

Union Calendar No. 411

105TH CONGRESS
2D SESSION

H. R. 1481

[Report No. 105-715]

A BILL

To amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report.

SEPTEMBER 15, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1997

Mr. LATOURETTE (for himself, Mr. OBERSTAR, Mr. EHLERS, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Mr. STUPAK, Mr. QUINN, Mr. DAVIS of Illinois, Mr. OXLEY, Ms. RIVERS, Ms. KAPTUR, Mr. BROWN of Ohio, Mr. BARCIA, Mr. KILDEE, Mr. EVANS, Mr. WELLER, Mr. KUCINICH, Mr. JOHNSON of Wisconsin, and Mr. LAFALCE) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 15, 1998

Additional sponsors: Mr. BONIOR, Mr. WALSH, Mr. GILCHREST, Mr. GUTIERREZ, Mr. GILLMOR, Mr. MCHUGH, Ms. STABENOW, Mr. SAWYER, and Mr. NEY

SEPTEMBER 15, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 29, 1997]

A BILL

To amend the Great Lakes Fish and Wildlife Restoration

Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report.

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 “Great Lakes Fish and*
5 *Wildlife Restoration Act of 1998”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds that—*

8 *(1) the Great Lakes Fishery Resources Restora-*
9 *tion Study, for which a report was submitted to Con-*
10 *gress in 1995, was a comprehensive study of the sta-*
11 *tus, and the assessment, management, and restoration*
12 *needs, of the fishery resources of the Great Lakes*
13 *Basin, and was conducted through the joint effort of*
14 *the United States Fish and Wildlife Service, State*
15 *fish and wildlife resource management agencies, In-*
16 *dian tribes, and the Great Lakes Fishery Commission;*
17 *and*

18 *(2) the study—*

19 *(A) found that, although State, Provincial,*
20 *Native American Tribal, and Federal agencies*
21 *have made significant progress toward the goal*
22 *of restoring a healthy fish community to the*

1 *Great Lakes Basin, additional actions and better*
2 *coordination are needed to protect and effectively*
3 *manage the fisheries and related resources in the*
4 *Great Lakes Basin; and*

5 *(B) recommended actions that are not cur-*
6 *rently funded but are considered essential to*
7 *meet goals and objectives in managing the re-*
8 *sources of the Great Lakes Basin.*

9 **SEC. 3. REFERENCE; REPEAL.**

10 *(a) REFERENCE.—Each reference in this Act (other*
11 *than in subsection (b)) to the Great Lakes Fish and Wildlife*
12 *Restoration Act of 1990 is a reference to the Act enacted*
13 *by title I of Public Law 101–537 (104 Stat. 2370).*

14 *(b) REPEAL OF DUPLICATIVE ENACTMENT.—The*
15 *Great Lakes Fish and Wildlife Restoration Act of 1990, en-*
16 *acted as title II of Public Law 101–646 (104 Stat. 4773),*
17 *is repealed.*

18 **SEC. 4. PURPOSES.**

19 *Section 1003 of the Great Lakes Fish and Wildlife Res-*
20 *toration Act of 1990 (16 U.S.C. 941a) is amended—*

21 *(1) in the matter preceding paragraph (1), by*
22 *striking “this Act” and inserting “this title”;*

23 *(2) by striking paragraph (1);*

24 *(3) by redesignating paragraphs (2) and (3) as*
25 *paragraphs (1) and (2), respectively;*

1 (4) by striking paragraph (1) (as so redesignated) and inserting the following:

3 “(1) to develop and implement proposals for the restoration of fish and wildlife resources in the Great Lakes Basin; and”;

5 and

6 (5) in paragraph (2) (as redesignated by paragraph (3)), by striking “habitat of” and inserting “habitat in”.

