

GREAT LAKES FISHERY RESEARCH
AUTHORIZATION ACT OF 2019

NOVEMBER 8, 2019.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1023]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1023) to authorize the Director of the United States Geological Survey to conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1023 is to authorize the Director of the United States Geological Survey to conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Great Lakes hold 18 percent of the world's fresh water supply, and Great Lakes commercial, recreational, and tribal fisheries are valued at more than \$7 billion annually, supporting over

75,000 jobs.¹ By way of shipping canals that connect the Great Lakes to the Atlantic Ocean and through ships' ballast water, the Great Lakes have become home to several invasive species including sea lampreys, alewives, and quagga mussels that have disruptive effects on native species and habitats, resulting in ecological and economic harm.² The management of commercially and recreationally important species and the control of invasive species depends on United States Geological Survey (USGS) scientific research.

The 1954 Convention on Great Lakes Fisheries between the U.S. and Canada³ established the binational Great Lakes Fishery Commission to conduct research and make recommendations on the management of Great Lakes fisheries and to attempt to eradicate the sea lamprey from the Great Lakes.⁴ Reorganization Plan No. 4 of 1970,⁵ effective October 3, 1970, transferred functions related to marine fisheries from the Department of Interior to the Department of Commerce but specifically excluded from this transfer functions related to Great Lakes fishery research and activities related to the Great Lakes Fishery Commission, leaving them with the Department of Interior.⁶ As the only scientific research bureau within Interior, the USGS has performed these functions without a direct legislative authority, resulting in piecemeal funding for the USGS Great Lakes Science Center from several different budget line items that have been subject to shifting priorities.

H.R. 1023 provides clear authorization for the USGS to conduct science and research activities to support fishery management decisions in the Great Lakes. Funds authorized by this bill may be used to restore the loss of basic fishery science capabilities, accelerate the development of invasive species controls and restoration of native species, and implement advanced autonomous and remote-sensing technologies to multiply information gathered from traditional manned vessel surveys including hydroacoustic technology, acoustic telemetry, technologically advanced stock assessment strategies, and technical support to manage big data.

COMMITTEE ACTION

H.R. 1023 was introduced on February 6, 2019, by Representative Mike Quigley (D-IL). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On May 8, 2019, the Subcommittee held a hearing on the bill. On September 18, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Rep. Tom McClintock (R-CA) offered an amendment designated McClintock #1, which was not agreed to by a roll call vote of 15 yeas and 20 nays, as follows:

¹ *The Fishery*, GREAT LAKES FISHERY COMM'N, <http://www.glfc.org/the-fishery.php> (last visited Nov. 4, 2019).

² *Id.*

³ Convention on Great Lakes Fisheries, U.S.-Can., Sept. 10, 1954, 6 U.S.T. 2836.

⁴ *Id.* arts. II, IV.

⁵ 84 Stat. 2090 (transmitted July 9, 1970).

⁶ *Id.* at 2090.

Date: September 18, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 1023

Amendment: Mr. McClintock #1 amendment

Disposition: Not agreed to by a roll call vote of 15 yeas and 20 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD			
2	Mr. Cartwright, PA			
3	Mr. Case, HI		X	
4	Mr. Clay, MO		X	
5	Mr. Costa, CA		X	
6	Mr. Cox, CA		X	
7	Mr. Cunningham, SC		X	
8	Ms. DeGette, CO		X	
9	Mrs. Dingell, MI		X	
10	Mr. Gallego, AZ			
11	Mr. Grijalva, AZ (Chair)		X	
12	Ms. Haaland, NM		X	
13	Mr. Horsford, NV		X	
14	Mr. Huffman, CA		X	
15	Mr. Levin, CA		X	
16	Mr. Lowenthal, CA		X	
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA		X	
19	Mr. Neguse, CO		X	
20	Mr. Sablan, CNMI		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Mr. Van Drew, NJ		X	
24	Mr. Tonko, NY		X	
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (Ranking)	X		
2	Ms. Cheney, WY	X		
3	Mr. Cook, CA	X		
4	Mr. Curtis, UT	X		
5	Mr. Fulcher, ID	X		
6	Mr. Gohmert, TX	X		
7	Ms. González-Colón, PR	X		
8	Mr. Gosar, AZ	X		
9	Mr. Graves, LA			
10	Mr. Hern, OK	X		
11	Mr. Hice, GA	X		
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO	X		
14	Mr. McClintock, CA	X		
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL			
17	Mr. Westerman, AR	X		
18	Mr. Wittman, VA	X		
19	Mr. Young, AK	X		
	TOTALS	15	20	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

No additional amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 20 yeas and 15 nays, as follows:

Date: September 18, 2019

COMMITTEE ON NATURAL RESOURCES
116th Congress - Roll Call

Bill / Motion: H.R. 1023

Amendment:

