

SCIENTIFIC ASSISTANCE FOR VERY ENDANGERED NORTH  
ATLANTIC RIGHT WHALES ACT OF 2019

—————  
OCTOBER 18, 2019.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

—————

Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1568]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1568) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

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

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

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

(a) ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of funds and in consultation with other Federal officials, the Secretary of Commerce (in this title referred to as

the “Secretary”) shall provide competitive financial assistance, including multiyear grants, for projects for the conservation of North Atlantic right whales for which project proposals are approved by the Secretary in accordance with this section.

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

(b) PROJECT PROPOSALS.—

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

(A) relevant State and tribal agencies, research institutions, and non-profit organizations with expertise required for the conservation of North Atlantic right whales; and

(B) any other individual or entity, as determined appropriate by the Secretary, with the expertise required for the conservation of North Atlantic right whales, including large whale disentanglement teams approved by the National Oceanic and Atmospheric Administration and members in good standing of the National Marine Mammal Health and Stranding Response Program, sectors of the shipping and fishing industries, fishing gear manufacturers, and rope manufacturers.

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

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

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

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

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

(D) a description of—

(i) methods for project implementation and outcome assessment;

(ii) staffing and stakeholder engagement for the project;

(iii) the logistics of the project;

(iv) an estimated timeline for the project; and

(v) anticipated outcomes of the project;

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

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

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

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) ANNUAL GRANT PROJECT PROPOSAL SOLICITATION, REVIEW, AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall annually—

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

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

(C) review each such proposal on a timeline that recognizes the urgency of the declining North Atlantic right whale population to determine whether the proposal meets the criteria specified in subsection (d).

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

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

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

(C) provide written notification of the approval or disapproval to the individual or entity that submitted the proposal, other Federal officials, and each State and foreign country described in subparagraph (A).

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

(1) implement conservation programs;

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

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

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

(e) **PRIORITY.**—To the extent practicable, in determining whether to approve project proposals under this section, the Secretary shall prioritize projects that are designed to reduce the lethal and sub-lethal effects of human activities on North Atlantic right whales. In prioritizing such projects, the Secretary shall prioritize, among such projects, projects that are cooperative in nature and include fishing or shipping sector participants.

(f) **MATCHING REQUIREMENT.**—

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

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

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

(g) **PROJECT REPORTING.**—

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

(2) **AVAILABILITY TO THE PUBLIC.**—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public in a timely manner.

#### **SEC. 102. NORTH ATLANTIC RIGHT WHALE INTERAGENCY BUDGET.**

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

(1) the amount of appropriations and expenditures for the preceding fiscal year for such activities and a description of such activities;

(2) the estimated amount to be expended during the current fiscal year for such activities and a description of such activities; and

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

(b) **NORTH ATLANTIC RIGHT WHALE ACTIVITIES DEFINED.**—In this section, the term “North Atlantic right whale activities” means any activity of a Federal agency to study, observe, monitor, manage, protect, conserve, or restore the North Atlantic right whale population through direct or indirect means, including through the provision of competitive financial assistance to non-Federal entities.

#### **SEC. 103. REPORT TO CONGRESS.**

Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the results and effectiveness of projects receiving assistance provided under this title, including recommendations concerning how this title might be improved and whether funding for this title should be continued in the future.

#### **SEC. 104. FUNDING.**

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

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

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

- (3) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by paragraph (1) shall supplement and not supplant other amounts available to the Secretary.
- (b) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept, receive, solicit, hold, administer, and use any gift, devise, or bequest to provide assistance under section 5.

## TITLE II—CONTINUOUS PLANKTON RECORDER

### SEC. 201. SURVEY.

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

(b) REQUIRED ELEMENTS.—For the purpose of conducting the survey required under subsection (a), the Secretary of Commerce shall—

- (1) to the extent possible, utilize the resources of and partner with, on a volunteer basis, research institutions, nonprofit organizations, commercial vessels, and other Federal agencies;
- (2) in as short a time as possible, ensure relevant survey samples and results are analyzed, stored, archived, and made publicly available;
- (3) prioritize the collection of plankton samples and data that inform the conservation of North Atlantic right whales; and
- (4) to the extent practicable, coordinate with the Government of Canada to develop a transboundary understanding of plankton abundance and distribution.

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

### PURPOSE OF THE BILL

The purpose of H.R. 1568 is 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 and by conducting a plankton survey.

