

Calendar No. 519116TH CONGRESS
2^D SESSION**S. 2453****[Report No. 116–258]**

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 SENATE OF THE UNITED STATES

SEPTEMBER 10, 2019

Mr. BOOKER (for himself, Mr. ISAKSON, Mr. CARPER, Mr. ROBERTS, Mr. BLUMENTHAL, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 13, 2020

Reported by Mr. WICKER, with an amendment

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

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
5 for Very Endangered North Atlantic Right Whales Act of
6 2019” or the “SAVE Right Whales Act”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress finds that—

9 (1) North Atlantic right whales (*Eubalaena*
10 *glacialis*) are critically endangered, with approxi-
11 mately 400 whales remaining at the time of the in-
12 troduction of this Act;

13 (2) historically, the North Atlantic right whale
14 population was decimated by the whaling industry,
15 although the whale population received protections
16 from such industry in the 1930s;

17 (3) despite a modest recovery prior to 2010, the
18 North Atlantic right whale is one of the most endan-
19 gered whales in the world and has experienced a sig-
20 nificant decline since 2010;

21 (4) the North Atlantic right whale has been
22 listed as an endangered species under the Endan-
23 gered Species Conservation Act of 1969 (Public Law
24 89–669; 80 Stat. 926) and its successor the Endan-
25 gered Species Act of 1973 (16 U.S.C. 1531 et seq.)

1 since 1970 and is designated as depleted under the
2 Marine Mammal Protection Act of 1972 (16 U.S.C.
3 1361 et seq.);

4 (5) because North Atlantic right whales are
5 long-lived and highly migratory, and at present rates
6 females give birth to a single calf only once every 4
7 to 10 years, they are highly vulnerable to the im-
8 pacts of human activity and habitat degradation;

9 (6) North Atlantic right whales frequently cross
10 paths with major shipping lanes and fishing
11 grounds, leaving the whales particularly vulnerable
12 to vessel collisions and fishing gear entanglements,
13 the 2 leading causes of injury and death to the spe-
14 cies;

15 (7) even when North Atlantic right whales do
16 not die as a result of fishing gear entanglement,
17 those whales can still experience significant sub-le-
18 thal effects such as chronic stress and reproductive
19 failure;

20 (8) in August 2017, the National Marine Fish-
21 eries Service announced an unusual mortality event
22 involving North Atlantic right whales in 2017, with
23 17 known whale deaths that year alone;

24 (9) as of August 2019, such ongoing unusual
25 mortality event includes the loss of at least 28

1 whales, a significant die-off of a population and,
2 under the Marine Mammal Protection Act of 1972
3 (16 U.S.C. 1361 et seq.), demands an immediate re-
4 sponse;

5 (10) based on the current rate of mortality of
6 North Atlantic right whales, and because of the
7 small number of breeding females in the population
8 and low birth rates, recent analysis suggests the spe-
9 cies will lose its ability to recover in merely a few
10 decades if human-caused mortality is not reduced
11 immediately;

12 (11) under the Marine Mammal Protection Act
13 of 1972 (16 U.S.C. 1361 et seq.), United States
14 fishermen in certain locations have been required to
15 modify their fishing gear and behavior to minimize
16 the likelihood of entanglements, including by using
17 sinking groundlines, having weak links in buoy lines,
18 using multiple traps per buoy, appropriately mark-
19 ing fishing gear, and complying with seasonal area-
20 specific closures in North Atlantic right whale habi-
21 tats;

22 (12) vessels in United States waters that are 65
23 feet or more in length have been required to comply
24 with a seasonal 10-knot speed limit in certain loca-
25 tions to reduce the threat of vessel collisions; and

1 (13) North Atlantic right whales are now mi-
2 grating farther north into Canadian waters and
3 there have been at least 20 North Atlantic right
4 whale deaths in Canada’s Gulf of St. Lawrence be-
5 tween 2017 and 2019, as well as 8 documented
6 deaths of such whales in the United States waters
7 in 2017 and 2018.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) the Governments of the United States and
11 Canada must work together to reduce lethal and
12 sub-lethal effects of human activities on North At-
13 lantic right whales; and

14 (2) effectively addressing the threats to the
15 long-term viability of the North Atlantic right
16 whales will require a joint commitment and effort
17 from government entities, local communities, marine
18 scientists and conservationists, fishermen, owners
19 and operators of passenger vessels and others in the
20 shipping industry, and other stakeholders.