9 **SEC. 5. DEFINITIONS.**

10 Section 1004 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941b) is amended—

12 (1) in the matter preceding paragraph (1), by striking “this Act” and inserting “this title”;

14 (2) by redesignating paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10) as paragraphs (3), (4), (5), (6), (7), (14), (9), (12), and (13), respectively;

17 (3) by moving paragraph (14) (as redesignated by paragraph (2)) to the end of the section;

19 (4) in paragraph (9) (as redesignated by paragraph (2)), by striking “plant or animal” and inserting “plant, animal, or other organism”;

22 (5) by inserting after paragraph (1) the following:

23

1 “(2) the term ‘Committee’ means the Great Lakes
2 *Fish and Wildlife Restoration Proposal Review Com-*
3 *mittee established by section 1005(c);”;*

4 (6) by inserting after paragraph (7) (as redesign-
5 *ated by paragraph (2)) the following:*

6 “(8) the term ‘non-Federal source’ includes a
7 *State government, local government, Indian Tribe,*
8 *other non-Federal governmental entity, private entity,*
9 *and individual;”;*

10 (7) by inserting after paragraph (9) (as redesign-
11 *ated by paragraph (2)) the following:*

12 “(10) the term ‘Report’ means the United States
13 *Fish and Wildlife Service report entitled ‘Great Lakes*
14 *Fishery Resources Restoration Study’, submitted to*
15 *the President of the Senate and the Speaker of the*
16 *House of Representatives on September 13, 1995;*

17 “(11) the term ‘restoration’ means to rehabilitate
18 *and maintain the structure, function, diversity, and*
19 *dynamics of a biological system, including reestab-*
20 *lishment of self-sustaining populations of fish and*
21 *wildlife;”;*

22 (8) in paragraph (12) (as redesignated by para-
23 *graph (2)), by striking “and” at the end; and*

1 (9) in paragraph (13) (as redesignated by para-
2 graph (2)), by striking the period at the end and in-
3 serting “; and”.

4 **SEC. 6. IDENTIFICATION, REVIEW, AND IMPLEMENTATION**
5 **OF PROPOSALS.**

6 Section 1005 of the Great Lakes Fish and Wildlife Res-
7 toration Act of 1990 (16 U.S.C. 941c) is amended to read
8 as follows:

9 **“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**
10 **TION OF PROPOSALS.**

11 “(a) *IN GENERAL.*—The Secretary of the Interior, in
12 consultation with the Committee, shall encourage the devel-
13 opment and, subject to the availability of appropriations,
14 the implementation of proposals based on the results of the
15 Report.

16 “(b) *IDENTIFICATION OF PROPOSALS.*—

17 “(1) *REQUEST BY THE SECRETARY OF THE IN-*
18 *TERIOR.*—The Secretary of the Interior shall annu-
19 ally request that State Directors and Indian Tribes,
20 in cooperation or partnership with other interested
21 entities and based on the results of the Report, submit
22 proposals for the restoration of fish and wildlife re-
23 sources.

24 “(2) *REQUIREMENTS FOR PROPOSALS.*—A pro-
25 posal under paragraph (1) shall be submitted in the

1 manner and form prescribed by the Secretary of the
2 Interior and shall be consistent with the goals of the
3 Great Lakes Water Quality Agreement, as revised in
4 1987, the 1954 Great Lakes Fisheries Convention,
5 fishery management jurisdictions, the 1980 Joint
6 Strategic Plan for the Management of Great Lakes
7 fishery resources, the Nonindigenous Aquatic Nui-
8 sance Prevention and Control Act of 1990 (16 U.S.C.
9 4701 et seq.), and the North American Waterfowl
10 Management Plan and joint ventures established
11 under the plan.

12 “(3) SEA LAMPREY AUTHORITY.—The Great
13 Lakes Fishery Commission shall retain authority and
14 responsibility for formulation and implementation of
15 a comprehensive program for eradicating or minimiz-
16 ing sea lamprey populations in the Great Lakes
17 Basin.

18 “(c) REVIEW OF PROPOSALS.—

19 “(1) ESTABLISHMENT OF COMMITTEE.—There is
20 established the Great Lakes Fish and Wildlife Res-
21 toration Proposal Review Committee, which shall op-
22 erate under the authority and control of the Council
23 of Lake Committees of the Great Lakes Fishery Com-
24 mission.

