

Union Calendar No. 194

116TH CONGRESS
1ST SESSION

H. R. 1568

[Report No. 116–244, Part I]

To assist in the conservation of the North Atlantic right whale by supporting and providing financial resources for North Atlantic right whale conservation programs and projects of persons with expertise required for the conservation of North Atlantic right whales, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2019

Mr. MOULTON (for himself, Mr. RUTHERFORD, Mr. HUFFMAN, Mr. POSEY, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 18, 2019

Additional sponsors: Mr. MAST, Mr. CICILLINE, Ms. BROWNLEY of California, Mr. SABLAN, Mr. CASTEN of Illinois, Mr. LIPINSKI, Mr. BUCHANAN, Ms. KUSTER of New Hampshire, Mr. COHEN, Mr. NEGUSE, Mr. VAN DREW, Mr. HASTINGS, Mr. CASE, Mr. RASKIN, Mr. BEYER, Mr. SOTO, Mr. DEUTCH, Ms. CLARK of Massachusetts, Mr. MCGOVERN, Mr. LOWENTHAL, Mr. JOHNSON of Georgia, Ms. SCHAKOWSKY, Mr. CUNNINGHAM, Mr. TRONE, Ms. LOFGREN, Mr. PAPPAS, Ms. PRESSLEY, Ms. MUCARSEL-POWELL, Ms. LEE of California, Mr. NEAL, Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. FITZPATRICK, Mr. KENNEDY, Mr. CRIST, Mr. SCHNEIDER, Ms. SLOTKIN, Ms. WASSERMAN SCHULTZ, Ms. CASTOR of Florida, Mr. SUOZZI, Mrs. DAVIS of California, Mr. TED LIEU of California, Mr. CISNEROS, Mr. DEFazio, Mr. LEWIS, Mr. CARTER of Georgia, Mrs. TRAHAN, Mr. HARDER of California, and Mr. SCHIFF

OCTOBER 18, 2019

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 18, 2019

Committee on the Budget discharged; committed to the Committee of the
Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 6, 2019]

A BILL

To assist in the conservation of the North Atlantic right whale by supporting and providing financial resources for North Atlantic right whale conservation programs and projects of persons with expertise required for the conservation of North Atlantic right whales, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Scientific Assistance for*
 5 *Very Endangered North Atlantic Right Whales Act of 2019”*
 6 *or the “SAVE Right Whales Act”.*

7 **TITLE I—NORTH ATLANTIC**
 8 **RIGHT WHALE CONSERVATION**

9 **SEC. 101. NORTH ATLANTIC RIGHT WHALE CONSERVATION**
 10 **ASSISTANCE.**

11 *(a) ASSISTANCE.—*

12 *(1) IN GENERAL.—Subject to the availability of*
 13 *funds and in consultation with other Federal officials,*
 14 *the Secretary of Commerce (in this title referred to as*
 15 *the “Secretary”) shall provide competitive financial*
 16 *assistance, including multiyear grants, for projects for*
 17 *the conservation of North Atlantic right whales for*
 18 *which project proposals are approved by the Secretary*
 19 *in accordance with this section.*

20 *(2) USE OF EXISTING AUTHORITIES.—Assistance*
 21 *provided under this section shall be carried out in a*
 22 *manner consistent with authorities available to the*
 23 *Secretary under the Endangered Species Act of 1973*
 24 *(16 U.S.C. 1531 et seq.) and the Marine Mammal*
 25 *Protection Act of 1972 (16 U.S.C. 1361 et seq.).*

1 **(b) PROJECT PROPOSALS.**—

2 **(1) ELIGIBLE APPLICANTS.**—*A project proposal*
3 *may be submitted to the Secretary under this section*
4 *by—*

5 *(A) relevant State and tribal agencies, re-*
6 *search institutions, and nonprofit organizations*
7 *with expertise required for the conservation of*
8 *North Atlantic right whales; and*

9 *(B) any other individual or entity, as deter-*
10 *mined appropriate by the Secretary, with the ex-*
11 *pertise required for the conservation of North At-*
12 *lantic right whales, including large whale*
13 *disentanglement teams approved by the National*
14 *Oceanic and Atmospheric Administration and*
15 *members in good standing of the National Ma-*
16 *rine Mammal Health and Stranding Response*
17 *Program, sectors of the shipping and fishing in-*
18 *dustries, fishing gear manufacturers, and rope*
19 *manufacturers.*

20 **(2) FEDERAL PARTNERSHIP OPPORTUNITIES.**—*A*
21 *Federal agency may not be a lead entity or receive*
22 *funding for a project under this section, but may be*
23 *included as a partner or collaborator on a project*
24 *that receives such funding.*

1 (3) *REQUIRED ELEMENTS.*—A project proposal
2 shall include—

3 (A) a statement of the purposes of the
4 project;

5 (B) the name of the entity or individual
6 with overall responsibility for the project;

