

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF
1998

SEPTEMBER 15, 1998.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1481]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1841) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Great Lakes Fish and Wildlife Restoration Act of 1998”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes Fishery Resources Restoration Study, for which a report was submitted to Congress in 1995, was a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin, and was conducted through the joint effort of the United States Fish and Wildlife Service, State fish and wildlife resource management agencies, Indian tribes, and the Great Lakes Fishery Commission; and

(2) the study—

(A) found that, although State, Provincial, Native American Tribal, and Federal agencies have made significant progress toward the goal of restoring a healthy fish community to the Great Lakes Basin, additional actions and better coordination are needed to protect and effectively manage the fisheries and related resources in the Great Lakes Basin; and

(B) recommended actions that are not currently funded but are considered essential to meet goals and objectives in managing the resources of the Great Lakes Basin.

SEC. 3. REFERENCE; REPEAL.

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

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Great Lakes Fish and Wildlife Restoration Act of 1990, enacted as title II of Public Law 101–646 (104 Stat. 4773), is repealed.

SEC. 4. PURPOSES.

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

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

(2) by striking paragraph (1);

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

(4) by striking paragraph (1) (as so redesignated) and inserting the following: “(1) to develop and implement proposals for the restoration of fish and wildlife resources in the Great Lakes Basin; and”; and

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

SEC. 5. DEFINITIONS.

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

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

(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;

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

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

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

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

(6) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

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

(7) by inserting after paragraph (9) (as redesignated by paragraph (2)) the following:

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

“(11) the term ‘restoration’ means to rehabilitate and maintain the structure, function, diversity, and dynamics of a biological system, including reestablishment of self-sustaining populations of fish and wildlife;”;

(8) in paragraph (12) (as redesignated by paragraph (2)), by striking “and” at the end; and

(9) in paragraph (13) (as redesignated by paragraph (2)), by striking the period at the end and inserting “; and”.

SEC. 6. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

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

“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

“(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Committee, shall encourage the development and, subject to the availability of appropriations, the implementation of proposals based on the results of the Report.

“(b) IDENTIFICATION OF PROPOSALS.—

“(1) REQUEST BY THE SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall annually request that State Directors and Indian Tribes, in coopera-

tion or partnership with other interested entities and based on the results of the Report, submit proposals for the restoration of fish and wildlife resources.

“(2) REQUIREMENTS FOR PROPOSALS.—A proposal under paragraph (1) shall be submitted in the manner and form prescribed by the Secretary of the Interior and shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great Lakes Fisheries Convention, fishery management jurisdictions, the 1980 Joint Strategic Plan for the Management of Great Lakes fishery resources, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), and the North American Waterfowl Management Plan and joint ventures established under the plan.

“(3) SEA LAMPREY AUTHORITY.—The Great Lakes Fishery Commission shall retain authority and responsibility for formulation and implementation of a comprehensive program for eradicating or minimizing sea lamprey populations in the Great Lakes Basin.

“(c) REVIEW OF PROPOSALS.—

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

“(2) MEMBERSHIP AND APPOINTMENT.—

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

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

“(C) OBSERVER.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

“(D) RECUSAL.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

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

“(A) review proposals developed in accordance with subsection (b) to assess their effectiveness and appropriateness in fulfilling the purposes of this title; and

“(B) make recommendations to the Council of Lake Committees of the Great Lakes Fishery Commission regarding priorities that should be recommended by that commission under paragraph (4).

“(4) RECOMMENDATION OF PRIORITIES.—The Council of Lake Committees of the Great Lakes Fishery Commission, after reviewing recommendations from the Committee under paragraph (2)(B), shall recommend to the Secretary of the Interior priorities for implementing the proposals.

“(d) IMPLEMENTATION OF PROPOSALS.—After considering recommendations of the Council of Lake Committees of the Great Lakes Fishery Commission and the goals specified in section 1006, the Secretary of the Interior shall select proposals to be implemented and, subject to the availability of appropriations and subsection (e), fund implementation of the proposals. In selecting and funding proposals, the Secretary of the Interior shall take into account the effectiveness and appropriateness of the proposals in fulfilling the purposes of other laws applicable to restoration of the fishery resources and habitat of the Great Lakes Basin

“(e) COST-SHARING.—

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

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

SEC. 7. REPORTS TO CONGRESS.

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

“SEC. 1008. REPORTS TO CONGRESS.

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

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

- “(2) the results of proposals implemented under section 1005; and
- “(3) progress toward the accomplishment of the goals specified in section 1006.”.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

“SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary of the Interior—

“(1) for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 1007, \$3,500,000 for each of fiscal years 1999 through 2003; and

“(2) for implementation of fish and wildlife restoration proposals selected by the Secretary of the Interior under section 1005(d), \$4,500,000 for each of fiscal years 1999 through 2003, of which none shall be available for costs incurred in administering the proposals.”.

SEC. 9. ESTABLISHMENT OF MICHIGAN COOPERATIVE BIOLOGICAL RESOURCES DIVISION RESEARCH UNIT.

(a) **IN GENERAL.**—The Secretary of the Interior shall enter into a cooperative agreement under Public Law 95–616 that establishes a cooperative research unit at the Michigan State University Department of Fisheries and Wildlife. The Secretary shall invite Michigan State University, the State of Michigan Department of Natural Resources, and governmental agencies and other persons the Secretary considers appropriate to prepare and enter into a cooperative agreement under this section.