25 “(2) MEMBERSHIP AND APPOINTMENT.—

1 “(A) *IN GENERAL.*—*The Committee shall*
2 *consist of representatives of all State Directors*
3 *and Indian Tribes with Great Lakes fish and*
4 *wildlife management authority in the Great*
5 *Lakes Basin.*

6 “(B) *APPOINTMENTS.*—*State Directors and*
7 *Tribal Chairs shall appoint their representatives,*
8 *who shall serve at the pleasure of the appointing*
9 *authority.*

10 “(C) *OBSERVER.*—*The Great Lakes Coordi-*
11 *nator of the United States Fish and Wildlife*
12 *Service shall participate as an observer of the*
13 *Committee.*

14 “(D) *RECUSAL.*—*A member of the Commit-*
15 *tee shall recuse himself or herself from consider-*
16 *ation of proposals that the member, or the entity*
17 *that the member represents, has submitted.*

18 “(3) *FUNCTIONS.*—*The Committee shall at least*
19 *annually—*

20 “(A) *review proposals developed in accord-*
21 *ance with subsection (b) to assess their effective-*
22 *ness and appropriateness in fulfilling the pur-*
23 *poses of this title; and*

24 “(B) *make recommendations to the Council*
25 *of Lake Committees of the Great Lakes Fishery*

1 *Commission regarding priorities that should be*
2 *recommended by that commission under para-*
3 *graph (4).*

4 “(4) *RECOMMENDATION OF PRIORITIES.*—*The*
5 *Council of Lake Committees of the Great Lakes Fish-*
6 *ery Commission, after reviewing recommendations*
7 *from the Committee under paragraph (2)(B), shall*
8 *recommend to the Secretary of the Interior priorities*
9 *for implementing the proposals.*

10 “(d) *IMPLEMENTATION OF PROPOSALS.*—*After consid-*
11 *ering recommendations of the Council of Lake Committees*
12 *of the Great Lakes Fishery Commission and the goals speci-*
13 *fied in section 1006, the Secretary of the Interior shall select*
14 *proposals to be implemented and, subject to the availability*
15 *of appropriations and subsection (e), fund implementation*
16 *of the proposals. In selecting and funding proposals, the*
17 *Secretary of the Interior shall take into account the effec-*
18 *tiveness and appropriateness of the proposals in fulfilling*
19 *the purposes of other laws applicable to restoration of the*
20 *fishery resources and habitat of the Great Lakes Basin*

21 “(e) *COST-SHARING.*—

22 “(1) *IN GENERAL.*—*Not less than 25 percent of*
23 *the cost of implementing a proposal selected under*
24 *subsection (d) (not including the cost of establishing*

1 *sea lamprey barriers) shall be paid in cash or in-kind*
2 *contributions by non-Federal sources.*

3 “(2) *EXCLUSION OF FEDERAL FUNDS FROM NON-*
4 *FEDERAL SHARE.—The Secretary of the Interior may*
5 *not consider the expenditure, directly or indirectly, of*
6 *Federal funds received by a State or local government*
7 *to be a contribution by a non-Federal source for pur-*
8 *poses of this subsection.”.*

9 **SEC. 7. REPORTS TO CONGRESS.**

10 *Section 1008 of the Great Lakes Fish and Wildlife Res-*
11 *toration Act of 1990 (16 U.S.C. 941f) is amended to read*
12 *as follows:*

13 **“SEC. 1008. REPORTS TO CONGRESS.**

14 *“On December 31, 2002, the Secretary of the Interior*
15 *shall submit to the Committee on Resources of the House*
16 *of Representatives and the Committee on Environment and*
17 *Public Works of the Senate a report that describes—*

18 *“(1) actions taken to solicit and review proposals*
19 *under section 1005;*

20 *“(2) the results of proposals implemented under*
21 *section 1005; and*

22 *“(3) progress toward the accomplishment of the*
23 *goals specified in section 1006.”.*

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 1009 of the Great Lakes Fish and Wildlife Res-*
3 *toration Act of 1990 (16 U.S.C. 941g) is amended to read*
4 *as follows:*

5 **“SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

6 *“There are authorized to be appropriated to the Sec-*
7 *retary of the Interior—*

