

**Calendar No. 599**

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1481**

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1998

Received; read twice and placed on the calendar

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**AN ACT**

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 Resources Restoration Study.

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 Res-  
9        toration Study, for which a report was submitted to  
10        Congress in 1995, was a comprehensive study of the  
11        status, and the assessment, management, and res-  
12        toration needs, of the fishery resources of the Great  
13        Lakes Basin, and was conducted through the joint  
14        effort of the United States Fish and Wildlife Serv-  
15        ice, State fish and wildlife resource management  
16        agencies, Indian tribes, and the Great Lakes Fishery  
17        Commission; 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  
23        Great Lakes Basin, additional actions and bet-  
24        ter coordination are needed to protect and ef-

1           fectively manage the fisheries and related re-  
2           sources in the Great Lakes Basin; and

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

7 **SEC. 3. REFERENCE; REPEAL.**

8           (a) REFERENCE.—Each reference in this Act (other  
9           than in subsection (b)) to the Great Lakes Fish and Wild-  
10          life Restoration Act of 1990 is a reference to the Act en-  
11          acted by title I of Public Law 101–537 (104 Stat. 2370).

12          (b) REPEAL OF DUPLICATIVE ENACTMENT.—The  
13          Great Lakes Fish and Wildlife Restoration Act of 1990,  
14          enacted as title II of Public Law 101–646 (104 Stat.  
15          4773), is repealed.

16 **SEC. 4. PURPOSES.**

17          Section 1003 of the Great Lakes Fish and Wildlife  
18          Restoration Act of 1990 (16 U.S.C. 941a) is amended—

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

21                   (2) by striking paragraph (1);

22                   (3) by redesignating paragraphs (2) and (3) as  
23                  paragraphs (1) and (2), respectively;

24                   (4) by striking paragraph (1) (as so redesign-  
25                  ated) and inserting the following:

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

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

7 **SEC. 5. DEFINITIONS.**

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

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

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

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

18           (4) in paragraph (9) (as redesignated by para-  
19 graph (2)), by striking “plant or animal” and insert-  
20 ing “plant, animal, or other organism”;

21           (5) by inserting after paragraph (1) the follow-  
22 ing:

23           “(2) the term ‘Committee’ means the Great  
24 Lakes Fish and Wildlife Restoration Proposal Re-  
25 view Committee established by section 1005(c);”;

1           (6) by inserting after paragraph (7) (as redesignig-  
2           nated by paragraph (2)) the following:

3           “(8) the term ‘non-Federal source’ includes a  
4           State government, local government, Indian Tribe,  
5           other non-Federal governmental entity, private en-  
6           tity, and individual;”;

7           (7) by inserting after paragraph (9) (as redesignig-  
8           nated by paragraph (2)) the following:

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

15          “(11) the term ‘restoration’ means rehabilita-  
16          tion and maintenance of the structure, function, di-  
17          versity, and dynamics of a biological system, includ-  
18          ing reestablishment of self-sustaining populations of  
19          fish and wildlife;”;

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

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

1 **SEC. 6. IDENTIFICATION, REVIEW, AND IMPLEMENTATION**  
2 **OF PROPOSALS.**

3 Section 1005 of the Great Lakes Fish and Wildlife  
4 Restoration Act of 1990 (16 U.S.C. 941c) is amended to  
5 read as follows:

6 **“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**  
7 **TION OF PROPOSALS.**

8 “(a) IN GENERAL.—The Director, in consultation  
9 with the Committee, shall encourage the development and,  
10 subject to the availability of appropriations, the implemen-  
11 tation of proposals based on the results of the Report.

12 “(b) IDENTIFICATION OF PROPOSALS.—

13 “(1) REQUEST BY THE DIRECTOR.—The Direc-  
14 tor shall annually request that State Directors and  
15 Indian Tribes, in cooperation or partnership with  
16 other interested entities and based on the results of  
17 the Report, submit proposals for the restoration of  
18 fish and wildlife resources.

19 “(2) REQUIREMENTS FOR PROPOSALS.—A pro-  
20 posal under paragraph (1) shall be submitted in the  
21 manner and form prescribed by the Director and  
22 shall be consistent with the goals of the Great Lakes  
23 Water Quality Agreement, as revised in 1987, the  
24 1954 Great Lakes Fisheries Convention, the 1980  
25 Joint Strategic Plan for the Management of Great  
26 Lakes fishery resources, the Nonindigenous Aquatic

1 Nuisance Prevention and Control Act of 1990 (16  
2 U.S.C. 4701 et seq.), and the North American Wa-  
3 terfowl Management Plan and joint ventures estab-  
4 lished under the plan.