(b) **CONTENT OF AGREEMENT.**—A cooperative agreement under this section shall—

(1) be designed to provide for enhanced training, technical assistance, and research on fisheries, wildlife, and natural resources in the Great Lakes region, by establishing a cooperative research unit that facilitates these activities and serves as a liaison between the Federal Government, the State of Michigan, and State academic institutions including Michigan State University and the University of Michigan;

(2) be administered under the Cooperative Research Units program of the United States Geological Survey in accordance with appropriate guidelines and policies that apply to the operation of the program, including with respect to contracting procedures, supervision, and cost share arrangements defining the contributions of each signatory to the agreement; and

(3) require that Federal funds be used, at a minimum, to support the oversight activities of the responsible Federal official designated under subsection (c).

(c) **DESIGNATION OF RESPONSIBLE FEDERAL OFFICIAL.**—The Secretary of the Interior shall designate an individual employed in the Great Lakes Science Center of the United States Geological Survey to be responsible for overseeing activities of a cooperative research unit established under this section.

SEC. 10. ESTABLISHMENT OF A NEW JERSEY COOPERATIVE BIOLOGICAL RESOURCES DIVISION RESEARCH UNIT.

(a) **IN GENERAL.**—The Secretary of the Interior shall seek to enter into a cooperative agreement under Public Law 95–616 that establishes a cooperative research unit at Rutgers University Institute of Marine and Coastal Sciences. The Secretary shall invite Rutgers University and the State of New Jersey Department of Environmental Protection to prepare and enter into a cooperative agreement under this section.

(b) **CONTENT OF AGREEMENT.**—A cooperative agreement under this section shall—

(1) be designed to provide for enhanced training, technical assistance, and research focused on fisheries, wildlife, and natural resources in the Mid-Atlantic region by establishing a cooperative research unit that facilitates these activities; and

(2) be administered under the Cooperative Research Units program of the United States Geological Survey in accordance with appropriate guidelines and policies that apply to the operation of the program, including staffing, contracting procedures, supervision, and cost share arrangements defining the contributions of each signatory on the agreement.

PURPOSE OF THE BILL

The purpose of H.R. 1481 is 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.

BACKGROUND AND NEED FOR LEGISLATION

The Great Lakes provide a vast source of natural resources for the people of the United States and Canada. The Great Lakes—Michigan, Superior, Huron, Erie, and Ontario—are the largest system of surface freshwater on earth, containing roughly 18 percent of the world's supply. Only the polar ice caps contain more freshwater. The Great Lakes consist of 10,900 miles of shoreline, 95,000 square miles of surface area (larger than the States of New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, and New Hampshire combined), and a natural drainage basin of 295,000 square miles.

In the last decade, the human population within the Great Lakes Basin has expanded to 35 million people. In spite of their immense size, the Great Lakes have been impacted heavily due to the population growth. Great demands have been placed on the Great Lakes for agricultural, municipal, and industrial water supplies, maintenance of fish and wildlife habitats, mining, navigation, power production, recreation, waste disposal, and other purposes. These growing, and often conflicting demands exert tremendous pressure on the fish and wildlife resources of the Great Lakes Basin. Combined with contaminants, invasion by non-indigenous species, habitat destruction, legal and illegal fishery resource harvest levels, and sea lamprey predation, fish and wildlife communities found in the Great Lakes Basin have been significantly affected.

In response to the complexity and growing nature of the problems facing the Great Lakes, Congress passed the Great Lakes Fish and Wildlife Restoration Act of 1990 (Public Law 101-537, 16 U.S.C. 941 et seq.). However, restoration of the Great Lakes is a complex process, which requires the cooperation of all governments and public interest groups. The Great Lakes are managed at many levels including: two Federal governments, eight States, eight Native American Tribes, and two Provinces, as well as municipalities, county boards, and regional and international bodies, such as the International Joint Commission, the Great Lakes Fishery Commission, and the Great Lakes Commission. Many of the current problems and hurdles preventing ecosystem restoration are the result of uncoordinated management efforts.

The Great Lakes Fishery Resources Study Report, which was completed in September 1995 by the U.S. Fish and Wildlife Service, highlights the tremendous resource management challenges facing the Great Lakes Basin, including fisheries management, habitat protection, chemical contamination, overexploitation of the fish and wildlife resources, and introduction of nonindigenous species. No single government entity possesses the capacity or legal authority to completely address all these resource management challenges.

H.R. 1481 authorizes the U.S. Fish and Wildlife Service to coordinate and fund fish and wildlife restoration projects in the Great

Lakes Basin. The Great Lakes Fish and Wildlife Restoration Act of 1990 needs to be reauthorized and the work of revitalizing the Great Lakes Basin must begin.

COMMITTEE ACTION

H.R. 1481 was introduced on April 29, 1997, by Congressman Steven LaTourette (R-OH). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife, and Oceans. On June 18, 1998, the Subcommittee held a hearing on H.R. 1481, where all witnesses, including the Administration, testified in support and recommended several technical changes to the bill. On July 16, 1998, the Subcommittee met to mark up H.R. 1481. Congressman Wayne T. Gilchrest (R-MD) offered an amendment in the nature of a substitute, which slightly increased authorization levels and included language to authorize a Michigan cooperative research unit. Congressman Jim Saxton (R-NJ) offered an amendment to the Gilchrest amendment which authorized a New Jersey cooperative research unit. The Saxton amendment was adopted by voice vote, and the Gilchrest amendment, as amended, adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee. On August 5, 1998, the Full Resources Committee met to consider H.R. 1481. An amendment in the nature of a substitute which made certain technical changes, tracked language in a corresponding Senate companion bill, and slightly increased authorization levels was offered by Congressman Saxton, and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides a short title for the bill, the “Great Lakes Fish and Wildlife Restoration Act of 1998.”

