

GREAT LAKES FISH AND WILDLIFE RESTORATION  
REAUTHORIZATION ACT OF 2021

APRIL 25, 2022.—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

[To accompany H.R. 5973]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5973) to reauthorize the Great Lakes Fish and Wildlife Restoration Act of 1990, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Great Lakes Fish and Wildlife Restoration Reauthorization Act of 2021”.

**SEC. 2. REAUTHORIZATION OF THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1990.**

(a) **REPORTS.**—Section 1008 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941f) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting “and not later than December 31, 2027,” after “2021,”;

(B) by striking “Committee on Resources” and inserting “Committee on Natural Resources”; and

(C) by inserting “, with respect to the period covered by the report” after “describes”; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “2016 through 2020” and inserting “2022 through 2027”.

(b) **REAUTHORIZATION.**—Section 1009(a) of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g(a)) is amended, in the matter preceding paragraph (1), by striking “2016 through 2021” and inserting “2022 through 2027”.

(c) **ADMINISTRATIVE COSTS.**—Section 1009(a)(1)(B) of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g(a)(1)(B)) is amended by striking “5” and inserting “3”.

## PURPOSE OF THE BILL

The purpose of H.R. 5973 is to reauthorize the Great Lakes Fish and Wildlife Restoration Act of 1990.

## BACKGROUND AND NEED FOR LEGISLATION

The Great Lakes Basin is the largest body of freshwater globally, holding 18% of the world's fresh water supply. Covering 95,000 square miles and 9,000 miles of shoreline, the Great Lakes are incredibly diverse. More than 500 migratory bird species, over 140 species of fish, and a myriad of endangered species use the Great Lakes.<sup>1</sup> Spread across eight states and Canada, 35 million people live in the Great Lakes Basin and depend on it for their livelihoods.

Threats to the Great Lakes ecosystem include invasive species, pollution, habitat destruction, and climate change. In the past 200 years, dozens of invasive species have entered the Great Lakes.<sup>2</sup> Some, like the sea lamprey and zebra mussels, have been causing severe damage to food chains and devastating native species populations.<sup>3</sup> Climate change exacerbates the issue by making invasive species particularly competitive in the changing ecosystem. In addition, industrial, agricultural, and residential pollution runoff causes frequent, recurring cyanobacteria algal blooms, which endanger people and animals, compromise water quality, and lead to mass fish death.<sup>4</sup>

The Great Lakes Fish and Wildlife Restoration Act of 1990<sup>5</sup> required the U.S. Fish and Wildlife Service (FWS) to carry out an assessment and plan to meet the restoration needs of the Basin.<sup>6</sup> Since the first authorization of the Act, FWS has partnered with academic institutions, local natural resources departments, tribal authorities, and fishers to protect and preserve the Great Lakes ecosystem. Such efforts include constructing fish passages, creating and executing habitat restoration plans, and mitigating pollution impacts. Since 1998, the Act has provided federal funding to 148 research and restoration projects in the Great Lakes Basin.<sup>7</sup> Congress reauthorized the Act in 1998, 2006, and 2016. However, the reauthorization expired in the fiscal year 2021.

H.R. 5973 would reauthorize funding for fiscal years 2022 through 2027 at the same levels as the Great Lakes Fish and Wild-

<sup>1</sup> U.S. FISH WILDLIFE SERV., REPORT TO CONGRESS, GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 2006 PROGRESS 1990–2010, at 2, 32, <https://www.fws.gov/sites/default/files/documents/GLFWRA-Report-to-Congress-1990-2010.pdf>.

<sup>2</sup> *Id.* at 2; *Invasive Species in the Great Lakes*, U.S. EPA, <https://www.epa.gov/greatlakes/invasive-species-great-lakes> (last visited Apr. 20, 2022).

<sup>3</sup> See *Sea Lamprey: A Great Lakes Invader*, GREAT LAKES FISHERY COMM'N, <http://www.glfrc.org/sea-lamprey.php> (last visited Apr. 20, 2022); *What Are Zebra Mussels and Why Should We Care About Them?*, U.S. GEOLOGICAL SURVEY, <https://www.usgs.gov/faqs/what-are-zebra-mussels-and-why-should-we-care-about-them> (last visited Apr. 20, 2022).

<sup>4</sup> *Harmful Algal Blooms*, NAT'L OCEANIC & ATMOSPHERIC ADMIN., <https://www.regions.noaa.gov/great-lakes/index.php/project/harmful-algal-blooms> (last visited Apr. 20, 2022).

<sup>5</sup> Pub. L. No. 101–537, 104 Stat. 2370 (1990), <http://uscode.house.gov/statviewer.htm?volume=104&page=2370> (codified as amended at various, see [http://uscode.house.gov/table3/101\\_537.htm](http://uscode.house.gov/table3/101_537.htm)) (statutory compilation as amended through P.L. 114–322 at <https://www.govinfo.gov/content/pkg/COMPS-2990/pdf/COMPS-2990.pdf>); see also Pub. L. No. 101–646, 104 Stat. 4773 (1990), <http://uscode.house.gov/statviewer.htm?volume=104&page=4773> (codified as amended at various, see [http://uscode.house.gov/table3/101\\_646.htm](http://uscode.house.gov/table3/101_646.htm)).