Disposition: Final Passage: H.R. 1023 was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 20 yeas and 15 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD			
2	Mr. Cartwright, PA			
3	Mr. Case, HI	X		
4	Mr. Clay, MO	X		
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO	X		
9	Mrs. Dingell, MI	X		
10	Mr. Gallego, AZ			
11	Mr. Grijalva, AZ (Chair)	X		
12	Ms. Haaland, NM	X		
13	Mr. Horsford, NV	X		
14	Mr. Huffman, CA	X		
15	Mr. Levin, CA	X		
16	Mr. Lowenthal, CA	X		
17	Mr. McEachin, VA			
18	Ms. Napolitano, CA	X		
19	Mr. Neguse, CO	X		
20	Mr. Sablan, CNMI	X		
21	Mr. San Nicolas, GU	X		
22	Mr. Soto, FL	X		
23	Mr. Van Drew, NJ	X		
24	Mr. Tonko, NY	X		
25	Ms. Velázquez, NY			
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT (Ranking)		X	
2	Ms. Cheney, WY		X	
3	Mr. Cook, CA		X	
4	Mr. Curtis, UT		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX		X	
7	Ms. González-Colón, PR		X	
8	Mr. Gosar, AZ		X	
9	Mr. Graves, LA			
10	Mr. Hern, OK		X	
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS			
16	Mr. Webster, FL			
17	Mr. Westerman, AR		X	
18	Mr. Wittman, VA		X	
19	Mr. Young, AK		X	
	TOTALS	20	15	
	Total: 44 / Quorum: 15 / Report: 23	YEAS	NAYS	PRESENT

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 1023: legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on May 8, 2019.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides the short title of the bill, the “Great Lakes Fishery Research Authorization Act of 2019.”

Section 2. Definitions

This section defines the terms “Great Lakes Basin” and “Director.”

Section 3. Findings

This section makes findings related to the importance of Great Lakes fisheries research and management and the role of the Department of Interior in conducting this work following Reorganization Plan No. 4.

Section 4. Great Lakes monitoring, assessment, science, and research

This section requires the Director of the USGS to lead a comprehensive multi-lake fisheries science program in the Great Lakes Basin in coordination with regional, state, tribal, and local governments and relevant Canadian agencies. Research may include ecosystem science, food-webs and biological components, fish movement and behavior, population biology, habitat studies, invasive species science, and new and emerging technology and research tools.

Section 5. Authorization of appropriations

This section authorizes \$17.5 million per year for Fiscal Years 2020 through 2029.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 7, 2019.

Hon. RAÚL M. GRIJALVA,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1023, the Great Lakes Fishery Research Authorization Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 1023, Great Lakes Fishery Research Authorization Act of 2019			
As ordered reported by the House Committee on Natural Resources on September 18, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	16	85	172
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 1023 would authorize the appropriation of \$17.5 million each year over the 2020–2029 period for the United States Geological Survey (USGS) to conduct research activities in support of the binational fisheries within the Great Lakes Basin.

Using historical spending patterns for the USGS fisheries program, CBO estimates that implementing H.R. 1023 would cost \$85 million over the 2020–2024 period. Such spending would be subject to appropriation of the authorized amounts. In 2019, the USGS allocated \$4 million for similar research activities. The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1023

	By fiscal year, in millions of dollars—												
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2020– 2024	2020– 2029	
Authorization	18	18	18	18	18	18	18	18	18	18	88	175	
Estimated Outlays	16	17	17	18	18	18	18	18	18	18	85	172	

Components may not sum to totals because of rounding.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to authorize the Director of the United States Geological Survey to conduct monitoring, assessment, science, and research, in support of the binational fisheries within the Great Lakes Basin.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

DISSENTING VIEWS

This bill authorizes the U.S. Geological Survey (USGS) to conduct monitoring scientific assessments, and research in support of fisheries within the Great Lakes Basin between the United States and Canada. More specifically, H.R. 1023 requires the USGS to conduct research for deep-water ecosystem sciences, biological and food-web components, fish movement and behavior investigations, fish population structures, fish habitat investigations, invasive species science.

It all sounds wonderful until one realizes the USGS already does everything this bill wants. In fact, to fulfill the responsibilities set in the 1954 Convention on Great Lakes Fisheries, the USGS maintains a fleet of modern research vessels in each of the five Great Lakes to conduct research and provide a real-time information for deep-water ecosystems, food webs, fish movement and behavior, fish population structure and surveys, fish habitat, invasive species research.¹ The list is identical.

Ultimately, this legislation authorizes \$17.5 million for each of fiscal years 2020–2029. The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service are normally the agencies that conduct fisheries studies, and it is unclear why USGS would be taking the lead. NOAA's fiscal year 2019 budget already includes \$28 million for ocean, coastal, and Great Lakes research, and \$2.9 million for interjurisdictional fisheries grants which can be used for Great Lakes fishery science.

Aside from the duplication this legislation creates in respect to the duties of two other federal bodies, the USGS is already doing the work that would be authorized under this legislation. This bill is unnecessary and duplicative; for these reasons, we oppose this legislation.

ROB BISHOP (UT).
JODY B. HICE.
MIKE JOHNSON (LA).

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¹U.S. Geological Survey, *FY20 Budget Justification at Ecosystems*–32.