SECTION 2. FINDINGS

This section sets forth the findings of Congress with respect to the Great Lakes Fishery Resources Restoration Study. The Study found that despite the progress that has been made, additional actions and better coordination are needed to protect and manage fisheries and related resources in the Great Lakes Basin. The Study also recommended actions that are not currently being funded but are essential to meet goals and objectives in managing the resources of the Great Lakes Basin.

SECTION 3. REFERENCE; REPEAL

Congress passed two identical versions of the Great Lakes Fish and Wildlife Restoration Act of 1990 in Public Laws 101-573 and 101-646. This section repeals title II of Public Law 101-646, and clarifies that any reference to the Great Lakes Fish and Wildlife Restoration Act of 1990 is a reference to the Act enacted by title I of Public Law 101-573.

SECTION 4. PURPOSES

This section amends and updates the purposes of the 1990 Great Lakes Fish and Wildlife Restoration Act to include development and implementation of proposals for the restoration of fish and wildlife resources in the Great Lakes Basin.

SECTION 5. DEFINITIONS

This section amends section 1004 of the 1990 Great Lakes Fish and Wildlife Restoration Act to provide definitions for “Committee”, “non-Federal source”, “Report”, and “restoration”. In addition, the definition of “nonindigenous species” is amended to include “other organism”.

SECTION 6. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS

This section replaces section 1005 of the 1990 Act, which provided for the Study, with provisions for developing and implementing restoration proposals. Specifically, the Director of the U.S. Fish and Wildlife Service is required to request, on an annual basis, proposals for the restoration of fish and wildlife resources from States and Indian Tribes, in cooperation or partnership with other interested entities. Proposals must be based on the results of the Report, and must further be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great Lakes Fisheries Convention, fishery management jurisdictions, the 1980 Joint Strategic Plan for the management of Great Lakes fishery resources, the Nonindigenous Aquatic Nuisance Prevention and Control Act, and the North American Waterfowl Management Plan and joint ventures established under the plan.

The Great Lakes Fish and Wildlife Restoration Proposal Review Committee is established to review the proposals, and make recommendations to the Council of Lake Committees of the Great Lakes Fishery Commission. The Committee shall meet at least once a year and will operate under the authority and control of the Council. The Committee shall include representatives from all States and Indian Tribes with Great Lakes fish and wildlife management authority in the Great Lakes Basin. Nothing in this bill should be construed to enlarge or diminish the authority of any Indian Tribe with respect to the management of fish and wildlife in the Great Lakes Basin. The Great Lakes Coordinator of the Service will serve on the Committee as an observer. Committee members must recuse themselves from consideration of proposals that the member, or the entity that the member represents, has submitted. This is intended to avoid any conflicts of interest in the Committee members’ review and recommendation of individual proposals.

In reviewing proposals, the Committee and the Council shall assess their effectiveness and appropriateness in fulfilling the purposes of the 1990 Act. In receiving proposals, the Director of the Service shall prioritize the recommendations, taking into account the effectiveness and appropriateness of proposals in fulfilling the purposes of the laws applicable to restoration of the fishery resources and habitat of the Great Lakes Basin. As emphasized in the Report, coordination on an ecosystem-wide basis is essential for

restoration of the Great Lakes Basin resources. Proposals that reflect this coordination and fulfill purposes of multiple laws to restore the Great Lakes Basin should be encouraged. After considering the recommendations of the Council, the Director of the Service shall select and fund proposals, subject to available appropriations. Not less than 25 percent of the cost of any proposal must be funded by non-federal sources, either in cash or through in-kind contributions.

Control of sea lamprey populations in the Great Lakes Basin shall remain under the authority of the Great Lakes Fishery Commission, and are not subject to the cost-sharing provision.

SECTION 7. REPORTS TO CONGRESS

This section requires the Secretary of the Interior to submit a report to the Senate Committee on Environment and Public Works and the House Committee on Resources describing actions taken to solicit, review and implement proposals under section 1005 of the 1990 Act, and the progress made toward the accomplishment of the goals specified in section 1006 of the 1990 Act.

SECTION 8. AUTHORIZATION OF APPROPRIATIONS

This section authorizes up to \$3.5 million in appropriations for each of fiscal years 1998–2003 for the operation of the Great Lakes Coordination Office in East Lansing, Michigan, the Upper Great Lakes Fishery Resources Offices and the Lower Great Lakes Fishery Resources Office. The legislation also authorizes \$4.5 million for each of fiscal years 1999–2003 for implementation of fish and wildlife restoration proposals selected by the Director of the Service; none of these funds are available for costs incurred in administering the proposals.

SECTION 9. ESTABLISHMENT OF MICHIGAN COOPERATIVE BIOLOGICAL RESOURCES DIVISION RESEARCH UNIT

This section authorizes the Secretary of the Interior to negotiate and enter into a cooperative agreement with the State of Michigan to establish a U.S. Geological Survey, Cooperative Biological Resources Division Research Unit at Michigan State University. It is the Committee's expectation that the University of Michigan and Michigan State University will be full partners in the Unit, with Michigan State University serving as the signatory to the agreement establishing the Unit.

This section establishes a new framework for the Cooperative Biological Resources Division Research Units for the State of Michigan where the program is not required to hire any new full-time employees. An employee of the Great Lakes Science Center will provide local federal oversight of the Unit and administrative support. However, overall direction and review of Unit performance will still be the responsibility of the Cooperative Research Units program of the U.S. Geological Survey.

