

117TH CONGRESS  
1ST SESSION

# H. R. 4487

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mr. RUTHERFORD (for himself and Mrs. MURPHY of Florida) 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

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## 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

1 2021” or the “SAVE North Atlantic Right Whales Act  
2 of 2021”.

3 **TITLE I—NORTH ATLANTIC**  
4 **RIGHT WHALE CONSERVATION**

5 **SEC. 101. NORTH ATLANTIC RIGHT WHALE CONSERVATION**  
6 **ASSISTANCE.**

7 (a) ASSISTANCE.—

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

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

24 (b) PROJECT PROPOSALS.—

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

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

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

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

24           (3) REQUIRED ELEMENTS.—A project proposal  
25           shall include—

1 (A) a statement of the purposes of the  
2 project;

3 (B) the name of the entity or individual  
4 with overall responsibility for the project;

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

8 (D) a description of—

9 (i) methods for project implementa-  
10 tion and outcome assessment;

11 (ii) staffing and stakeholder engage-  
12 ment for the project;

13 (iii) the logistics of the project;

14 (iv) an estimated timeline for the  
15 project; and

16 (v) anticipated outcomes of the  
17 project;

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

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

23 (G) information that demonstrates the  
24 clear potential of the project to contribute to

1 the conservation of North Atlantic right whales;  
2 and

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

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

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

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

13 (B) provide to other Federal officials, as  
14 appropriate, copies of each proposal submitted  
15 in response to the solicitation; and

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

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

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

4 (B) after taking into consideration any  
5 comments resulting from the consultation and  
6 any potential losses that could be incurred to  
7 the fishing industry as a result of the proposal,  
8 approve or disapprove the proposal; and

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

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

19 (1) implement conservation programs;

20 (2) address the unintentional conflicts between  
21 humans and North Atlantic right whales through de-  
22 velopment, testing, and use of innovative technology  
23 or other methods to reduce the lethal and sub-lethal  
24 effects on North Atlantic right whales from vessel  
25 collisions and fishing gear entanglements;

1           (3) promote cooperative projects on such topics  
2 with foreign governments; or

3           (4) promote cooperative projects on such topics  
4 with affected local communities, small businesses  
5 such as fishermen, others in the private sector, or  
6 nongovernmental organizations.

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

15           (f) MATCHING REQUIREMENT.—

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

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

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

6           (g) PROJECT REPORTING.—

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

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

22 **SEC. 102. NORTH ATLANTIC RIGHT WHALE INTERAGENCY**  
23 **BUDGET.**

24          (a) IN GENERAL.—The Director of the Office of  
25          Management and Budget shall include, in the budget of



1 the President submitted to Congress under section  
2 1105(a) of title 31, United States Code, for fiscal year  
3 2022 and each fiscal year thereafter, an interagency budg-  
4 et that displays for each Federal agency that engages in  
5 North Atlantic right whale activities—

6 (1) the amount of appropriations and expendi-  
7 tures for the preceding fiscal year for such activities  
8 and a description of such activities;

9 (2) the estimated amount to be expended dur-  
10 ing the current fiscal year for such activities and a  
11 description of such activities; and

12 (3) the amount estimated to be necessary for  
13 the next fiscal year for such activities and a descrip-  
14 tion of such activities.

15 (b) NORTH ATLANTIC RIGHT WHALE ACTIVITIES  
16 DEFINED.—In this section, the term “North Atlantic  
17 right whale activities” means any activity of a Federal  
18 agency to study, observe, monitor, manage, protect, con-  
19 serve, or restore the North Atlantic right whale population  
20 through direct or indirect means, including through the  
21 provision of competitive financial assistance to non-Fed-  
22 eral entities.

23 **SEC. 103. REPORT TO CONGRESS.**

24 Not later than 2 years after the date of the enact-  
25 ment of this Act, and annually thereafter, the Secretary

1 shall submit to Congress a report on the results and effec-  
2 tiveness of projects receiving assistance provided under  
3 this title, including recommendations concerning how this  
4 title might be improved and whether funding for this title  
5 should be continued in the future.

6 **SEC. 104. FUNDING.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) AUTHORIZATION.—There is authorized to  
9 be appropriated to the Secretary to carry out this  
10 title \$5,000,000 for each of fiscal years 2022  
11 through 2032.

12 (2) ADMINISTRATIVE EXPENSES.—Of the  
13 amounts authorized to be appropriated under this  
14 subsection for a fiscal year, the Secretary may ex-  
15 pend not more than 5 percent, or up to \$80,000,  
16 whichever is greater, to pay the administrative ex-  
17 penses necessary to carry out this Act.

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

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

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 Sec-  
10 retary of Commerce shall—

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

15           (2) in as short a time as possible, ensure rel-  
16 evant survey samples and results are analyzed,  
17 stored, 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  
22 the Government of Canada to develop a transbound-  
23 ary understanding of plankton abundance and dis-  
24 tribution.

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  
4 years 2022 through 2032.

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