7 (C) a description of the qualifications of the
8 entity or individuals that will conduct the
9 project;

10 (D) a description of—

11 (i) methods for project implementation
12 and outcome assessment;

13 (ii) staffing and stakeholder engage-
14 ment for the project;

15 (iii) the logistics of the project;

16 (iv) an estimated timeline for the
17 project; and

18 (v) anticipated outcomes of the project;

19 (E) a proposed budget for the funds and
20 time required to complete the project;

21 (F) information regarding the source and
22 amount of matching funding available for the
23 project;

1 (G) *information that demonstrates the clear*
 2 *potential of the project to contribute to the con-*
 3 *servation of North Atlantic right whales; and*

4 (H) *any other information that the Sec-*
 5 *retary considers to be necessary for evaluating*
 6 *the eligibility of the project for funding under*
 7 *this Act.*

8 (c) *ANNUAL GRANT PROJECT PROPOSAL SOLICITA-*
 9 *TION, REVIEW, AND APPROVAL.—*

10 (1) *IN GENERAL.—The Secretary shall annu-*
 11 *ally—*

12 (A) *solicit project proposals for grants*
 13 *under this section;*

14 (B) *provide to other Federal officials, as ap-*
 15 *propriate, copies of each proposal submitted in*
 16 *response to the solicitation; and*

17 (C) *review each such proposal on a timeline*
 18 *that recognizes the urgency of the declining*
 19 *North Atlantic right whale population to deter-*
 20 *mine whether the proposal meets the criteria*
 21 *specified in subsection (d).*

22 (2) *CONSULTATION; APPROVAL OR DIS-*
 23 *APPROVAL.—Subject to the availability of funds, the*
 24 *Secretary shall, with respect to each project proposal*

1 *submitted under this section, and after consulting*
2 *with other Federal officials, as appropriate—*

3 *(A) consult with respect to the proposal*
4 *with the government of each State and foreign*
5 *country in which the project is to be conducted;*

6 *(B) after taking into consideration any*
7 *comments resulting from the consultation and*
8 *any potential losses that could be incurred to the*
9 *fishing industry as a result of the proposal, ap-*
10 *prove or disapprove the proposal; and*

11 *(C) provide written notification of the ap-*
12 *proval or disapproval to the individual or entity*
13 *that submitted the proposal, other Federal offi-*
14 *cials, and each State and foreign country de-*
15 *scribed in subparagraph (A).*

16 *(d) CRITERIA FOR APPROVAL.—The Secretary may*
17 *approve a project proposal under this section if the project*
18 *shows promise for contributing to recovering and sustaining*
19 *a viable population of North Atlantic right whales in the*
20 *wild by assisting efforts to—*

21 *(1) implement conservation programs;*

22 *(2) address the unintentional conflicts between*
23 *humans and North Atlantic right whales through de-*
24 *velopment, testing, and use of innovative technology*
25 *or other methods to reduce the lethal and sub-lethal ef-*

1 *fects on North Atlantic right whales from vessel colli-*
2 *sions and fishing gear entanglements;*

3 *(3) promote cooperative projects on such topics*
4 *with foreign governments; or*

5 *(4) promote cooperative projects on such topics*
6 *with affected local communities, small businesses such*
7 *as fishermen, others in the private sector, or non-*
8 *governmental organizations.*

9 *(e) PRIORITY.—To the extent practicable, in deter-*
10 *mining whether to approve project proposals under this sec-*
11 *tion, the Secretary shall prioritize projects that are designed*
12 *to reduce the lethal and sub-lethal effects of human activities*
13 *on North Atlantic right whales. In prioritizing such*
14 *projects, the Secretary shall prioritize, among such projects,*
15 *projects that are cooperative in nature and include fishing*
16 *or shipping sector participants.*

17 *(f) MATCHING REQUIREMENT.—*

18 *(1) IN GENERAL.—Except as provided in para-*
19 *graph (3), the non-Federal share of the costs of an ac-*
20 *tivity conducted with financial assistance under this*
21 *section shall be 25 percent of such costs.*

22 *(2) IN-KIND CONTRIBUTIONS.—The Secretary*
23 *may apply to the non-Federal share of an activity*
24 *conducted with financial assistance under this section*
25 *the amount of funds, and the fair market value of*

1 *property and services, provided by non-Federal*
2 *sources and used for the activity.*

3 (3) *WAIVER OF REQUIREMENTS.—The Secretary*
4 *may waive the application of paragraph (1) if the*
5 *Secretary finds that such waiver is necessary to sup-*
6 *port a conservation project that the Secretary has*
7 *identified as of high priority.*