This new Unit model shall not preclude the Michigan Unit from acquiring federal funds for hiring new full-time employees should the Cooperative Units program be fully funded in the future.

SECTION 10. ESTABLISHMENT OF A NEW JERSEY COOPERATIVE
BIOLOGICAL RESOURCES DIVISION RESEARCH UNIT

This section authorizes the Secretary of the Interior to negotiate and enter into a cooperative agreement with the State of New Jersey to establish a U.S. Geological Survey Cooperative Biological Resources Division Research Unit at Rutgers University Institute of Marine and Coastal Sciences. The Unit shall be administered under the Cooperative Research Units program of the United States Geological Survey in accordance with appropriate guidelines and policies that apply to the operation of the program, including staffing, contracting procedures, supervision, and cost share arrangements defining the contributions of each signatory to the agreement.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in H.R. 1481 are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 1481.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1481. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1481 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from

the Committee on Government Reform and Oversight on the subject of H.R. 1481.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1481 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 20, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1481, the Great Lakes Fish and Wildlife Restoration Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs), and Majorie Miller (for the state, local, and tribal impact).

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

H.R. 1481—Great Lakes Fish and Wildlife Restoration Act of 1998

Summary: H.R. 1481 authorize the appropriation of \$8 million for each of the fiscal years 1999 through 2003 to the Department of the Interior (DOI) for fish and wildlife restoration activities in the Great Lakes Basin. The bill also would direct the Secretary of the Interior to enter into cooperative agreements that establish research units at two universities. The cooperative agreements required by the bill would be administered by the U.S. Geological Survey (USGS). Based on information from USGS, CBO estimates that establishing these research units would cost almost \$1 million each year, subject to appropriation of the necessary amounts.

CBO estimates that implementing H.R. 1481 would result in outlays of about \$8 million in fiscal year 1999 and of \$44 million over the 1999–2003 period, assuming appropriations action. Because H.R. 1481 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 1481 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and tribal governments might incur some costs as a result of the bill's enactment, but these costs would be voluntary.

Description of the bill's major provisions: H.R. 1481 would authorize the appropriation of \$3.5 million for each of the fiscal years 1999 through 2003 for the activities of the three offices that coordinate all U.S. Fish and Wildlife activities in the Great Lakes Basin: the Great Lakes Coordination Office, the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Re-

sources Office. These offices also provide administrative and technical support to carry out these activities. The previous authorization of appropriations for these offices expired in fiscal year 1995.

H.R. 1481 also would authorize the appropriation of \$4.5 million for each of the fiscal years 1999 through 2003 for the federal costs associated with implementing fish and wildlife restoration projects approved by the Secretary of the Interior. The bill would establish a Great Lakes Fish and Wildlife Restoration Proposal Review Commission, composed of representatives of states and Indian tribes to evaluate proposed projects. Under H.R. 1481, at least 25 percent of the total cost of implementing a proposal would have to be paid by nonfederal sources in cash or through in-kind contributions. The bill also would direct the Secretary of the Interior to prepare a report on the review, implementation, and results of fish and wildlife restoration proposals in the Great Lakes Basin by December 31, 2002.

The bill also would direct the Secretary of the Interior to enter into cooperative agreements to establish cooperative research units at Michigan State University and Rutgers University to provide for training, technical assistance, and research on fisheries, wildlife, and natural resources in the Great Lakes and Mid-Atlantic regions, respectively.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1481 is shown in the following table. For the purposes of this estimate, CBO assumes that the authorized and estimated amounts will be appropriated near the start of each fiscal year and that outlays will follow historical patterns for similar activities. We also assume that nonfederal sources will provide matching contributions for restoration proposals on a timely basis. The costs of this legislation fall within budget function 300 (natural resources and the environment).

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority ¹	2	0	0	0	0	0
Estimated outlays	1	(2)	(2)	(2)	0	0
Proposed changes:						
Estimated authorization level	0	9	9	9	9	9
Estimated outlays	0	8	9	9	9	9
Spending under H.R. 1481:						
Estimated authorization level ¹	2	9	9	9	9	9
Estimated outlays	1	8	9	9	9	9

¹ The 1998 level is the amount appropriated for that year.

² Less than \$500,000.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: H.R. 1481 contains no intergovernmental mandates as defined in UMR. State or tribal governments that seek and receive federal funds for fish and wildlife restoration projects, as authorized by this bill, would be required to pay at least 25 percent of the projects' costs. In addition, state and tribal governments would incur some minor costs should they choose to participate in the Great Lakes Fish and Wildlife Restoration Proposal Review Com-

mittee and the cooperative research units authorized by this bill. These costs would be incurred voluntarily.

Estimated impact on the private sector: H.R. 1481 contains no private-sector mandates as defined in UMRA.

Previous CBO estimate: On July 24, 1998, CBO prepared a cost estimate for S. 659, the Great Lakes Fish and Wildlife Restoration Act of 1998, as ordered reported by the Senate Committee on Environment and Public Works on July 22, 1998. H.R. 1481 is similar to S. 659 but includes an additional requirement that DOI establish cooperative research units at two universities. The estimates differ by \$1 million a year for the costs of those research units.

Estimate prepared by: Federal Costs: Victoria V. Heid; Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 1481 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF NOVEMBER 29, 1990

AN ACT To prevent and control infestations of the coastal inland waters of the United States by the zebra mussel and other nonindigenous aquatic nuisance species, to reauthorize the National Sea Grant College Program, and for other purposes

* * * * *

[TITLE II—GREAT LAKES FISH AND WILDLIFE RESTORATION

[SECTION 2001. SHORT TITLE.

