

105TH CONGRESS  
2D SESSION

# S. 2172

To authorize the National Fish and Wildlife Foundation to establish a whale conservation fund, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 16, 1998

Mr. GREGG (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To authorize the National Fish and Wildlife Foundation to establish a whale conservation fund, 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 “National Whale Con-  
5 servation Fund Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the populations of whales that occur in wa-  
9 ters of the United States are resources of substan-

1 tial ecological, scientific, socioeconomic, and esthetic  
2 value;

3 (2) whale populations—

4 (A) form a significant component of ma-  
5 rine ecosystems;

6 (B) are the subject of intense research;

7 (C) provide for a multimillion dollar whale  
8 watching tourist industry that provides the pub-  
9 lic an opportunity to enjoy and learn about  
10 great whales and the ecosystems of which the  
11 whales are a part; and

12 (D) are of importance to Native Americans  
13 for cultural and subsistence purposes;

14 (3) whale populations are in various stages of  
15 recovery, and some whale populations, such as the  
16 northern right whale (*Eubaleana glacialis*) remain  
17 perilously close to extinction;

18 (4) the interactions that occur between ship  
19 traffic, commercial fishing, whale watching vessels,  
20 and other recreational vessels and whale populations  
21 may affect whale populations adversely;

22 (5) the exploration and development of oil, gas,  
23 and hard mineral resources, marine debris, chemical  
24 pollutants, noise, and other anthropogenic sources of

1 change in the habitat of whales may affect whale  
2 populations adversely;

3 (6) the conservation of whale populations is  
4 subject to difficult challenges related to—

5 (A) the migration of whale populations  
6 across international boundaries;

7 (B) the size of individual whales, as that  
8 size precludes certain conservation research pro-  
9 cedures that may be used for other animal spe-  
10 cies, such as captive research and breeding;

11 (C) the low reproductive rates of whales  
12 that require long-term conservation programs to  
13 ensure recovery of whale populations; and

14 (D) the occurrence of whale populations in  
15 offshore waters where undertaking research,  
16 monitoring, and conservation measures is dif-  
17 ficult and costly;

18 (7)(A) the Secretary of Commerce, through the  
19 Administrator of the National Oceanic and Atmos-  
20 pheric Administration, has research and regulatory  
21 responsibility for the conservation of whales under  
22 the Marine Mammal Protection Act of 1972 (16  
23 U.S.C. 1361 et seq.); and

24 (B) the heads of other Federal agencies and the  
25 Marine Mammal Commission established under sec-

1       tion 201 of the Marine Mammal Protection Act of  
2       1972 (16 U.S.C. 1401) have related research and  
3       management activities under the Marine Mammal  
4       Protection Act of 1972 or the Endangered Species  
5       Act of 1973 (16 U.S.C. 1531 et seq.);

6               (8) the funding available for the activities de-  
7       scribed in paragraph (8) is insufficient to support all  
8       necessary whale conservation and recovery activities;  
9       and

10              (9) there is a need to facilitate the use of funds  
11       from non-Federal sources to carry out the conserva-  
12       tion of whales.

13 **SEC. 3. NATIONAL WHALE CONSERVATION FUND.**

14       Section 4 of the National Fish and Wildlife Establish-  
15       ment Act (16 U.S.C. 3703) is amended by adding at the  
16       end the following:

17       “(f)(1) In carrying out the purposes under section  
18       2(b), the Foundation may establish a national whale con-  
19       servation endowment fund, to be used by the Foundation  
20       to support research, management activities, or educational  
21       programs that contribute to the protection, conservation,  
22       or recovery of whale populations in waters of the United  
23       States.

24       “(2)(A) In a manner consistent with subsection  
25       (c)(1), the Foundation may—

1           “(i) accept, receive, solicit, hold, administer,  
2           and use any gift, devise, or bequest made to the  
3           Foundation for the express purpose of supporting  
4           whale conservation; and

5           “(ii) deposit in the endowment fund under  
6           paragraph (1) any funds made available to the  
7           Foundation under this subparagraph, including any  
8           income or interest earned from a gift, devise, or be-  
9           quest received by the Foundation under this sub-  
10          paragraph.

11          “(B) To raise funds to be deposited in the endowment  
12          fund under paragraph (1), the Foundation may enter into  
13          appropriate arrangements to provide for the design, copy-  
14          right, production, marketing, or licensing, of logos, seals,  
15          decals, stamps, or any other item that the Foundation de-  
16          termines to be appropriate.

17          “(C)(i) The Secretary of Commerce may transfer to  
18          the Foundation for deposit in the endowment fund under  
19          paragraph (1)—

20                 “(I) any amount (or portion thereof) received  
21                 by the Secretary under section 105(a)(1) of the Ma-  
22                 rine Mammal Protection Act of 1972 (16 U.S.C.  
23                 1375(a)(1)) as a civil penalty assessed by the Sec-  
24                 retary under that section; or

1           “(II) any amount (or portion thereof) received  
2           by the Secretary as a settlement or award for dam-  
3           ages in a civil action or other legal proceeding relat-  
4           ing to damage of natural resources.

5           “(ii) The Directors of the Board shall ensure that any  
6           amounts transferred to the Foundation under clause (i)  
7           for the endowment fund under paragraph (1) are depos-  
8           ited in that fund in accordance with this subparagraph.

9           “(3) It is the intent of Congress that in making ex-  
10          penditures from the endowment fund under paragraph (1)  
11          to carry out activities specified in that paragraph, the  
12          Foundation should give priority to funding projects that  
13          address the conservation of populations of whales that the  
14          Foundation determines—

15               “(A) are the most endangered (including the  
16               northern right whale (*Eubaleana glacialis*)); or

17               “(B) most warrant, and are most likely to bene-  
18               fit from, research management, or educational activi-  
19               ties that may be funded with amounts made avail-  
20               able from the fund.

21           “(g) In carrying out any action on the part of the  
22          Foundation under subsection (f), the Directors of the  
23          Board shall consult with the Administrator of the National

- 1 Oceanic and Atmospheric Administration and the Marine
- 2 Mammal Commission.”.

