

States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

**§ 935. Acquisition of real property; construction and operation of lamprey control works; entry into agreements for construction and operation of works**

In order to carry out the obligations of the United States under the Convention, the United States Section is authorized—

(a) to acquire any real property, or any interest therein, by purchase, exchange, gift, dedication, condemnation, or otherwise;

(b) to construct, operate, and maintain any project or works designed to facilitate compliance with the provisions of the Convention relating to the sea lamprey control program; and

(c) to enter into contract or agreement with any State or other public agency or private agency or individual for the construction, operation, or maintenance of any such project or works.

(June 4, 1956, ch. 358, § 6, 70 Stat. 243.)

**UNITED STATES FISH AND WILDLIFE SERVICE; WORK ON SEA LAMPREY PROGRAM; REIMBURSEMENTS**

Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1918, provided in part that: “beginning October 1, 1990, and thereafter, the United States Fish and Wildlife Service can perform work for the Great Lakes Fishery Commission, authorized by 16 U.S.C. 931-939c, Great Lakes Fisheries [Fishery] Act of 1956, on the sea lamprey program on a reimbursable basis: *Provided further*, That such reimbursements are to be treated as Intragovernmental funds as defined in the publication titled ‘A Glossary of Terms Used in the Federal Budget Process’.”

**§ 936. Secretary of the Interior; authority to transfer lamprey control projects and act on behalf of United States Section**

The Secretary of the Interior is authorized, upon the request of the United States Section—

(a) to transfer to the United States Section any lamprey control project or works under his jurisdiction now existing or now under construction; and

(b) to act for or on behalf of the United States Section in the exercise of the powers granted by this chapter.

(June 4, 1956, ch. 358, § 7, 70 Stat. 243.)

**§ 937. United States Section as agency of United States**

The United States Section shall, for the purposes of these<sup>1</sup> provisions of title 28, relating to claims against the United States and tort claims procedure, be deemed to be an agency of the United States.

(June 4, 1956, ch. 358, § 8, 70 Stat. 243.)

**REFERENCES IN TEXT**

Provisions of title 28, relating to claims against the United States, referred to in text, include sections 1346(b), 2501 et seq., and 2671 et seq., of Title 28, Judiciary and Judicial Procedure.

<sup>1</sup> So in original. Probably should be “those”.

**§ 938. Notice of proposals**

At least thirty days before approving a proposal to utilize a lamprey control measure or install a device in any stream, the United States Section shall cause notice of such proposal to be sent to the official agency having jurisdiction over fisheries in each of the States through which the stream flows.

(June 4, 1956, ch. 358, § 9, 70 Stat. 243.)

**§ 939. Transmission of recommendations**

The Secretary of State shall upon the receipt from the Commission of any recommendation of a conservation measure made in accordance with article IV of the Convention transmit a copy of the recommendation with his comments thereon to the Governor of each Great Lakes State for consideration and such action as may be found to be appropriate. The Secretary of State shall also inform such other public agencies as he may deem appropriate.

(June 4, 1956, ch. 358, § 10, 70 Stat. 244.)

**§ 939a. Cooperation with other agencies**

Any agency of the United States Government is authorized to cooperate with the United States Section in the conduct of research programs and related activities and, on a reimbursable or other basis, to enter into agreements with the United States Section for the purpose of assisting it in carrying out the program for the control of lamprey populations.

(June 4, 1956, ch. 358, § 11, 70 Stat. 244.)

**§ 939b. State laws and regulations**

Nothing in this chapter shall be construed as preventing any of the Great Lakes States from making or enforcing laws or regulations within their respective jurisdictions so far as such laws or regulations do not conflict with the Convention or this chapter.

(June 4, 1956, ch. 358, § 12, 70 Stat. 244.)

**§ 939c. Authorization of appropriations**

There is hereby authorized to be appropriated from time to time such sums as may be necessary for carrying out the purposes and provisions of the Convention and this chapter.

(June 4, 1956, ch. 358, § 13, 70 Stat. 244.)