[This title may be cited as the “Great Lakes Fish and Wildlife Restoration Act of 1990”.

[SEC. 2002. FINDINGS.

[The Congress finds and declares the following:

[(1) As the human population of the Great Lakes Basin has expanded to over 35,000,000 people, great demands have been placed on the lakes for use for boating and other recreation, navigation, municipal and industrial water supply, waste disposal, power production, and other purposes. These growing and often conflicting demands exert pressure on the fish and wildlife resources of the Great Lakes Basin, including in the form of contaminants, invasion by nonindigenous species, habitat degradation and destruction, legal and illegal fishery resource harvest levels, and sea lamprey predation.

【(2) The fishery resources of the Great Lakes support recreational fisheries enjoyed by more than 5,000,000 people annually and commercial fisheries providing approximately 9,000 jobs. Together, these fisheries generate economic activity worth more than \$4,400,000,000 annually to the United States.

【(3) The availability of a suitable forage base is essential to lake trout, walleye, yellow perch, and other recreational and commercially valuable fishery resources of the Great Lakes Basin. Protecting and restoring productive fish habitat, including by protecting water quality, is essential to the successful recovery of Great Lakes Basin fishery resources.

【(4) The Great Lakes Basin contains important breeding and migration habitat for all types of migratory birds. Many migratory bird species dependent on deteriorating Great Lakes Basin habitat have suffered serious population declines in recent years.

【(5) Over 80 percent of the original wetlands in the Great Lakes Basin have been destroyed and such losses continue at a rate of 20,000 acres annually.

【(6) Contaminant burdens in the fish and wildlife resources of the Great Lakes Basin are substantial and the impacts of those contaminants on the life functions of important fish and wildlife resources are poorly understood. Concern over the effects of those contaminants on human health have resulted in numerous public health advisories recommending restricted or no consumption of Great Lakes fish.

【(7) The lower Great Lakes are uniquely different from the upper Great Lakes biologically, physically, and in the degree of human use and shoreline development, and special fishery resource assessments and management activities are necessary to respond effectively to these special circumstances.

【SEC. 2003. PURPOSE.

【The purposes of this Act are—

【(1) to carry out a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin;

【(2) to develop proposals to implement recommendations resulting from that study; and

【(3) to provide assistance to the Great Lakes Fisheries Commission, States, Indian Tribes, and other interested entities to encourage cooperative conservation, restoration and management of the fish and wildlife resources and their habitat of the Great Lakes Basin.

【SEC. 2004. DEFINITIONS.

【In this Act—

【(1) the term “Administrator” means the Administrator of the Environmental Protection Agency;

【(2) the term “Director” means the Director of the United States Fish and Wildlife Service;

【(3) the term “fish stock” means—

【(A) a taxonomically distinct species or subspecies of fish; or

[(B) any other aggregation of fish that are geographically, ecologically, behaviorally, or otherwise limited from breeding with individuals from other groups of fish and are capable of management as a unit;

[(4) the term “Great Lakes Basin” means the air, land, water, and living organisms within the drainage basin of the Saint Lawrence River at or upstream from the point at which the river becomes the international boundary between Canada and the United States;

[(5) the term “Indian Tribe” means any Indian tribe, band, village, nation, or other organized group or community that is recognized by the Bureau of Indian Affairs as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

[(6) the term “lower Great Lakes” means the region in which is located that portion of the Great Lakes Basin which is downstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan;

[(7) the term “upper Great Lakes” means that portion of the Great Lakes Basin which is upstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan

[(8) the term “nonindigenous species” means a species of plant or animal that did not occur in the Great Lake Basin before European colonization of North America;

[(9) the term “Secretary” means the Secretary of the Army; and

[(10) the term “State Director” means the head of the agency, department, board, commission, or other governmental entity of each of the States of New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and the Commonwealth of Pennsylvania which is responsible for the management and conservation of the fish and wildlife resources of that State.

[SEC. 2005. GREAT LAKES FISHERY RESOURCES RESTORATION STUDY.

[(a) IN GENERAL.—The Director shall conduct a comprehensive study of the status of, and the assessment, management, and restoration needs of, the fishery resources of the Great Lakes Basin and shall provide the opportunity for the Secretary, the Administrator, State Directors, Indian Tribes, the Great Lakes Fishery Commission, appropriate Canadian Government entities, and other appropriate entities to participate in the study. The Director shall complete the study by October 1, 1994.

[(b) MEMORANDUM OF UNDERSTANDING.—To provide opportunities for the full participation of all affected entities in the planning and conduct of the study, the Director shall invite the entities identified in subsection (a) to enter into a memorandum of understanding regarding the scope and focus of the study and the responsibilities of each participant for conducting the study.

