
10 toration project that addresses upstream
11 sources that would otherwise re-impair the
12 restored habitat.

13 (B) EFFECT OF DESIGNATION.—A priority
14 estuary habitat restoration project shall be
15 given a higher priority in receipt of funding
16 under this Act.

17 (c) INTERIM ACTIONS.—

18 (1) IN GENERAL.—Pending completion of the
19 estuary habitat restoration strategy developed under
20 subsection (a), the Collaborative Council may pay
21 the Federal share of the cost of an interim action to
22 carry out an estuary habitat restoration activity.

23 (2) FEDERAL SHARE.—The Federal share shall
24 not exceed 25 percent.

25 (d) COOPERATION OF NON-FEDERAL PARTNERS.—

1 (1) IN GENERAL.—The Collaborative Council
2 shall not select an estuary habitat restoration project
3 until each non-Federal interest has entered into a
4 written cooperation agreement in accordance with
5 section 221(a) of the Flood Control Act of 1970 (42
6 U.S.C. 1962d–5b(a)).

7 (2) MAINTENANCE AND MONITORING.—A co-
8 operation agreement entered into under paragraph
9 (1) shall provide for maintenance and monitoring of
10 the estuary habitat restoration project to the extent
11 determined necessary by the Collaborative Council.

12 (e) LEAD COLLABORATIVE COUNCIL MEMBER.—The
13 Collaborative Council shall designate a lead Collaborative
14 Council member for each proposed estuary habitat res-
15 toration project. The lead Collaborative Council member
16 shall have primary responsibility for overseeing and assist-
17 ing others in implementing the proposed project.

18 (f) AGENCY CONSULTATION AND COORDINATION.—

19 (1) IN GENERAL.—In carrying out this section,
20 the Collaborative Council shall consult with, cooper-
21 ate with, and coordinate its activities with the activi-
22 ties of other appropriate Federal agencies, as deter-
23 mined by the Collaborative Council.

24 (2) USE OF COORDINATING MECHANISMS.—The
25 Collaborative Council shall work to ensure that Fed-

1 eral agency coordinating and streamlining mecha-
2 nisms established under other law are fully used in
3 cases in which the Collaborative Council determines
4 the use of the mechanisms to be appropriate.

5 (g) **BENEFITS AND COSTS OF ESTUARY HABITAT**
6 **RESTORATION PROJECTS.**—The Collaborative Council
7 shall evaluate the benefits and costs of estuary habitat res-
8 toration projects in accordance with section 907 of the
9 Water Resources Development Act of 1986 (33 U.S.C.
10 2284).

11 (h) **AUTHORIZATION OF APPROPRIATIONS.**—There is
12 authorized to be appropriated to the Department of the
13 Army for the administration and operation of the Collabo-
14 rative Council \$4,000,000 for each fiscal year.

15 **SEC. 7. COST SHARING OF ESTUARY HABITAT RESTORA-**
16 **TION PROJECTS.**

17 (a) **IN GENERAL.**—No financial assistance in carry-
18 ing out an estuary habitat restoration project shall be
19 available under this Act from any Federal agency unless
20 the non-Federal applicant for assistance demonstrates to
21 the satisfaction of the Collaborative Council that the estu-
22 ary habitat restoration project meets—

23 (1) the requirements of this Act; and

24 (2) any criteria established by the Collaborative
25 Council under this Act.

1 (b) FEDERAL SHARE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), for each fiscal year, the Federal share of
4 the cost of an estuary habitat restoration project as-
5 sisted under this Act shall be not less than 25 per-
6 cent and not more than 65 percent.

7 (2) INCREASED FEDERAL SHARE.—In the case
8 of an estuary habitat restoration project with respect
9 to which the applicant demonstrates need under sub-
10 section (d)(2), the Federal share of the cost of the
11 project shall not exceed 75 percent.

12 (c) PAYMENT OF FEDERAL SHARE UNDER OTHER
13 LAW.—The Collaborative Council may use funds made
14 available under this Act to pay all or part of the Federal
15 share of the cost of an estuary habitat restoration activity
16 eligible for funding under a program established under an-
17 other provision of law, if the activity would also be eligible
18 for funding under this Act as an estuary habitat restora-
19 tion project.

20 (d) NON-FEDERAL SHARE.—

21 (1) IN-KIND CONTRIBUTIONS.—The non-Fed-
22 eral share of the cost of an estuary habitat restora-
23 tion project may be provided in the form of land,
24 easements, rights-of-way, services, or any other form
25 of in-kind contribution determined by the Collabo-

1 rative Council to be an appropriate contribution
2 equivalent to the monetary amount required for the
3 non-Federal share of the estuary habitat restoration
4 project.

5 (2) REDUCED NON-FEDERAL SHARE.—An ap-
6 plicant for assistance in carrying out an estuary
7 habitat restoration project may submit an applica-
8 tion for a reduction in the requirement of the pay-
9 ment of a non-Federal share of at least 35 percent,
10 if the applicant submits a statement of need and
11 demonstrates a need for a reduced non-Federal
12 share in accordance with section 103(m) of the
13 Water Resources Development Act of 1986 (33
14 U.S.C. 2213(m)).

15 (e) ALLOCATION OF FUNDS BY STATES TO POLITI-
16 CAL SUBDIVISIONS.—With the approval of the Secretary,
17 a State may allocate to any local government, area wide
18 agency designated under section 204 of the Demonstration
19 Cities and Metropolitan Development Act of 1966 (42
20 U.S.C. 3334), regional agency, or interstate agency, a por-
21 tion of any funds disbursed by the Collaborative Council
22 to the State for the purpose of carrying out an estuary
23 habitat restoration project.

