

117TH CONGRESS
2D SESSION

S. 3765

To provide assistance to American fisheries participants to comply with Federal regulations to protect the endangered North Atlantic right whale by reducing the risk of incidental entanglement in fishing gear.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2022

Mrs. SHAHEEN (for herself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide assistance to American fisheries participants to comply with Federal regulations to protect the endangered North Atlantic right whale by reducing the risk of incidental entanglement in fishing gear.

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 “Stewarding Atlantic
5 Fisheries Ecosystems by Supporting Economic Assistance
6 and Sustainability Act of 2022” or the “SAFE SEAS Act
7 of 2022”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The North Atlantic right whale is critically
4 endangered, with estimates suggesting fewer than
5 350 remain, including fewer than 100 breeding fe-
6 males.

7 (2) Harvesters in the North Atlantic have taken
8 previous actions to protect whales, including by im-
9 plementing weak links, replacing thousands of miles
10 of floating ground line with whale-safe sinking line,
11 and increasing the minimum number of traps per
12 trawl to remove thousands of miles of vertical buoy
13 lines.

14 (3) Seventeen North Atlantic right whale mor-
15 talities were observed in 2017, including many deter-
16 mined to have been caused by vessel strikes and en-
17 tanglements, leading to a declaration of a right
18 whale Unusual Mortality Event.

19 (4) The Department of Commerce has issued
20 regulations revising the Atlantic Large Whale Take
21 Reduction Plan under section 229.32 of title 50,
22 Code of Federal Regulations (as in effect on the day
23 before the date of enactment of this Act) that re-
24 quire lobster and Jonah crab harvesters to make
25 gear modifications.

1 (5) Implementing the federally required gear
 2 modifications, including markings, is estimated to
 3 cost the industry tens of millions of dollars per year.

4 (6) The fishing industry is a vital driver of re-
 5 gional economies, supporting our coastal commu-
 6 nities and stewarding natural resources.

7 **SEC. 3. GRANT ASSISTANCE FOR LOBSTER AND JONAH**
 8 **CRAB HARVESTER GEAR MODIFICATION.**

9 (a) PURPOSES.—The purposes of this section are
 10 to—

11 (1) protect the highly endangered North Atlan-
 12 tic right whale population;

13 (2) facilitate lobster and Jonah crab harvesters’
 14 transition to modified and new gear types in accord-
 15 ance with the Atlantic Large Whale Take Reduction
 16 Plan;

17 (3) assist lobster and Jonah crab harvesters
 18 with the financial burden of this transition; and

19 (4) assist compliance with any subsequent
 20 modifications to the Atlantic Large Whale Take Re-
 21 duction Plan in any future impacted fisheries.

22 (b) PROGRAM AUTHORIZED.—

23 (1) IN GENERAL.—The Secretary of Commerce
 24 (referred to in this section as the “Secretary”), in
 25 coordination with the Atlantic States Marine Fish-

eries Commission, shall provide grants to States from allotments under paragraph (2) to enable the States to assist lobster and Jonah crab harvesters with the costs of gear modifications, including markings, in accordance with the Atlantic Large Whale Take Reduction Plan.

(2) ALLOTMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available for any fiscal year to carry out this section shall be allotted to each State in proportion to the number of active federally permitted lobster trap harvesters in each State. For purposes of this subparagraph, a federally permitted lobster trap harvester is considered in a State if the Principal Port in the Federal permit application of the lobster trap harvester is in such State.

(B) MINIMUM.—From the total amount available for any fiscal year to carry out this section, each State with not less than 20 active federally permitted lobster trap harvesters shall be allotted not less than 4 percent of the total amount.

(3) APPLICATION.—A State that desires to receive a grant under this section shall submit an ap-

1 plication to the Secretary at such time, in such man-
2 ner, and accompanied by such information as the
3 Secretary may require.

4 (4) ALLOWABLE USES.—A State that receives a
5 grant under this section shall use the grant funds—

6 (A) to assist State-permitted and federally
7 permitted lobster and Jonah crab harvesters
8 with management measures needed to comply
9 with the Atlantic Large Whale Take Reduction
10 Plan, including the costs of federally required
11 gear modification, configuration, and marking
12 within the Northeast lobster and Jonah crab
13 fisheries, including requirements to modify gear
14 marking, change gear configurations to increase
15 traps fished on trawls, or modify buoy lines to
16 accommodate new weak rope and weak inser-
17 tions;

18 (B) to implement electronic tracking re-
19 quirements within the American lobster and
20 Jonah crab fishery;

21 (C) to conduct research to inform future
22 management actions, including in preparation
23 for potential subsequent modifications to the
24 Atlantic Large Whale Take Reduction Plan;
25 and

1 (D) to assist fishery compliance with any
2 subsequent modifications to the Atlantic Large
3 Whale Take Reduction Plan, as necessary.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$10,000,000 for fiscal year 2022 and such sums as may
7 be necessary for each of fiscal years 2023 and 2024.

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