21 **SEC. 3. PURPOSES.**

22 The purposes of this Act are the following:

23 (1) To rebuild healthy populations of the North
24 Atlantic right whale.

1 (2) To assist in the conservation and protection
 2 of North Atlantic right whales by supporting North
 3 Atlantic right whale conservation programs that
 4 minimize conflicts between North Atlantic right
 5 whales and human activities.

6 (3) To provide financial resources for those pro-
 7 grams.

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

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

11 **ASSISTANCE.**

12 (a) ASSISTANCE.—

13 (1) IN GENERAL.—Subject to the availability of
 14 funds and in consultation with other Federal offi-
 15 cials, the Secretary of Commerce (in this title re-
 16 ferred to as the “Secretary”) shall provide competi-
 17 tive financial assistance, including multiyear grants,
 18 for projects for the conservation of North Atlantic
 19 right whales for which project proposals are ap-
 20 proved by the Secretary in accordance with this sec-
 21 tion.

22 (2) USE OF EXISTING AUTHORITIES.—Assist-
 23 ance provided under this section shall be carried out
 24 in a manner consistent with authorities available to
 25 the Secretary under the Endangered Species Act of

1 ~~1973~~ (16 U.S.C. ~~1531~~ et seq.) and the Marine
2 Mammal Protection Act of ~~1972~~ (16 U.S.C. ~~1361~~ et
3 seq.):

4 (b) PROJECT PROPOSALS.—

5 (1) ELIGIBLE APPLICANTS.—A project proposal
6 may be submitted to the Secretary under this section
7 by—

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

12 (B) any other individual or entity, as de-
13 termined appropriate by the Secretary, with the
14 expertise required for the conservation of North
15 Atlantic right whales, including large whale
16 disentanglement teams approved by the Na-
17 tional Oceanic and Atmospheric Administration
18 and members in good standing of the National
19 Marine Mammal Health and Stranding Re-
20 sponse Program, sectors of the shipping and
21 fishing industries, fishing gear manufacturers,
22 and rope manufacturers.

23 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

24 A Federal agency may not be a lead entity or receive
25 funding for a project under this section, but may be

1 included as a partner or collaborator on a project
2 that receives such funding.

3 ~~(3) REQUIRED ELEMENTS.~~—A project proposal
4 shall include—

5 (A) a statement of the purposes of the
6 project;

7 (B) the name of the entity or individual
8 with overall responsibility for the project;

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

12 ~~(D)~~ a description of—

13 (i) methods for project implementa-
14 tion and outcome assessment;

15 (ii) staffing and stakeholder engage-
16 ment for the project;

17 (iii) the logistics of the project;

18 (iv) an estimated timeline for the
19 project; and

20 (v) anticipated outcomes of the
21 project;

22 ~~(E)~~ a proposed budget for the funds and
23 time required to complete the project;

1 (F) information regarding the source and
2 amount of matching funding available for the
3 project;

4 (G) information that demonstrates the
5 clear potential of the project to contribute to
6 the conservation of North Atlantic right whales;
7 and

8 (H) any other information that the Sec-
9 retary considers to be necessary for evaluating
10 the eligibility of the project for funding under
11 this Act.

12 (c) ANNUAL GRANT PROJECT PROPOSAL SOLICITA-
13 TION, REVIEW, AND APPROVAL.—

14 (1) IN GENERAL.—The Secretary shall annu-
15 ally—

16 (A) solicit project proposals for grants
17 under this section;

18 (B) provide to other Federal officials, as
19 appropriate, copies of each proposal submitted
20 in response to the solicitation; and

21 (C) review each such proposal on a time-
22 line that recognizes the urgency of the declining
23 North Atlantic right whale population to deter-
24 mine whether the proposal meets the criteria
25 specified in subsection (d).