5 “(3) SEA LAMPREY AUTHORITY.—The Great  
6 Lakes Fishery Commission shall retain authority  
7 and responsibility for formulation and implementa-  
8 tion of a comprehensive program for eradicating or  
9 minimizing sea lamprey populations in the Great  
10 Lakes Basin.

11 “(c) REVIEW OF PROPOSALS.—

12 “(1) ESTABLISHMENT OF COMMITTEE.—There  
13 is established the Great Lakes Fish and Wildlife  
14 Restoration Proposal Review Committee, which shall  
15 operate under the guidance of the Council of Lake  
16 Committees of the Great Lakes Fishery Commission.

17 “(2) MEMBERSHIP AND APPOINTMENT.—

18 “(A) IN GENERAL.—The Committee shall  
19 consist of representatives of all State Directors  
20 and Indian Tribes with Great Lakes fish and  
21 wildlife management authority in the Great  
22 Lakes Basin.

23 “(B) APPOINTMENTS.—State Directors  
24 and Tribal Chairs shall appoint their represent-

1           atives, who shall serve at the pleasure of the ap-  
2           pointing authority.

3           “(C) OBSERVER.—The Great Lakes Coor-  
4           dinator of the United States Fish and Wildlife  
5           Service shall participate as an observer of the  
6           Committee.

7           “(D) RECUSAL.—A member of the Com-  
8           mittee shall recuse himself or herself from con-  
9           sideration of proposals that the member, or the  
10          entity that the member represents, has submit-  
11          ted.

12          “(3) FUNCTIONS.—The Committee shall at  
13          least annually—

14               “(A) review proposals developed in accord-  
15               ance with subsection (b) to assess their effec-  
16               tiveness and appropriateness in fulfilling the  
17               purposes of this title; and

18               “(B) recommend to the Director any of  
19               those proposals that should be funded and im-  
20               plemented under this section.

21          “(d) IMPLEMENTATION OF PROPOSALS.—After con-  
22          sidering recommendations of the Committee and the goals  
23          specified in section 1006, the Director shall select propos-  
24          als to be implemented and, subject to the availability of  
25          appropriations and subsection (e), fund implementation of

1 the proposals. In selecting and funding proposals, the Di-  
2 rector shall take into account the effectiveness and appro-  
3 priateness of the proposals in fulfilling the purposes of  
4 other laws applicable to restoration of the fishery re-  
5 sources and habitat of the Great Lakes Basin.

6 “(e) COST-SHARING.—

7 “(1) IN GENERAL.—Not less than 25 percent of  
8 the cost of implementing a proposal selected under  
9 subsection (d) (not including the cost of establishing  
10 sea lamprey barriers) shall be paid in cash or in-  
11 kind contributions by non-Federal sources.

12 “(2) EXCLUSION OF FEDERAL FUNDS FROM  
13 NON-FEDERAL SHARE.—The Director may not con-  
14 sider the expenditure, directly or indirectly, of Fed-  
15 eral funds received by a State or local government  
16 to be a contribution by a non-Federal source for  
17 purposes of this subsection.”.

18 **SEC. 7. REPORTS TO CONGRESS.**

19 Section 1008 of the Great Lakes Fish and Wildlife  
20 Restoration Act of 1990 (16 U.S.C. 941f) is amended to  
21 read as follows:

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

23 “On December 31, 2002, the Director shall submit  
24 to the Committee on Resources of the House of Represent-

1 atives and the Committee on Environment and Public  
2 Works of the Senate a report that describes—

3 “(1) actions taken to solicit and review propos-  
4 als under section 1005;

5 “(2) the results of proposals implemented under  
6 section 1005; and

7 “(3) progress toward the accomplishment of the  
8 goals specified in section 1006.”.

9 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 1009 of the Great Lakes Fish and Wildlife  
11 Restoration Act of 1990 (16 U.S.C. 941g) is amended to  
12 read as follows:

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

14 “There are authorized to be appropriated to the Di-  
15 rector—

16 “(1) for the activities of the Great Lakes Co-  
17 ordination Office in East Lansing, Michigan, of the  
18 Upper Great Lakes Fishery Resources Office, and of  
19 the Lower Great Lakes Fishery Resources Office  
20 under section 1007, \$3,500,000 for each of fiscal  
21 years 1999 through 2004; and

22 “(2) for implementation of fish and wildlife res-  
23 toration proposals selected by the Director under  
24 section 1005(d), \$4,500,000 for each of fiscal years  
25 1999 through 2004, of which no funds shall be

1 available for costs incurred in administering the pro-  
2 posals.”.

Passed the House of Representatives September 23,  
1998.

Attest:

ROBIN H. CARLE,

*Clerk.*

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