8 (g) *PROJECT REPORTING.—*

9 (1) *IN GENERAL.—Each individual or entity*
10 *that receives assistance under this section for a project*
11 *shall submit to the Secretary periodic reports (at such*
12 *intervals as the Secretary may require) that include*
13 *all information that the Secretary, after consultation*
14 *with other government officials, determines is nec-*
15 *essary to evaluate the progress and success of the*
16 *project for the purposes of ensuring positive results,*
17 *assessing problems, and fostering improvements.*

18 (2) *AVAILABILITY TO THE PUBLIC.—Reports*
19 *under paragraph (1), and any other documents relat-*
20 *ing to projects for which financial assistance is pro-*
21 *vided under this Act, shall be made available to the*
22 *public in a timely manner.*

1 **SEC. 102. NORTH ATLANTIC RIGHT WHALE INTERAGENCY**
2 **BUDGET.**

3 (a) *IN GENERAL.*—*The Director of the Office of Man-*
4 *agement and Budget shall include, in the budget of the*
5 *President submitted to Congress under section 1105(a) of*
6 *title 31, United States Code, for fiscal year 2021 and each*
7 *fiscal year thereafter, an interagency budget that displays*
8 *for each Federal agency that engages in North Atlantic*
9 *right whale activities—*

10 (1) *the amount of appropriations and expendi-*
11 *tures for the preceding fiscal year for such activities*
12 *and a description of such activities;*

13 (2) *the estimated amount to be expended during*
14 *the current fiscal year for such activities and a de-*
15 *scription of such activities; and*

16 (3) *the amount estimated to be necessary for the*
17 *next fiscal year for such activities and a description*
18 *of such activities.*

19 (b) *NORTH ATLANTIC RIGHT WHALE ACTIVITIES DE-*
20 *FINED.*—*In this section, the term “North Atlantic right*
21 *whale activities” means any activity of a Federal agency*
22 *to study, observe, monitor, manage, protect, conserve, or re-*
23 *store the North Atlantic right whale population through di-*
24 *rect or indirect means, including through the provision of*
25 *competitive financial assistance to non-Federal entities.*

1 **SEC. 103. REPORT TO CONGRESS.**

2 *Not later than 2 years after the date of the enactment*
3 *of this Act, and annually thereafter, the Secretary shall sub-*
4 *mit to Congress a report on the results and effectiveness of*
5 *projects receiving assistance provided under this title, in-*
6 *cluding recommendations concerning how this title might*
7 *be improved and whether funding for this title should be*
8 *continued in the future.*

9 **SEC. 104. FUNDING.**

10 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

11 (1) *AUTHORIZATION.—There is authorized to be*
12 *appropriated to the Secretary to carry out this title*
13 *\$5,000,000 for each of fiscal years 2019 through 2029.*

14 (2) *ADMINISTRATIVE EXPENSES.—Of the*
15 *amounts authorized to be appropriated under this*
16 *subsection for a fiscal year, the Secretary may expend*
17 *not more than 5 percent, or up to \$80,000, whichever*
18 *is greater, to pay the administrative expenses nec-*
19 *essary to carry out this Act.*

20 (3) *SUPPLEMENT NOT SUPPLANT.—The amount*
21 *authorized to be appropriated by paragraph (1) shall*
22 *supplement and not supplant other amounts available*
23 *to the Secretary.*

24 (b) *ACCEPTANCE AND USE OF DONATIONS.—The Sec-*
25 *retary may accept, receive, solicit, hold, administer, and use*

1 *any gift, devise, or bequest to provide assistance under sec-*
 2 *tion 5.*

3 ***TITLE II—CONTINUOUS*** 4 ***PLANKTON RECORDER***

5 ***SEC. 201. SURVEY.***

6 *(a) IN GENERAL.—Not later than 180 days after the*
 7 *date of the enactment of this Act, and on an ongoing basis*
 8 *thereafter, the Secretary of Commerce shall conduct a con-*
 9 *tinuous plankton recorder survey.*

10 *(b) REQUIRED ELEMENTS.—For the purpose of con-*
 11 *ducting the survey required under subsection (a), the Sec-*
 12 *retary of Commerce shall—*

13 *(1) to the extent possible, utilize the resources of*
 14 *and partner with, on a volunteer basis, research insti-*
 15 *tutions, nonprofit organizations, commercial vessels,*
 16 *and other Federal agencies;*

17 *(2) in as short a time as possible, ensure relevant*
 18 *survey samples and results are analyzed, stored,*
 19 *archived, and made publicly available;*

20 *(3) prioritize the collection of plankton samples*
 21 *and data that inform the conservation of North At-*
 22 *lantic right whales; and*

23 *(4) to the extent practicable, coordinate with the*
 24 *Government of Canada to develop a transboundary*

1 *understanding of plankton abundance and distribu-*
2 *tion.*

3 *(c) AUTHORIZATION OF APPROPRIATIONS.—To carry*
4 *out this section there is authorized to be appropriated to*
5 *the Secretary of Commerce \$300,000 for each of fiscal years*
6 *2019 through 2029.*

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