**CHAPTER 15B—GREAT LAKES FISH AND WILDLIFE RESTORATION**

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**§ 941. 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.

(Pub. L. 101-537, title I, §1002, Nov. 8, 1990, 104 Stat. 2370; Pub. L. 101-646, title II, §2002, Nov. 29, 1990, 104 Stat. 4773; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358.)

#### CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265.

#### AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2002, which enacted this section.

#### SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-326, §1, Oct. 11, 2006, 120 Stat. 1761, provided that: “This Act [amending sections 941b to 941g of this title and enacting provisions set out as notes under this section] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 2006’.”

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-265, §1, Oct. 19, 1998, 112 Stat. 2358, provided that: “This Act [amending this section and sections 941 to 941g of this title and enacting provisions set out as a note under this section] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 1998’.”

#### SHORT TITLE

Section 1001 of title I of Pub. L. 101-537, and section 2001 of title II of Pub. L. 101-646, as amended by Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091, provided that: “This title [enacting this chapter] may be cited as the ‘Great Lakes Fish and Wildlife Restoration Act of 1990’.” Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b), Oct. 19, 1998, 112 Stat. 2358.

#### CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS

Pub. L. 109-326, §8, Oct. 11, 2006, 120 Stat. 1766, provided that: “The Director of the United States Fish and Wildlife Service—

“(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 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.”

#### CONGRESSIONAL FINDINGS

Pub. L. 109-326, §2, Oct. 11, 2006, 120 Stat. 1761, provided that: “Congress finds that—

“(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

“(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

“(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under 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) [33 U.S.C. 1268 note];

“(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

“(5) as of the date of enactment of this Act [Oct. 11, 2006], actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

“(6) the Great Lakes Fish and Wildlife Restoration Act [of 1990] (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.”

Pub. L. 105-265, §2, Oct. 19, 1998, 112 Stat. 2358, provided that: “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.”

#### § 941a. Purpose

The purposes of this chapter are—

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

(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 in the Great Lakes Basin.

(Pub. L. 101-537, title I, §1003, Nov. 8, 1990, 104 Stat. 2371; Pub. L. 101-646, title II, §2003, Nov. 29, 1990, 104 Stat. 4774; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 4, Oct. 19, 1998, 112 Stat. 2358.)

#### CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

#### AMENDMENTS

1998—Pub. L. 105-265, §4(1), made technical amendment to reference in original act which appears in introductory provisions as reference to this chapter.

Par. (1), Pub. L. 105-265, §4(4), added par. (1) and struck out former par. (1) which read as follows: “to develop proposals to implement recommendations resulting from that study; and”.

Pub. L. 105-265, §4(2), (3), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “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;”.

Pars. (2), (3), Pub. L. 105-265, §4(3), (5), redesignated par. (3) as (2) and substituted “habitat in” for “habitat of”. Former par. (2) redesignated (1).

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §2003, which enacted this section.

#### § 941b. Definitions

In this chapter—

(1) the term “Committee” means the Great Lakes Fish and Wildlife Restoration Proposal Review Committee established by section 941c(c) of this title;

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

(3) 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;

(4) 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, and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin;

(5) 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;

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

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

(8) the term “regional project” means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;

(9) 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;

(10) 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;

(11) 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

(12) 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.

(Pub. L. 101-537, title I, §1004, Nov. 8, 1990, 104 Stat. 2371; Pub. L. 101-646, title II, §2004, Nov. 29, 1990, 104 Stat. 4774; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 105-265, §§3(b), 5, Oct. 19, 1998, 112 Stat. 2358, 2359; Pub. L. 109-326, §3, Oct. 11, 2006, 120 Stat. 1761.)

#### CODIFICATION

Title I of Pub. L. 101-537 and title II of Pub. L. 101-646 enacted substantially identical sections. Title II of Pub. L. 101-646 was repealed by Pub. L. 105-265, §3(b).

#### AMENDMENTS

2006—Pars. (1) to (3), Pub. L. 109-326, §3(1), (2), redesignated pars. (2), (3), and (5) as (1) to (3), respectively, and