1 (2) ~~CONSULTATION; APPROVAL OR DIS-~~
2 ~~APPROVAL.~~—Subject to the availability of funds, the
3 Secretary shall, with respect to each project proposal
4 submitted under this section, and after consulting
5 with other Federal officials, as appropriate—

6 (A) consult with respect to the proposal
7 with the government of each State and foreign
8 country in which the project is to be conducted;

9 (B) after taking into consideration any
10 comments resulting from the consultation and
11 any potential losses that could be incurred to
12 the fishing industry as a result of the proposal,
13 approve or disapprove the proposal; and

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

19 (d) ~~CRITERIA FOR APPROVAL.~~—The Secretary may
20 approve a project proposal under this section if the project
21 shows promise for contributing to recovering and sus-
22 taining a viable population of North Atlantic right whales
23 in the wild by assisting efforts to—

24 (1) implement conservation programs;

1 (2) address the unintentional conflicts between
2 humans and North Atlantic right whales through de-
3 velopment, testing, and use of innovative technology
4 or other methods to reduce the lethal and sub-lethal
5 effects on North Atlantic right whales from vessel
6 collisions and fishing gear entanglements;

7 (3) promote cooperative projects on such topics
8 with foreign governments; or

9 (4) promote cooperative projects on such topics
10 with affected local communities, small businesses
11 such as fishermen, others in the private sector, or
12 nongovernmental organizations.

13 (e) PRIORITY.—To the extent practicable, in deter-
14 mining whether to approve project proposals under this
15 section, the Secretary shall prioritize projects that are de-
16 signed to reduce the lethal and sub-lethal effects of human
17 activities on North Atlantic right whales. In prioritizing
18 such projects, the Secretary shall prioritize, among such
19 projects, projects that are cooperative in nature and in-
20 clude fishing or shipping sector participants.

21 (f) MATCHING REQUIREMENT.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (3), the non-Federal share of the costs of an
24 activity conducted with financial assistance under
25 this section shall be 25 percent of such costs.

1 (2) ~~IN-KIND CONTRIBUTIONS.~~—The Secretary
2 may apply to the non-Federal share of an activity
3 conducted with financial assistance under this sec-
4 tion the amount of funds, and the fair market value
5 of property and services, provided by non-Federal
6 sources and used for the activity.

7 (3) ~~WAIVER OF REQUIREMENTS.~~—The Sec-
8 retary may waive the application of paragraph (1) if
9 the Secretary finds that such waiver is necessary to
10 support a conservation project that the Secretary
11 has identified as of high priority.

12 (g) ~~PROJECT REPORTING.~~—

13 (1) ~~IN GENERAL.~~—Each individual or entity
14 that receives assistance under this section for a
15 project shall submit to the Secretary periodic reports
16 (at such intervals as the Secretary may require) that
17 include all information that the Secretary, after con-
18 sultation with other government officials, determines
19 is necessary to evaluate the progress and success of
20 the project for the purposes of ensuring positive re-
21 sults, assessing problems, and fostering improve-
22 ments.

23 (2) ~~AVAILABILITY TO THE PUBLIC.~~—Reports
24 under paragraph (1), and any other documents re-
25 lating to projects for which financial assistance is

1 provided under this Act, shall be made available to
 2 the public in a timely manner.

3 **SEC. 102. NORTH ATLANTIC RIGHT WHALE INTERAGENCY**
 4 **BUDGET.**

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

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

15 (2) the estimated amount to be expended dur-
 16 ing the current fiscal year for such activities and a
 17 description of such activities; and

18 (3) the amount estimated to be necessary for
 19 the next fiscal year for such activities and a descrip-
 20 tion of such activities.

21 (b) NORTH ATLANTIC RIGHT WHALE ACTIVITIES
 22 DEFINED.—In this section, the term “North Atlantic
 23 right whale activities” means any activity of a Federal
 24 agency to study, observe, monitor, manage, protect, con-
 25 serve, or restore the North Atlantic right whale population

1 through direct or indirect means, including through the
2 provision of competitive financial assistance to non-Fed-
3 eral entities.

4 **SEC. 103. REPORT TO CONGRESS.**

5 Not later than 2 years after the date of the enact-
6 ment of this Act, and annually thereafter, the Secretary
7 shall submit to Congress a report on the results and effec-
8 tiveness of projects receiving assistance provided under
9 this title, including recommendations concerning how this
10 title might be improved and whether funding for this title
11 should be continued in the future.