[(c) CONTENT OF STUDY.—A study under this section shall include, but not be limited to—

[(1) identifying and describing the component drainages of the Great Lakes Basin (including the drainage for each of the Great Lakes), analyzing how the characteristics and current or expected land and water uses of those drainages have affected,

and can be expected to affect in the future, the fishery resources and fish habitats of the Great Lakes Basin;

[(2) analyzing historical fishery resource data for the Great Lakes Basin to identify the causes of past and continuing declines of the fishery resources and the impediments to restoring those resources;

[(3) evaluating the adequacy, effectiveness, and consistency of current Great Lakes interagency fisheries management plans and Federal and State water quality programs, with respect to their effects on Great Lakes fishery resources;

[(4) analyzing the impacts of, and management control alternatives for, recently introduced nonindigenous species, including the zebra mussel, the ruffe, and the spiny water flea in accordance with the Aquatic Nuisance Prevention and Control Act of 1990;

[(5) developing recommendations regarding—

[(A) an action plan to analyze the effects of contaminant levels on fishery resources;

[(B) an action plan for the cooperative restoration and enhancement of depleted, nationally significant fish stocks, including lake trout, yellow perch, lake sturgeon, walleye, forage fish, and Atlantic salmon;

[(C) planning and technical assistance that should be provided to the Great Lakes Fisheries Commission, States, and Indian Tribes to assist their fishery resource restoration efforts;

[(D) mitigation measures to restore and enhance fishery resources adversely affected by past Federal (including federally assisted or approved) water resource development projects and other activities;

[(E) increasing the involvement of the International Joint Commission, the Great Lakes Commission, the Great Lakes Fishery Commission, and other interjurisdictional entities regarding fishery resources protection, restoration, and enhancement;

[(F) research projects and data gathering initiatives regarding population trends of fish stocks, including population abundance and structure, interspecific competition, survival rates, and behavioral patterns;

[(G) important fishery resource habitat and other areas that should be protected, restored, or enhanced for the benefit of Great Lakes fishery resources;

[(H) how private conservation organizations, recreational and commercial fishing interests, the aquaculture industry, and the general public could contribute to the implementation of the fishery resource restoration and enhancement recommendations developed pursuant to this Act; and

[(I) appropriate contributions that should be made by States and other non-Federal entities to the cost of activities undertaken to implement the recommendations, including a description of—

[(i) the activities that shall be cost-shared;

[(ii) the entities or individuals which shall share the costs of those activities;

[(iii) the proportion of appropriate project and activity costs that shall be borne by non-Federal interests; and

[(iv) how the entities or individuals who share costs should finance their contribution.

[(d) PROPOSALS FOR IMPLEMENTING RECOMMENDATIONS.—The Director shall develop proposals for implementing the recommendations of the study developed under subsection (c)(5). The proposals shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great lakes Fisheries Convention, State and tribal fishery management jurisdiction, and the 1980 Joint Strategic Plan for the management of Great Lakes fishery resources.

[(SEC. 2006. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

[In administering programs of the United States Fish and Wildlife Service related to the Great Lakes Basin, the Director shall seek to achieve the following goals:

[(1) Restoring and maintaining self-sustaining fishery resource populations.

[(2) Minimizing the impacts of contaminants on fishery and wildlife resources.

[(3) Protecting, maintaining, and, where degraded and destroyed, restoring fish and wildlife habitat, including the enhancement and creation of wetlands that result in a net gain in the amount of those habitats.

[(4) Stopping illegal activities adversely impacting fishery and wildlife resources.

[(5) Restoring threatened and endangered species to viable, self-sustaining levels.

[(6) Protecting, managing, and conserving migratory birds.

[(SEC. 2007. ESTABLISHMENT OF OFFICES.

[(a) GREAT LAKES COORDINATION OFFICE.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the “Great Lakes Coordination Office”. The functional responsibilities of the Great Lakes Coordination Office shall include intra- and interagency coordination, information distribution, and public awareness outreach. The Great Lakes Coordination Office shall include all administrative and technical support necessary to carry out its responsibilities.

[(b) LOWER GREAT LAKES FISHERY RESOURCES OFFICE.—The Director shall establish an office with necessary administrative and technical support services to carry out all United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes. The office shall be known as the “Lower Great Lakes Fishery Resources Office”, and shall be centrally located in the lower Great Lakes so as to facilitate fishery resource restoration and enhancement activities relating to the lower Great Lakes.

[(c) UPPER GREAT LAKES FISHERY RESOURCES OFFICES.—The Director shall establish one or more offices with necessary administrative and technical support services to carry out United States Fish and Wildlife Service operational activities related to fishery resource protection, restoration, maintenance, and enhancement in the upper Great Lakes. Each of the offices shall be known as an “Upper Great Lakes Fishery Resources Office”, and shall be appropriately located so as to facilitate fishery resource activities in the upper Great Lakes.

[SEC. 2008. ANNUAL REPORTS.

[Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate. Each such report shall describe—

[(1) the progress and findings of the studies conducted under section 2005, including recommendations of implementing activities, where appropriate, that would contribute to the restoration or improvement of one or more fish stocks of the Great Lakes Basin; and

[(2) activities undertaken to accomplish the goals stated in section 2006.

[SEC. 2009. AUTHORIZATION OF APPROPRIATIONS.

[(a) There are authorized to be appropriated to the Director—

[(1) for conducting a study under section 2005 not more than \$4,000,000 for each of fiscal years 1991 through 1994;

[(2) to establish and operate the Great Lakes Coordination Office under section 2008(a) and Upper Great Lakes Fishery Resources Offices under section 2008(c), not more than \$4,000,000 for each of fiscal years 1991 through 1995; and

[(3) to establish and operate the Lower Great Lakes Fishery Resources Offices under section 2008(b), not more than \$2,000,000 for each of fiscal years 1991 through 1995.

[(b) There are authorized to be appropriated to the Secretary to carry out this Act, not more than \$1,500,000 for each of fiscal years 1991 through 1995.]

* * * * *

ACT OF NOVEMBER 8, 1990

AN ACT To authorize a study of the fishery resources of the Great Lakes, and for other purposes

TITLE I—GREAT LAKES FISH AND WILDLIFE RESTORATION

SECTION 1001. SHORT TITLE.

