

H.R. 8508, the “Bycatch Reduction and Mitigation Act of 2024”

Congresswoman Peltola (D-Alaska)

Introduced on May 22, 2024

A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to reauthorize the bycatch reduction engineering program and establish the Bycatch Mitigation Assistance Fund.

Referred to the House Natural Resources Committee.

This legislation would amend the Magnuson-Stevens Act.

Section 1. Short Title

Section 2. Bycatch Reduction And Mitigation – This section would reauthorize the Bycatch Reduction Engineering Program (section 316 of the MSA) at \$10,000,000 for each of fiscal years 2025 through 2029.

This section would amend the MSA to establish a ‘Bycatch Mitigation Assistance Fund’ within the U.S. Treasury to be administered by NFWF and could be funded through donations. This section would require that the funds be used to reduce or mitigate bycatch, including by providing financial assistance to fishermen and owners and operators of commercial fishing vessels to purchase fishing gear, equipment, or technology. This section would require NFWF to use not less than 60 percent of such amounts to owners and operators of small commercial fishing vessels (defined in the legislation to mean commercial fishing vessels less than 65 feet).

This section would allow NFWF to solicit and accept donations to be deposited in the Fund.

This section would require NFWF to consult with the Secretary (acting through the Administrator of the NOAA), each Council, and each of the regional science centers of the NMFS to ensure that, to the maximum extent practicable, amounts in the Fund are used in an efficient and cost-effective manner.

This section would require NFWF - within 3 years and every two years thereafter - to publish a report on the use of the funds and would require NFWF to post the report in a manner available to the public.

This section would define “Foundation”, “Fund”, and “small commercial fishing vessel”.

Notes:

- This legislation would give blanket authorization for NFWF to solicit funds for the Fund and NOAA/NMFS would have no say in how the funding gets allocated (by region, fishery, gear type, etc.). In the past, some in Congress worried that certain ENGOs might be encouraged to donate funds with strings attached in an effort to affect the operation of certain fisheries or gear types. The legislation does give the Secretary a limited role in making sure the funds are used in “an

efficient and cost-effective manner”, but this does not give the Secretary enough of a role in how the funds are spent.

- There is a requirement for a public document to be published after three years, but there is no specific report to Congress. Given that this essentially skirts the appropriations process by allowing for the outside donation and use of funds which could affect fisheries managed under the MSA, there should be more Congressional oversight.