

PUBLIC LAW 105-265—OCT. 19, 1998

**GREAT LAKES FISH AND WILDLIFE
RESTORATION ACT OF 1998**

Public Law 105–265
105th Congress

An Act

<p>Oct. 19, 1998 [H.R. 1481]</p>	<p>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.</p>
<p>Great Lakes Fish and Wildlife Restoration Act of 1998. 16 USC 941 note.</p>	<p><i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,</i></p> <p>SECTION 1. SHORT TITLE.</p> <p>This Act may be cited as the “Great Lakes Fish and Wildlife Restoration Act of 1998”.</p>
<p>16 USC 941 note.</p>	<p>SEC. 2. FINDINGS.</p> <p>Congress finds that—</p> <p>(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</p> <p>(2) the study—</p> <p>(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</p> <p>(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.</p> <p>SEC. 3. REFERENCE; REPEAL.</p> <p>(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).</p> <p>(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Great Lakes Fish and Wildlife Restoration Act of 1990, enacted as title II of Public Law 101–646 (104 Stat. 4773), is repealed.</p> <p>SEC. 4. PURPOSES.</p> <p>Section 1003 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941a) is amended—</p>
<p>16 USC 941–941g and note.</p>	

- (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 rehabilitation and maintenance of 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 Director, 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 DIRECTOR.—The Director 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 Director and shall be consistent with the goals of the Great Lakes Water Quality Agreement, as revised in 1987, the 1954 Great Lakes Fisheries Convention, 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 guidance 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) recommend to the Director any of those proposals that should be funded and implemented under this section.

“(d) IMPLEMENTATION OF PROPOSALS.—After considering recommendations of the Committee and the goals specified in section 1006, the Director 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 Director 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 Director 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 Director 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—

Deadline.

“(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 Director—

“(1) for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and of the Lower Great Lakes Fishery Resources Office under section 1007, \$3,500,000 for each of fiscal years 1999 through 2004; and

“(2) for implementation of fish and wildlife restoration proposals selected by the Director under section 1005(d), \$4,500,000 for each of fiscal years 1999 through 2004, of which no funds shall be available for costs incurred in administering the proposals.”.

Approved October 19, 1998.

LEGISLATIVE HISTORY—H.R. 1481 (S. 659):

HOUSE REPORTS: No. 105-715 (Comm. on Resources).

SENATE REPORTS: No. 105-283 accompanying S. 659 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 23, considered and passed House.

Oct. 2, considered and passed Senate.