8 *“(1) for the activities of the Great Lakes Coordi-*
9 *nation Office in East Lansing, Michigan, the Upper*
10 *Great Lakes Fishery Resources Office, and the Lower*
11 *Great Lakes Fishery Resources Office under section*
12 *1007, \$3,500,000 for each of fiscal years 1999 through*
13 *2003; and*

14 *“(2) for implementation of fish and wildlife res-*
15 *toration proposals selected by the Secretary of the In-*
16 *terior under section 1005(d), \$4,500,000 for each of*
17 *fiscal years 1999 through 2003, of which none shall*
18 *be available for costs incurred in administering the*
19 *proposals.”.*

20 **SEC. 9. ESTABLISHMENT OF MICHIGAN COOPERATIVE BIO-**
21 **LOGICAL RESOURCES DIVISION RESEARCH**
22 **UNIT.**

23 *(a) IN GENERAL.—The Secretary of the Interior shall*
24 *enter into a cooperative agreement under Public Law 95-*
25 *616 that establishes a cooperative research unit at the*
26 *Michigan State University Department of Fisheries and*

1 *Wildlife. The Secretary shall invite Michigan State Univer-*
2 *sity, the State of Michigan Department of Natural Re-*
3 *sources, and governmental agencies and other persons the*
4 *Secretary considers appropriate to prepare and enter into*
5 *a cooperative agreement under this section.*

6 (b) *CONTENT OF AGREEMENT.—A cooperative agree-*
7 *ment under this section shall—*

8 (1) *be designed to provide for enhanced training,*
9 *technical assistance, and research on fisheries, wild-*
10 *life, and natural resources in the Great Lakes region,*
11 *by establishing a cooperative research unit that facili-*
12 *tates these activities and serves as a liaison between*
13 *the Federal Government, the State of Michigan, and*
14 *State academic institutions including Michigan State*
15 *University and the University of Michigan;*

16 (2) *be administered under the Cooperative Re-*
17 *search Units program of the United States Geological*
18 *Survey in accordance with appropriate guidelines*
19 *and policies that apply to the operation of the pro-*
20 *gram, including with respect to contracting proce-*
21 *dures, supervision, and cost share arrangements de-*
22 *fining the contributions of each signatory to the*
23 *agreement; and*

24 (3) *require that Federal funds be used, at a min-*
25 *imum, to support the oversight activities of the re-*

1 *sponsible Federal official designated under subsection*
2 *(c).*

3 *(c) DESIGNATION OF RESPONSIBLE FEDERAL OFFI-*
4 *CIAL.—The Secretary of the Interior shall designate an in-*
5 *dividual employed in the Great Lakes Science Center of the*
6 *United States Geological Survey to be responsible for over-*
7 *seeing activities of a cooperative research unit established*
8 *under this section.*

9 **SEC. 10. ESTABLISHMENT OF A NEW JERSEY COOPERATIVE**
10 **BIOLOGICAL RESOURCES DIVISION RE-**
11 **SEARCH UNIT.**

12 *(a) IN GENERAL.—The Secretary of the Interior shall*
13 *seek to enter into a cooperative agreement under Public*
14 *Law 95–616 that establishes a cooperative research unit at*
15 *Rutgers University Institute of Marine and Coastal*
16 *Sciences. The Secretary shall invite Rutgers University and*
17 *the State of New Jersey Department of Environmental Pro-*
18 *tection to prepare and enter into a cooperative agreement*
19 *under this section.*

20 *(b) CONTENT OF AGREEMENT.—A cooperative agree-*
21 *ment under this section shall—*

22 *(1) be designed to provide for enhanced training,*
23 *technical assistance, and research focused on fisheries,*
24 *wildlife, and natural resources in the Mid-Atlantic re-*

1 *gion by establishing a cooperative research unit that*
2 *facilitates these activities; and*

3 *(2) be administered under the Cooperative Re-*
4 *search Units program of the United States Geological*
5 *Survey in accordance with appropriate guidelines*
6 *and policies that apply to the operation of the pro-*
7 *gram, including staffing, contracting procedures, su-*
8 *pervision, and cost share arrangements defining the*
9 *contributions of each signatory on the agreement.*