

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1568
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

**5 TITLE I—NORTH ATLANTIC
6 RIGHT WHALE CONSERVATION**

**7 SEC. 101. NORTH ATLANTIC RIGHT WHALE CONSERVATION
8 ASSISTANCE.**

9 (a) ASSISTANCE.—

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

1 (2) USE OF EXISTING AUTHORITIES.—Assist-
2 ance provided under this section shall be carried out
3 in a manner consistent with authorities available to
4 the Secretary under the Endangered Species Act of
5 1973 (16 U.S.C. 1531 et seq.) and the Marine
6 Mammal Protection Act of 1972 (16 U.S.C. 1361 et
7 seq.).

8 (b) PROJECT PROPOSALS.—

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

12 (A) relevant State and tribal agencies, re-
13 search institutions, and nonprofit organizations
14 with expertise required for the conservation of
15 North Atlantic right whales; and

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

1 fishing industries, fishing gear manufacturers,
2 and rope manufacturers.

3 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

4 A Federal agency may not be a lead entity or receive
5 funding for a project under this section, but may be
6 included as a partner or collaborator on a project
7 that receives such funding.

8 (3) REQUIRED ELEMENTS.—A project proposal
9 shall include—

10 (A) a statement of the purposes of the
11 project;

12 (B) the name of the entity or individual
13 with overall responsibility for the project;

14 (C) a description of the qualifications of
15 the entity or individuals that will conduct the
16 project;

17 (D) a description of—

18 (i) methods for project implementa-
19 tion and outcome assessment;

20 (ii) staffing and stakeholder engage-
21 ment for the project;

22 (iii) the logistics of the project;

23 (iv) an estimated timeline for the
24 project; and

1 (v) anticipated outcomes of the
2 project;

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

5 (F) information regarding the source and
6 amount of matching funding available for the
7 project;

8 (G) information that demonstrates the
9 clear potential of the project to contribute to
10 the conservation of North Atlantic right whales;
11 and

12 (H) any other information that the Sec-
13 retary considers to be necessary for evaluating
14 the eligibility of the project for funding under
15 this Act.

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

18 (1) IN GENERAL.—The Secretary shall annu-
19 ally—

20 (A) solicit project proposals for grants
21 under this section;

22 (B) provide to other Federal officials, as
23 appropriate, copies of each proposal submitted
24 in response to the solicitation; and

1 (C) review each such proposal on a time-
2 line that recognizes the urgency of the declining
3 North Atlantic right whale population to deter-
4 mine whether the proposal meets the criteria
5 specified in subsection (d).

6 (2) CONSULTATION; APPROVAL OR DIS-
7 APPROVAL.—Subject to the availability of funds, the
8 Secretary shall, with respect to each project proposal
9 submitted under this section, and after consulting
10 with other Federal officials, as appropriate—

11 (A) consult with respect to the proposal
12 with the government of each State and foreign
13 country in which the project is to be conducted;

14 (B) after taking into consideration any
15 comments resulting from the consultation and
16 any potential losses that could be incurred to
17 the fishing industry as a result of the proposal,
18 approve or disapprove the proposal; and

19 (C) provide written notification of the ap-
20 proval or disapproval to the individual or entity
21 that submitted the proposal, other Federal offi-
22 cials, and each State and foreign country de-
23 scribed in subparagraph (A).

24 (d) CRITERIA FOR APPROVAL.—The Secretary may
25 approve a project proposal under this section if the project

1 shows promise for contributing to recovering and sus-
2 taining a viable population of North Atlantic right whales
3 in the wild by assisting efforts to—

4 (1) implement conservation programs;

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

11 (3) promote cooperative projects on such topics
12 with foreign governments; or

13 (4) promote cooperative projects on such topics
14 with affected local communities, small businesses
15 such as fishermen, others in the private sector, or
16 nongovernmental organizations.

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

25 (f) MATCHING REQUIREMENT.—

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

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

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

16 (g) PROJECT REPORTING.—

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

1 sults, assessing problems, and fostering improve-
2 ments.

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

8 **SEC. 102. NORTH ATLANTIC RIGHT WHALE INTERAGENCY**
9 **BUDGET.**

10 (a) IN GENERAL.—The Director of the Office of
11 Management and Budget shall include, in the budget of
12 the President submitted to Congress under section
13 1105(a) of title 31, United States Code, for fiscal year
14 2021 and each fiscal year thereafter, an interagency budg-
15 et that displays for each Federal agency that engages in
16 North Atlantic right whale activities—

17 (1) the amount of appropriations and expendi-
18 tures for the preceding fiscal year for such activities
19 and a description of such activities;

20 (2) the estimated amount to be expended dur-
21 ing the current fiscal year for such activities and a
22 description of such activities; and

23 (3) the amount estimated to be necessary for
24 the next fiscal year for such activities and a descrip-
25 tion of such activities.

1 (b) NORTH ATLANTIC RIGHT WHALE ACTIVITIES
2 DEFINED.—In this section, the term “North Atlantic
3 right whale activities” means any activity of a Federal
4 agency to study, observe, monitor, manage, protect, con-
5 serve, or restore the North Atlantic right whale population
6 through direct or indirect means, including through the
7 provision of competitive financial assistance to non-Fed-
8 eral entities.

9 **SEC. 103. REPORT TO CONGRESS.**

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

17 **SEC. 104. FUNDING.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—

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

23 (2) ADMINISTRATIVE EXPENSES.—Of the
24 amounts authorized to be appropriated under this
25 subsection for a fiscal year, the Secretary may ex-

1 pend not more than 5 percent, or up to \$80,000,
2 whichever is greater, to pay the administrative ex-
3 penses necessary to carry out this Act.

4 (3) SUPPLEMENT NOT SUPPLANT.—The
5 amount authorized to be appropriated by paragraph
6 (1) shall supplement and not supplant other
7 amounts available to the Secretary.

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

12 **TITLE II—CONTINUOUS** 13 **PLANKTON RECORDER**

14 **SEC. 201. SURVEY.**

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

19 (b) REQUIRED ELEMENTS.—For the purpose of con-
20 ducting the survey required under subsection (a), the Sec-
21 retary of Commerce shall—

22 (1) to the extent possible, utilize the resources
23 of and partner with, on a volunteer basis, research
24 institutions, nonprofit organizations, commercial ves-
25 sels, and other Federal agencies;

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

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

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

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