This title may be cited as the “Great Lakes Fish and Wildlife Restoration Act of 1990”.

* * * * *

SEC. 1003. PURPOSE.

The purposes of this [Act] *title* are—

[(1)] (1) to carry out a comprehensive study of the status, and the assessment, management, and restoration needs, of the fishery resources of the Great Lakes Basin;

[(2)] (2) to develop proposals to implement recommendations resulting from that study; and

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

[(3)] (2) to provide assistance to the Great Lakes Fisheries Commission, States, Indian Tribes, and other interested entities to encourage cooperative conservation, restoration and management of the fish and wildlife resources and their habitat [of] *in* the Great Lakes Basin.

SEC. 1004. DEFINITIONS.

In this [Act] *title*—

(1) the term “Administrator” means the Administrator of the Environmental Protection Agency;

(2) the term “Committee” means the Great Lakes Fish and Wildlife Restoration Proposal Review Committee established by section 1005(c);

[(2)] (3) the term “Director” means the Director of the United States Fish and Wildlife Service;

[(3)] (4) the term “fish stock” means—

(A) a taxonomically distinct species or subspecies of fish;

or

(B) any other aggregation of fish that are geographically, ecologically, behaviorally, or otherwise limited from breeding with individuals from other groups of fish and are capable of management as a unit;

[(4)] (5) the term “Great Lakes Basin” means the air, land, water, and living organisms within the drainage basin of the Saint Lawrence River at or upstream from the point at which the river becomes the international boundary between Canada and the United States;

[(5)] (6) the term “Indian Tribe” means any Indian tribe, band, village, nation, or other organized group or community that is recognized by the Bureau of Indian Affairs as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

[(6)] (7) the term “lower Great Lakes” means the region in which is located that portion of the Great Lakes Basin which is downstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan;

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

[(8)] (9) the term “nonindigenous species” means a species of [plant or animal] *plant, animal, or other organism* that did not occur in the Great Lakes Basin before European colonization of North America;

(10) the term “Report” means the United States Fish and Wildlife Service report entitled “Great Lakes Fishery Resources Restoration Study”, submitted to the President of the Senate

and the Speaker of the House of Representatives on September 13, 1995;

(11) the term “restoration” means to rehabilitate and maintain the structure, function, diversity, and dynamics of a biological system, including reestablishment of self-sustaining populations of fish and wildlife;

[(9)] (12) the term “Secretary” means the Secretary of the Army; [and]

[(10)] (13) the term “State Director” means the head of the agency, department, board, commission, or other governmental entity of each of the States of New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and the Commonwealth of Pennsylvania which is responsible for the management and conservation of the fish and wildlife resources of that State[.]; and

[(7)] (14) the term “upper Great Lakes” means that portion of the Great Lakes Basin which is upstream from the confluence of the Saint Clair River and Lake Huron near Port Huron, Michigan.

[SEC. 1005. GREAT LAKES FISHERY RESOURCES RESTORATION STUDY.

[(a) IN GENERAL.—The Director shall conduct a comprehensive study of the status of, and the assessment, management, and restoration needs of, the fishery resources of the Great Lakes Basin and shall provide the opportunity for the Secretary, the Administrator, State Directors, Indian Tribes, the Great Lakes Fishery Commission, appropriate Canadian Government entities, and other appropriate entities to participate in the study. The Director shall complete the study by October 1, 1994.

[(b) MEMORANDUM OF UNDERSTANDING.—To provide opportunities for the full participation of all affected entities in the planning and conduct of the study, the Director shall invite the entities identified in subsection (a) to enter into a memorandum of understanding regarding the scope and focus of the study and the responsibilities of each participant for conducting the study.

[(c) CONTENT OF STUDY.—A study under this section shall include, but not be limited to—

[(1) identifying and describing the component drainages of the Great Lakes Basin (including the drainage for each of the Great Lakes), analyzing how the characteristics and current or expected land and water uses of those drainages have affected, and can be expected to affect in the future, the fishery resources and fish habitats of the Great Lakes Basin;

[(2) analyzing historical fishery resource data for the Great Lakes Basin to identify the causes of past and continuing declines of the fishery resources and the impediments to restoring those resources;

[(3) evaluating the adequacy, effectiveness, and consistency of current Great Lakes interagency fisheries management plans and Federal and State water quality programs, with respect to their effects on Great Lakes fishery resources;

[(4) analyzing the impacts of, and management control alternatives for, recently introduced nonindigenous species, including the zebra mussel, the ruffe, and the spiny water flea in ac-

cordance with the Aquatic Nuisance Prevention and Control Act of 1990;

[(5) developing recommendations regarding—

[(A) an action plan to analyze the effects of contaminant levels on fishery resources;

[(B) an action plan for the cooperative restoration and enhancement of depleted, nationally significant fish stocks, including lake trout, yellow perch, lake sturgeon, walleye, forage fish, and Atlantic salmon;

[(C) planning and technical assistance that should be provided to the, Great Lakes Fisheries Commission, States, and Indian Tribes to assist their fishery resource restoration efforts;

[(D) mitigation measures to restore and enhance fishery resources adversely affected by past Federal (including federally assisted or approved) water resource development projects and other activities;

[(E) increasing the involvement of the International Joint Commission, the Great Lakes Commission, the Great Lakes Fishery Commission, and other interjurisdictional entities regarding fishery resources protection, restoration, and enhancement;

[(F) research projects and data gathering initiatives regarding population trends of fish stocks, including population abundance and structure, interspecific competition, survival rates, and behavioral patterns;

[(G) important fishery resource habitat and other areas that should be protected, restored, or enhanced for the benefit of Great Lakes fishery resources;

[(H) how private conservation organizations, recreational and commercial fishing interests, the aquaculture industry, and the general public could contribute to the implementation of the fishery resource restoration and enhancement recommendations developed pursuant to this Act; and

[(I) appropriate contributions that should be made by States and other non-Federal entities to the cost of activities undertaken to implement the recommendations, including a description of—

[(i) the activities that shall be cost-shared;

[(ii) the entities or individuals which shall share the costs of those activities;

[(iii) the proportion of appropriate project and activity costs that shall be borne by non-Federal interests; and

[(iv) how the entities or individuals who share costs should finance their contribution.