12 **SEC. 104. FUNDING.**

13 (a) **AUTHORIZATION OF APPROPRIATIONS.—**

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

18 (2) **ADMINISTRATIVE EXPENSES.—**Of the
19 amounts authorized to be appropriated under this
20 subsection for a fiscal year, the Secretary may ex-
21 pend not more than 5 percent, or up to \$80,000,
22 whichever is greater, to pay the administrative ex-
23 penses necessary to carry out this Act.

24 (3) **SUPPLEMENT NOT SUPPLANT.—**The
25 amount authorized to be appropriated by paragraph

1 (1) shall supplement and not supplant other
2 amounts available to the Secretary.

3 (b) ACCEPTANCE AND USE OF DONATIONS.—The
4 Secretary may accept, receive, solicit, hold, administer,
5 and use any gift, devise, or bequest to provide assistance
6 under section 102.

7 **TITLE II—CONTINUOUS**
8 **PLANKTON RECORDER**

9 **SEC. 201. SURVEY.**

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

14 (b) REQUIRED ELEMENTS.—For the purpose of con-
15 ducting the survey required under subsection (a), the
16 Northeast Fisheries Science Center shall—

17 (1) to the extent possible, utilize the resources
18 of and partner with, on a volunteer basis, research
19 institutions, nonprofit organizations, commercial ves-
20 sels, and other Federal agencies;

21 (2) in as short a time as possible, ensure rel-
22 evant survey samples and results are analyzed,
23 stored, archived, and made publicly available;

1 (3) prioritize the collection of plankton samples
2 and data that inform the conservation of North At-
3 lantic right whales; and

4 (4) to the extent practicable, coordinate with
5 the Government of Canada to develop a transbound-
6 ary understanding of plankton abundance and dis-
7 tribution.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
9 out this section there is authorized to be appropriated to
10 the Secretary of Commerce \$300,000 for each of fiscal
11 years 2019 through 2029.

12 **SECTION 1. SHORT TITLE.**

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

16 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

17 (a) *FINDINGS.—Congress finds that—*

18 (1) *North Atlantic right whales (*Eubalaena**
19 *glacialis) are critically endangered, with approxi-*
20 *mately 400 whales remaining at the time of the intro-*
21 *duction of this Act;*

22 (2) *historically, the North Atlantic right whale*
23 *population was decimated by the whaling industry,*
24 *although the whale population received protections*
25 *from such industry in the 1930s;*

1 (3) *despite a modest recovery prior to 2010, the*
2 *North Atlantic right whale is one of the most endan-*
3 *gered whales in the world and has experienced a sig-*
4 *nificant decline since 2010;*

5 (4) *the North Atlantic right whale has been listed*
6 *as an endangered species under the Endangered Spe-*
7 *cies Conservation Act of 1969 (Public Law 89–669;*
8 *80 Stat. 926) and its successor the Endangered Spe-*
9 *cies Act of 1973 (16 U.S.C. 1531 et seq.) since 1970*
10 *and is designated as depleted under the Marine Mam-*
11 *mal Protection Act of 1972 (16 U.S.C. 1361 et seq.);*

12 (5) *because North Atlantic right whales are long-*
13 *lived and highly migratory, and at present rates fe-*
14 *males give birth to a single calf only once every 4 to*
15 *10 years, they are highly vulnerable to the impacts of*
16 *human activity and habitat degradation;*

17 (6) *North Atlantic right whales frequently cross*
18 *paths with major shipping lanes and fishing grounds,*
19 *leaving the whales particularly vulnerable to vessel*
20 *collisions and fishing gear entanglements, the 2 lead-*
21 *ing causes of injury and death to the species;*

22 (7) *even when North Atlantic right whales do not*
23 *die as a result of fishing gear entanglement, those*
24 *whales can still experience significant sub-lethal ef-*
25 *fects such as chronic stress and reproductive failure;*

1 (8) *in August 2017, the National Marine Fish-*
2 *eries Service announced an unusual mortality event*
3 *involving North Atlantic right whales in 2017, with*
4 *17 known whale deaths that year alone;*

5 (9) *as of August 2019, such ongoing unusual*
6 *mortality event includes the loss of at least 28 whales,*
7 *a significant die-off of a population and, under the*
8 *Marine Mammal Protection Act of 1972 (16 U.S.C.*
9 *1361 et seq.), demands an immediate response;*