### BACKGROUND AND NEED FOR LEGISLATION

For over a thousand years, the North Atlantic right whale, *Eubalaena glacialis*, was hunted by humans for its oil, meat, and baleen. Its name originates from early whalers calling it the “right” whale to hunt due to its slow movement, close proximity to shore, and the fact that its large amounts of blubber cause it to float after being killed.<sup>1</sup>

Since 1935, right whales have been protected by the International Convention for the Regulation of Whaling, with additional protections granted by the Marine Mammal Protection Act in 1972 and the Endangered Species Act in 1973. Between 1990 and 2010, the population slowly grew by about 2.8 percent per year.<sup>2</sup> But since 2010, with emerging threats from ship strikes, fishing gear entanglement, and underwater noise, the North Atlantic right whale population is on the decline once again, with calving rates dropping by nearly 40 percent from 2010–2016,<sup>3</sup> and an unprece-

<sup>1</sup>See, e.g., NOAA Fisheries, Right Whales, Marine Mammal Education Web, <https://www.afsc.noaa.gov/nmml/education/cetaceans/right.php>.

<sup>2</sup>Gordon T. Waring et al., US Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2015 (2016), NOAA Technical Memorandum NMFS-NE-238, <https://www.nefsc.noaa.gov/publications/tm/tm238/tm238.pdf>.

<sup>3</sup>Scott D. Kraus et al., Opinion Article, *Recent Scientific Publications Cast Doubt on North Atlantic Right Whale Future*, *Frontiers In Marine Science* (Aug. 17, 2016), <https://doi.org/10.3389/fmars.2016.00137>.

deduced twenty North Atlantic right whale deaths in 2017 and 2018, representing more than 4 percent of the population.<sup>4</sup> Of the twenty mortalities observed, five were attributed to blunt force trauma from vessel strikes, three confirmed mortalities were from entanglements in fishing gear, and four additional mortalities are suspected to be from fishing gear entanglements.<sup>5</sup> The most recent best estimate is that only 411 right whales remain.<sup>6</sup>

There is also significant evidence that climate change is shifting the migration routes of the North Atlantic right whale. The Gulf of Maine is warming faster than 99 percent of the global ocean.<sup>7</sup> Warmer waters are causing ocean currents to change, and right whales have expanded their foraging distribution further north to into the Gulf of St. Lawrence, Canada.<sup>8</sup> Several studies have demonstrated the importance of plankton availability to the reproductive success and survival of right whales.<sup>9</sup>

H.R. 1568, the Scientific Assistance for Very Endangered North Atlantic Right Whales Act (SAVE Right Whales Act), would assist in the conservation of the North Atlantic right whale by supporting and providing financial resources for research to develop, test, or use innovative technologies and other strategies to reduce entanglements and vessel collisions. The bill also requires the Secretary of Commerce to conduct a continuous plankton recorder survey to determine the availability of plankton—right whales' primary food source—in a set area to better determine the likelihood that right whales could be present. This survey would help with real-time management of fishing activity.

#### COMMITTEE ACTION

H.R. 1568 was introduced on March 6, 2019, by Representative Seth Moulton (D–MA). The bill was referred to the Committee on the Budget and the Committee on Natural Resources, and within the latter Committee to the Subcommittee Water, Oceans, and Wildlife. On March 26, 2019, the Subcommittee held a hearing to consider the bill. On May 1, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Grijalva (D–AZ) offered an amendment in the nature of a substitute; it was adopted by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 13 nays, as follows:

<sup>4</sup>H.M. Pettis et al., North Atlantic Right Whale Consortium 2018 Annual Report Card 2 (2018), [https://www.narwc.org/uploads/1/1/6/6/116623219/2018report\\_cardfinal.pdf](https://www.narwc.org/uploads/1/1/6/6/116623219/2018report_cardfinal.pdf).

<sup>5</sup>NOAA Fisheries, Marine Life in Distress, 2017–2019 North Atlantic Right Whale Unusual Mortality Event, <https://www.fisheries.noaa.gov/national/marine-life-distress/2017-2019-north-atlantic-right-whale-unusual-mortality-event>.

<sup>6</sup>Pettis et al., *supra* note 4, at 4.

<sup>7</sup>Andrew J. Pershing et al., *Slow Adaptation in the Face of Rapid Warming Leads to Collapse of the Gulf of Maine Cod Fishery*, 350 *Science* 6262, 809 (2015), <https://science.sciencemag.org/content/350/6262/809>.