<sup>6</sup> See U.S. FISH & WILDLIFE SERV., *supra* note 1.

<sup>7</sup> Press Release, Office of Representative Debbie Dingell, Dingell, LaHood, Tonko, Joyce Introduce Bipartisan Bill to Support Fish and Wildlife Restoration in the Great Lakes (Nov. 16, 2021), <https://debbiedingell.house.gov/news/documentsingle.aspx?DocumentID=3285>.

life Restoration Reauthorization Act of 2016. Funding would go toward implementing FWS restoration proposals, implementing regional projects, covering administration costs, and supporting activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office.

#### COMMITTEE ACTION

H.R. 5973 was introduced on November 15, 2021, by Representative Debbie Dingell (D–MI). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On January 20, 2022, the Subcommittee held a hearing on the bill. On February 16, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Rep. Blake Moore (R–UT) offered an amendment designated Moore #1. The amendment was agreed to by voice vote. Rep. Pete Stauber (R–MN) offered an amendment designated Stauber #1. The amendment was not agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by voice vote.

#### HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Oceans, and Wildlife held on January 20, 2022.

#### 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, April 20, 2022.*

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. 5973, the Great Lakes Fish and Wildlife Restoration Reauthorization Act of 2021.

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

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

<b>H.R. 5973, Great Lakes Fish and Wildlife Restoration Reauthorization Act of 2021</b>			
As ordered reported by the House Committee on Natural Resources on February 16, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	31	47
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 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5973 would authorize the appropriation of \$8 million annually over the 2022–2027 period for the U.S. Fish and Wildlife Service (USFWS) to provide grants and assistance for fish, wildlife, and habitat restoration within the Great Lakes Basin.

For this estimate, CBO assumes that the legislation will be enacted late in fiscal year 2022 and that the authorized amounts will be appropriated each year.

In 2022, USFWS allocated \$1 million for the program. CBO estimates that H.R. 5973 would authorize an increase in spending subject to appropriation in 2022 of \$7 million, the difference between the authorized amount and the allocated amount. Based on historical spending patterns for similar activities, we estimate that implementing the bill would cost \$31 million over the 2022–2026 period and \$16 million after 2026.

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. 5973

	By fiscal year, millions of dollars—												
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2022–2026	2022–2031	
Increases in Spending Subject to Appropriation													
Authorization <sup>a</sup> .....	7	8	8	8	8	8	0	0	0	0	39	47	
Estimated Outlays .....	*	6	9	8	8	8	5	3	0	0	31	47	

\* = between zero and \$500,000.

<sup>a</sup>In 2022, the U.S. Fish and Wildlife Service allocated \$1 million for the program. CBO estimates that H.R. 5973 would authorize an increase in spending subject to appropriation in 2022 of \$7 million, the difference between the authorized amount (\$8 million) and the allocated amount.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of 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 reauthorize the Great Lakes Fish and Wildlife Restoration Act of 1990.

#### 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

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139. The Fish and Wildlife Management Assistance (CFDA No. 15.608) reauthorized by this bill is related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. §6104: Sport Fish Restoration (CFDA No. 15.605) and Partners for Fish and Wildlife (CFDA No. 15.631).

#### 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

##### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) 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 italics, and existing law in which no change is proposed is shown in roman):

**GREAT LAKES FISH AND WILDLIFE RESTORATION ACT  
OF 1990**

**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”.

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**SEC. 1008. REPORTS.**

(a) **IN GENERAL.**—Not later than December 31, 2021, *and not later than December 31, 2027*, the Director shall submit to the **[Committee on Resources]** *Committee on Natural Resources* of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes, *with respect to the period covered by the report*—

- (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.

(b) **PUBLIC ACCESS TO DATA.**—For each of fiscal years **[2016 through 2020]** *2022 through 2027*, the Director shall make available through a public access website of the Department information that describes—

- (1) actions taken to solicit and review proposals under section 1005;
- (2) the results of proposals implemented under section 1005;
- (3) progress toward the accomplishment of the goals specified in section 1006;
- (4) the priorities proposed for funding in the annual budget process under this title; and
- (5) actions taken in support of the Great Lakes Restoration Initiative Action Plan based on the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

(c) **CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.**—The Director—

- (1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and
- (2) may reassess and update, as necessary, the findings and recommendations of the Report.

**SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION.**—There are authorized to be appropriated to the Director for each of fiscal years **[2016 through 2021]** *2022 through 2027*—

(1) \$6,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 1005(e), of which—

(A) not more than the lesser of 33 1/3 percent or \$2,000,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 1005(e); and

(B) the lesser of **【5】** 3 percent or \$300,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

(2) \$2,000,000, which shall be allocated for the activities of the Upper Great Lakes Fish and Wildlife Conservation Offices and the Lower Great Lakes Fish and Wildlife Conservation Office under section 1007.

(b) PROHIBITION ON USE OF FUNDS FOR FEDERAL ACQUISITION OF INTERESTS IN LAND.—No funds appropriated or used to carry out this Act may be used for acquisition by the Federal Government of any interest in land.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