1 **SEC. 8. MONITORING AND MAINTENANCE OF ESTUARY**
2 **HABITAT RESTORATION PROJECTS.**

3 (a) DATABASE OF RESTORATION PROJECT INFORMA-
4 TION.—The Under Secretary shall maintain an appro-
5 priate database of information concerning estuary habitat
6 restoration projects funded by the Collaborative Council,
7 including information on project techniques, project com-
8 pletion, monitoring data, and other relevant information.

9 (b) REPORT.—

10 (1) IN GENERAL.—The Collaborative Council
11 shall biennially submit a report to the Committee on
12 Environment and Public Works of the Senate and
13 the Committee on Transportation and Infrastructure
14 of the House of Representatives on the results of ac-
15 tivities carried out under this Act.

16 (2) CONTENTS OF REPORT.—A report under
17 paragraph (1) shall include—

18 (A) data on the number of acres of estuary
19 habitat restored under this Act, including the
20 number of projects approved and completed
21 that comprise those acres;

22 (B) the percentage of restored estuary
23 habitat monitored under a plan to ensure that
24 short-term and long-term restoration goals are
25 achieved;

1 (C) an estimate of the long-term success of
2 varying restoration techniques used in carrying
3 out estuary habitat restoration projects;

4 (D) a review of how the Collaborative
5 Council has incorporated the information de-
6 scribed in subparagraphs (A) through (C) in
7 the selection and implementation of estuary
8 habitat restoration projects;

9 (E) a review of efforts made by the Col-
10 laborative Council to maintain an appropriate
11 database of restoration projects funded under
12 this Act; and

13 (F) a review of the measures that the Col-
14 laborative Council has taken to provide the in-
15 formation described in subparagraphs (A)
16 through (C) to persons with responsibility for
17 assisting in the restoration of estuary habitat.

18 **SEC. 9. MEMORANDA OF UNDERSTANDING.**

19 In carrying out this Act, the Collaborative Council
20 may—

21 (1) enter into cooperative agreements with per-
22 sons; and

23 (2) execute such memoranda of understanding
24 as are necessary to reflect the agreements.

1 **SEC. 10. DISTRIBUTION OF APPROPRIATIONS FOR ESTU-**
2 **ARY HABITAT RESTORATION ACTIVITIES.**

3 The Secretary shall allocate funds made available to
4 carry out this Act based on the need for the funds and
5 such other factors as the Collaborative Council determines
6 to be appropriate to carry out this Act.

7 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) AUTHORIZATIONS OF APPROPRIATIONS UNDER
9 OTHER LAW.—Funds authorized to be appropriated
10 under section 908 of the Water Resources Development
11 Act of 1986 (33 U.S.C. 2285) and section 206 of the
12 Water Resources Development Act of 1996 (33 U.S.C.
13 2330) may be used by the Secretary in accordance with
14 this Act to assist States and other non-Federal persons
15 in carrying out estuary habitat restoration projects or in-
16 terim actions under section 6(c).

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Secretary to carry
19 out this Act—

- 20 (1) \$40,000,000 for fiscal year 1999;
21 (2) \$50,000,000 for fiscal year 2000; and
22 (3) \$75,000,000 for each of fiscal years 2001
23 through 2003.

24 **SEC. 12. GENERAL PROVISIONS.**

25 (a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF
26 ENGINEERS.—The Secretary—

1 (1) may carry out estuary habitat restoration
2 projects as determined by the Collaborative Council;
3 and

4 (2) shall give estuary habitat restoration
5 projects the same consideration (as determined by
6 the Collaborative Council) as projects relating to ir-
7 rigation, navigation, or flood control.

8 (b) INAPPLICABILITY OF CERTAIN LAW.—Sections
9 203, 204, and 205 of the Water Resources Development
10 Act of 1986 (33 U.S.C. 2231, 2232, 2233) shall not apply
11 to an estuary habitat restoration project selected in ac-
12 cordance with this Act.

13 (c) ESTUARY HABITAT RESTORATION MISSION.—
14 The Secretary shall establish restoration of estuary habi-
15 tat as a primary mission of the Army Corps of Engineers.

16 (d) FEDERAL AGENCY FACILITIES AND PERSON-
17 NEL.—

18 (1) IN GENERAL.—Federal agencies may co-
19 operate in carrying out scientific and other programs
20 necessary to carry out this Act, and may provide fa-
21 cilities and personnel, for the purpose of assisting
22 the Collaborative Council in carrying out its duties
23 under this Act.

24 (2) REIMBURSEMENT FROM COLLABORATIVE
25 COUNCIL.—Federal agencies may accept reimburse-

1 ment from the Collaborative Council for providing
2 services, facilities, and personnel under paragraph
3 (1).

4 (e) COLLABORATIVE COUNCIL ADMINISTRATIVE EX-
5 PENSES AND STAFFING.—Not later than 180 days after
6 the date of enactment of this Act, the Comptroller General
7 of the United States shall submit to Congress and the Sec-
8 retary an analysis of the extent to which the Collaborative
9 Council needs additional personnel and administrative re-
10 sources to fully carry out its duties under this Act. The
11 analysis shall include recommendations regarding nec-
12 essary additional funding.

13 (f) APPLICATION OF AND CONSISTENCY WITH
14 OTHER LAWS.—Except as specifically provided in this
15 Act—

16 (1) nothing in this Act supersedes or modifies
17 any Federal law in existence on the date of enact-
18 ment of this Act; and

19 (2) each action by a Federal agency under this
20 Act shall be carried out in a manner that is consist-
21 ent with such law.

○