<sup>8</sup>Sean A. Hayes et al., North Atlantic Right Whales—Evaluating Their Recovery Challenges in 2018 (2018), NOAA Technical Memorandum NMFS–NE–247, [https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/trt/meetings/September%202018/tm247\\_2.pdf](https://www.greateratlantic.fisheries.noaa.gov/protected/whaletrp/trt/meetings/September%202018/tm247_2.pdf).

<sup>9</sup>Erin L. Meyer-Gutbrod & Charles H. Greene, *Uncertain Recovery of the North Atlantic Right Whale in a Changing Ocean*, *Global Change Biol.* (Oct. 31, 2017), <https://doi.org/10.1111/gcb.13929>; Meyer-Gutbrod et al., *Climate-Associated Changes in Prey Availability Drive Reproductive Dynamics of the North Atlantic Right Whale Population*, 535 *Marine Ecology Progress Series* 243 (2015), <https://doi.org/10.3354/meps11372>.



## HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearings were used to develop or consider H.R. 1568: Subcommittee on Water, Oceans, and Wildlife oversight hearing on “Examining the Threats to the North Atlantic Right Whale,” held on March 7, 2019; and Subcommittee on Water, Oceans, and Wildlife legislative hearing on H.R. 1326, H.R. 877, H.R. 1809, H.R. 737, H.R. 1305, H.R. 1380, and H.R. 1568, held on March 26, 2019.

## SECTION-BY-SECTION ANALYSIS

## Title I—North Atlantic Right Whale Conservation

*Section 101. North Atlantic Right Whale Conservation Assistance.* This section provides for financial assistance and grants from NOAA for projects focused on the conservation of North Atlantic right whales. These grants can go to state and tribal agencies, research institutions, nonprofit organizations, and any other individuals or entities who possess the expertise required for conservation of North Atlantic right whales. Project proposals must include methods, staffing and stakeholder engagement, logistics, timeline, and anticipated outcomes, including the potential of the project to contribute to the conservation of North Atlantic right whales. Priority projects would be ones that reduce lethal and sub-lethal effects of human activities on right whales. Grant recipients must also demonstrate at least 25 percent non-federal matching funds and submit reports on the status of the project.

*Section 102. North Atlantic Right Whale Interagency Budget.* This section requires the Office of Management and Budget to submit an interagency budget displaying the appropriations and expenditures on North Atlantic right whale activities for each agency involved.

*Section 103. Report to Congress.* This section requires an annual report from NOAA to Congress regarding the results and effectiveness of the projects funded under the bill.

*Section 104. Funding.* This section authorizes \$5 million per year through fiscal year 2029. The greater of \$80,000 or 5 percent of the appropriated amount can be used each year for administrative expenses. Donations can also be used.

## Title II—Continuous Plankton Recorder

*Section 201. Survey.* This section authorizes a continuous plankton recorder survey conducted by the Northeast Fisheries Science Center in coordination with other research institutions, nonprofit organizations, commercial vessels, and federal agencies. The survey should prioritize the data that inform the conservation of North Atlantic right whales. The survey is authorized at \$300,000 per year through fiscal year 2029.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET  
ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 13, 2019.*

Hon. RAÚL M. GRIJALVA,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1568, the SAVE Right Whales Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

<b>H.R. 1568, SAVE Right Whales Act</b>			
As ordered reported by the House Committee on Natural Resources on May 1, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Deficit Effect	0	*	*
Spending Subject to Appropriation (Outlays)	0	24	50
Pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and zero.			

H.R. 1568 would authorize the appropriation of \$5.3 million annually from 2019 through 2029 for the National Oceanic and Atmospheric Administration (NOAA) to provide competitive grants for projects to conserve a particular species of whales, known as the North Atlantic right whales, (\$5.0 million) and to conduct surveys using a device known as a continuous plankton recorder on an ongoing basis (\$0.3 million).

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1568 would cost \$50 million over the 2019–2029 period and \$3 million after 2029. The costs of the legislation, detailed in Table 1, would fall into budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1568

	By fiscal year, millions of dollars—													
	2019 <sup>a</sup>	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2019– 2024	2019– 2029	
	Increases in Spending Subject to Appropriation													
Authorization .....	5	5	5	5	5	5	5	5	5	5	5	32	58	
Estimated Outlays .....	0	3	4	5	5	5	5	5	5	5	5	24	50	

Components may not sum to totals because of rounding; n.a. = not applicable.

<sup>a</sup>H.R. 1568 would authorize appropriations totaling \$5.3 million for 2019. CBO does not estimate any outlays for those authorizations because appropriations for 2019 have already been provided.