10 (10) *based on the current rate of mortality of*
11 *North Atlantic right whales, and because of the small*
12 *number of breeding females in the population and low*
13 *birth rates, recent analysis suggests the species will*
14 *lose its ability to recover in merely a few decades if*
15 *human-caused mortality is not reduced immediately;*

16 (11) *under the Marine Mammal Protection Act*
17 *of 1972 (16 U.S.C. 1361 et seq.), United States fisher-*
18 *men in certain locations have been required to modify*
19 *their fishing gear and behavior to minimize the likeli-*
20 *hood of entanglements, including by using sinking*
21 *groundlines, having weak links in buoy lines, using*
22 *multiple traps per buoy, appropriately marking fish-*
23 *ing gear, and complying with seasonal area-specific*
24 *closures in North Atlantic right whale habitats;*

1 (12) *vessels in United States waters that are 65*
2 *feet or more in length have been required to comply*
3 *with a seasonal10-knot speed limit in certain loca-*
4 *tions to reduce the threat of vessel collisions; and*

5 (13) *North Atlantic right whales are now mi-*
6 *grating farther north into Canadian waters and there*
7 *have been at least 20 North Atlantic right whale*
8 *deaths in Canada’s Gulf of St. Lawrence between*
9 *2017 and 2019, as well as 8 documented deaths of*
10 *such whales in the United States waters in 2017 and*
11 *2018.*

12 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
13 *that—*

14 (1) *the Governments of the United States and*
15 *Canada must work together to reduce lethal and sub-*
16 *lethal effects of human activities on North Atlantic*
17 *right whales; and*

18 (2) *effectively addressing the threats to the long-*
19 *term viability of the North Atlantic right whales will*
20 *require a joint commitment and effort from govern-*
21 *ment entities, local communities, marine scientists*
22 *and conservationists, fishermen, owners and operators*
23 *of passenger vessels and others in the shipping indus-*
24 *try, and other stakeholders.*

1 **SEC. 3. PURPOSES.**

2 *The purposes of this Act are the following:*

3 (1) *To rebuild healthy populations of the North*
4 *Atlantic right whale.*

5 (2) *To assist in the conservation and protection*
6 *of North Atlantic right whales by supporting North*
7 *Atlantic right whale conservation programs that min-*
8 *imize conflicts between North Atlantic right whales*
9 *and human activities.*

10 **TITLE I—NORTH ATLANTIC**
11 **RIGHT WHALE CONSERVATION**

12 **SEC. 101. NORTH ATLANTIC RIGHT WHALE CONSERVATION**

13 **ASSISTANCE.**

14 (a) *ASSISTANCE.—*

15 (1) *IN GENERAL.—Subject to the availability of*
16 *funds and in consultation with other Federal officials,*
17 *the Secretary of Commerce (in this title referred to as*
18 *the “Secretary”) shall provide competitive financial*
19 *assistance, including multiyear grants, for projects*
20 *designed to reduce the lethal and sub-lethal effects of*
21 *human activities on North Atlantic right whales for*
22 *which project proposals are approved by the Secretary*
23 *in accordance with this section.*

24 (2) *USE OF EXISTING AUTHORITIES.—Assistance*
25 *provided under this section shall be carried out in a*
26 *manner consistent with authorities available to the*

1 *Secretary under the Endangered Species Act of 1973*
2 *(16 U.S.C. 1531 et seq.) and the Marine Mammal*
3 *Protection Act of 1972 (16 U.S.C. 1361 et seq.).*

4 ***(b) PROJECT PROPOSALS.—***

5 ***(1) ELIGIBLE APPLICANTS.—****A project proposal*
6 *may be submitted to the Secretary under this section*
7 *by—*

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

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

23 ***(2) FEDERAL PARTNERSHIP OPPORTUNITIES.—****A*
24 *Federal agency may not be a lead entity or receive*
25 *funding for a project under this section, but may be*

1 *included as a partner or collaborator on a project*
2 *that receives such funding.*

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

5 (1) *IN GENERAL.—The Secretary shall annu-*
6 *ally—*

7 (A) *solicit project proposals for grants*
8 *under this section;*

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

12 (C) *review each such proposal on a timeline*
13 *that recognizes the urgency of the declining*
14 *North Atlantic right whale population to deter-*
15 *mine whether the proposal meets the criteria*
16 *specified in subsection (d).*