[(d) PROPOSALS FOR IMPLEMENTING RECOMMENDATIONS.—The Director shall develop proposals for implementing the recommendations of the study developed under subsection (c)(5). The proposals shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great Lakes Fisheries Convention, State and tribal fishery management jurisdiction, and

the 1980 Joint Strategic Plan for the management of Great Lakes fishery resources.】

SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

(a) *IN GENERAL.*—*The Secretary of the Interior, in consultation with the Committee, shall encourage the development and, subject to the availability of appropriations, the implementation of proposals based on the results of the Report.*

(b) *IDENTIFICATION OF PROPOSALS.*—

(1) *REQUEST BY THE SECRETARY OF THE INTERIOR.*—*The Secretary of the Interior shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and based on the results of the Report, submit proposals for the restoration of fish and wildlife resources.*

(2) *REQUIREMENTS FOR PROPOSALS.*—*A proposal under paragraph (1) shall be submitted in the manner and form prescribed by the Secretary of the Interior and shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great Lakes Fisheries Convention, fishery management jurisdictions, the 1980 Joint Strategic Plan for the Management of Great Lakes fishery resources, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), and the North American Waterfowl Management Plan and joint ventures established under the plan.*

(3) *SEA LAMPREY AUTHORITY.*—*The Great Lakes Fishery Commission shall retain authority and responsibility for formulation and implementation of a comprehensive program for eradicating or minimizing sea lamprey populations in the Great Lakes Basin.*

(c) *REVIEW OF PROPOSALS.*—

(1) *ESTABLISHMENT OF COMMITTEE.*—*There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the authority and control of the Council of Lake Committees of the Great Lakes Fishery Commission.*

(2) *MEMBERSHIP AND APPOINTMENT.*—

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

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

(C) *OBSERVER.*—*The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.*

(D) *RECUSAL.*—*A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.*

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

(A) *review proposals developed in accordance with subsection (b) to assess their effectiveness and appropriateness in fulfilling the purposes of this title; and*

(B) make recommendations to the Council of Lake Committees of the Great Lakes Fishery Commission regarding priorities that should be recommended by that commission under paragraph (4).

(4) RECOMMENDATION OF PRIORITIES.—The Council of Lake Committees of the Great Lakes Fishery Commission, after reviewing recommendations from the Committee under paragraph (2)(B), shall recommend to the Secretary of the Interior priorities for implementing the proposals.

(d) IMPLEMENTATION OF PROPOSALS.—After considering recommendations of the Council of Lake Committees of the Great Lakes Fishery Commission and the goals specified in section 1006, the Secretary of the Interior shall select proposals to be implemented and, subject to the availability of appropriations and subsection (e), fund implementation of the proposals. In selecting and funding proposals, the Secretary of the Interior shall take into account the effectiveness and appropriateness of the proposals in fulfilling the purposes of other laws applicable to restoration of the fishery resources and habitat of the Great Lakes Basin

(e) COST-SHARING.—

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

(2) EXCLUSION OF FEDERAL FUNDS FROM NON-FEDERAL SHARE.—The Secretary of the Interior may not consider the expenditure, directly or indirectly, of Federal funds received by a State or local government to be a contribution by a non-Federal source for purposes of this subsection.

* * * * *

[SEC. 1008. ANNUAL REPORTS.

[Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Environment and Public Works of the Senate. Each such report shall describe—

[(1) the progress and findings of the studies conducted under section 1005, including recommendations of implementing activities, where appropriate, that would contribute to the restoration or improvement of one or more fish stocks of the Great Lakes Basin; and

[(2) activities undertaken to accomplish the goals stated in section 1006.

[SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to the Director—

[(1) for conducting a study under section 1005 not more than \$4,000,000 for each of the fiscal years 1991 through 1994;

[(2) to establish and operate the Great Lakes Coordination Office under section 1008(a) and Upper Great Lakes Fishery Resources Offices under section 1008(c) not more than \$4,000,000 for each of the fiscal years 1991 through 1995; and

[(3) to establish and operate the Lower Great Lakes Fishery Resources Office under section 1008(b), not more than \$2,000,000 for each of the fiscal years 1991 through 1995.]

SEC. 1008. REPORTS TO CONGRESS.

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

- (1) actions taken to solicit and review proposals under section 1005;*
- (2) the results of proposals implemented under section 1005;*
- and*
- (3) progress toward the accomplishment of the goals specified in section 1006.*

SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior—

- (1) for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 1007, \$3,500,000 for each of fiscal years 1999 through 2003; and*
- (2) for implementation of fish and wildlife restoration proposals selected by the Secretary of the Interior under section 1005(d), \$4,500,000 for each of fiscal years 1999 through 2003, of which none shall be available for costs incurred in administering the proposals.*

* * * * *