Under the bill, NOAA also would be authorized to accept and spend monetary gifts to supplement appropriated funds provided for the right whale conservation grants. The receipt and spending of such gifts are recorded in the budget as direct spending. Because any money received would probably be spent soon thereafter, CBO estimates that the net effect on direct spending would be negligible.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill is 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 and by conducting a plankton survey.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

RAÚL M. GRIJALVA OF ARIZONA  
CHAIRMAN

COMMITTEE CORRESPONDENCE

ROB BISHOP OF UTAH  
RANKING REPUBLICAN

DAVID WATKINS  
STAFF DIRECTOR

PARISH BRADEN  
REPUBLICAN STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

May 2, 2019

The Honorable John Yarmuth  
Chairman  
Committee on the Budget  
U.S. House of Representatives  
204-E Cannon House Office Building  
Washington, DC 20515

Dear Chairman Yarmuth,

I am writing to you concerning H.R. 1568, the "SAVE Right Whales Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Budget. I acknowledge that your Committee will not formally consider H.R. 1568 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva  
Chair  
House Natural Resources Committee

cc: The Honorable Rob Bishop, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

JOHN YARMUTH, KENTUCKY  
CHAIRMAN  
ELLEN BALIS, STAFF DIRECTOR  
(202) 226-7200



STEVE WOMACK, RANKING MEMBER  
DAN KENIRY, MINORITY STAFF DIRECTOR  
(202) 226-7270

**U.S. House of Representatives**  
COMMITTEE ON THE BUDGET  
Washington, DC 20515

June 27, 2019

The Honorable Raúl M. Grijalva  
Chairman, Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Grijalva:

I write to confirm our mutual understanding regarding H.R. 1568, the *SAVE Right Whales Act*. H.R. 1568 contains provisions that fall within the rule X jurisdiction of the Committee on the Budget. In recognition, however, of the desire to expedite floor consideration of this legislation, the committee agrees to waive formal consideration of the bill.

The Committee on the Budget takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. The committee also reserves the right to seek appointment to any House-Senate conference convened on this legislation or similar legislation and requests your support if such a request is made.

Finally, I would appreciate your response to this letter confirming this understanding, and I ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration of H.R. 1568.

Thank you for your attention to these matters and for working collaboratively with us as this bill moves through the legislative process.

Sincerely,

John Yarmuth  
Chairman

cc: The Honorable Rob Bishop  
Mr. Thomas J. Wickham, Jr., Parliamentarian

## DISSENTING VIEWS

The Right whale got its name from the whalers who drove it nearly to extinction in the 19th Century. It was the “right” whale to hunt to supply the lucrative whale oil market. Decades of predation have reduced its numbers in the Atlantic to the point that it now lacks a sufficient genetic pool to produce a healthy growing population.

Some would use the struggling population to blame seismic testing for oil and gas exploration, but the fact is that other whale populations in the North Atlantic have been growing at a healthy rate. Blue whales, (growing about 3 percent per year), Humpback Whales (which have recovered their pre-whaling populations), Fin whales (growing 4 to 5 percent per year in the North Pacific with their populations in the North Atlantic described as “healthy.” All this according to the International Whaling Commission (IWC).<sup>1</sup>

And fortunately, the Right Whale populations in the South Atlantic and Pacific are also recovering. Also according to the IWC, “the breeding populations of (right whales in) Argentina/Brazil, South Africa and Australia have shown evidence of strong recovery with annual increase rates of 7–8% and together may now total over 16,000 . . .”

I had feared that when the subcommittee considered the issue, it would attempt to ban oil and gas exploration in the North Atlantic. I noted at the hearing that “Most whale species are recovering in the Northern Hemisphere and the Right whale population is making a strong recovery in the Southern Hemisphere—all under current conditions. Happily, so too is American energy independence and the American economy, with great promise of future prosperity and growth from our offshore reserves.”<sup>2</sup> I asked the majority to try not to screw that up today, please.

This bill instead simply provides for \$50 million in grants for right whale conservation programs. The bill does little to help the Right Whale but does effectively line the pockets of advocacy groups at the expense of taxpayers and for that reason I remain opposed to the legislation.

TOM MCCLINTOCK,  
*Ranking Member, Subcommittee on Water, Oceans and Wildlife.*

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<sup>1</sup> <https://iwc.int/index.php?cID=status>.

<sup>2</sup> <https://www.eia.gov/petroleum/supply/weekly/pdf/table1.pdf>.