17 (2) *CONSULTATION; APPROVAL OR DIS-*
18 *APPROVAL.—Subject to the availability of funds, the*
19 *Secretary shall, with respect to each project proposal*
20 *submitted under this section, and after consulting*
21 *with other Federal officials, as appropriate—*

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

1 (B) after taking into consideration any
2 comments resulting from the consultation and
3 any potential losses that could be incurred to the
4 fishing industry as a result of the proposal, ap-
5 prove or disapprove the proposal; and

6 (C) provide written notification of the ap-
7 proval or disapproval to the individual or entity
8 that submitted the proposal, other Federal offi-
9 cials, and each State and foreign country de-
10 scribed in subparagraph (A).

11 (d) *CRITERIA FOR APPROVAL.*—The Secretary may
12 approve a project proposal under this section that is likely
13 to aid in the recovery and sustainability of a viable popu-
14 lation of North Atlantic right whales in the wild by assist-
15 ing efforts to—

16 (1) implement conservation programs;

17 (2) address the unintentional conflicts between
18 humans and North Atlantic right whales through de-
19 velopment, testing, and use of innovative technology
20 or other methods to reduce the lethal and sub-lethal ef-
21 fects on North Atlantic right whales from vessel colli-
22 sions and fishing gear entanglements;

23 (3) promote cooperative projects on such topics
24 with foreign governments; or

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

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

13 (f) *MATCHING REQUIREMENT.—*

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

18 (2) *IN-KIND CONTRIBUTIONS.—The Secretary*
19 *may apply to the non-Federal share of an activity*
20 *conducted with financial assistance under this section*
21 *the amount of funds, and the fair market value of*
22 *property and services, provided by non-Federal*
23 *sources and used for the activity.*

24 (3) *WAIVER OF REQUIREMENTS.—The Secretary*
25 *may waive the application of paragraph (1) if the*

1 *Secretary finds that such waiver is necessary to sup-*
2 *port a conservation project that the Secretary has*
3 *identified as of high priority.*

4 *(g) PROJECT REPORTING.—*

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

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

19 **SEC. 102. REPORT TO CONGRESS.**

20 *Not later than 2 years after the date of the enactment*
21 *of this Act, and every 5 years thereafter, the Secretary shall*
22 *submit to Congress a report on the results and effectiveness*
23 *of projects receiving assistance provided under this title, in-*
24 *cluding recommendations concerning how this title might*

1 *be improved and whether funding for this title should be*
2 *continued in the future.*

3 **SEC. 103. FUNDING.**

4 *(a) AUTHORIZATION OF APPROPRIATIONS.—*

5 *(1) AUTHORIZATION.—There is authorized to be*
6 *appropriated to the Secretary to carry out this title*
7 *\$5,000,000 for each of fiscal years 2019 through 2029.*

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

14 *(3) SUPPLEMENT NOT SUPPLANT.—The amount*
15 *authorized to be appropriated by paragraph (1) shall*
16 *supplement and not supplant other amounts available*
17 *to the Secretary.*

18 *(b) ACCEPTANCE AND USE OF DONATIONS.—The Sec-*
19 *retary may accept, receive, solicit, hold, administer, and use*
20 *any gift, devise, or bequest to provide assistance under sec-*
21 *tion 101.*

1 **TITLE II—CONTINUOUS**
2 **PLANKTON RECORDER**

3 **SEC. 201. SURVEY.**

4 (a) *IN GENERAL.*—Not later than 180 days after the
5 date of the enactment of this Act, and on an ongoing basis
6 thereafter, the Secretary of Commerce shall conduct a Con-
7 tinuous Plankton Recorder survey.

8 (b) *REQUIRED ELEMENTS.*—For the purpose of con-
9 ducting the survey required under subsection (a), the North-
10 east Fisheries Science Center shall—

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

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

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

21 (4) *to the extent practicable, coordinate with the*
22 *Government of Canada to develop a transboundary*
23 *understanding of plankton abundance and distribu-*
24 *tion.*

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

Calendar No. 519

116TH CONGRESS
2^D SESSION

S. 2453

[Report No. 116-258]

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.

AUGUST 13, 2020

Reported with an amendment