

116TH CONGRESS  
1ST SESSION

# S. 2209

To amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a safety net program for commercial fishermen and aquaculture producers.

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## IN THE SENATE OF THE UNITED STATES

JULY 23, 2019

Mrs. HYDE-SMITH (for herself and Mr. KENNEDY) 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 amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a safety net program for commercial fishermen and aquaculture producers.

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 “Commercial Fishing  
5 and Aquaculture Protection Act of 2019”.

1 **SEC. 2. SUPPLEMENTAL REVENUE ASSISTANCE FOR COM-**  
 2 **MERCIAL FISHERMEN AND FARM-RAISED**  
 3 **FISH PRODUCERS.**

4 The Magnuson-Stevens Fishery Conservation and  
 5 Management Act (16 U.S.C. 1801 et seq.) is amended by  
 6 inserting after section 320 the following:

7 **“SEC. 321. SUPPLEMENTAL REVENUE ASSISTANCE FOR**  
 8 **COMMERCIAL FISHERMEN AND FARM-RAISED**  
 9 **FISH PRODUCERS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) ELIGIBLE COMMERCIAL FISHERMAN.—

12 “(A) IN GENERAL.—The term ‘eligible  
 13 commercial fisherman’ means an individual or  
 14 entity described in subparagraph (B) that, as  
 15 determined by the Secretary, assumes the fi-  
 16 nancial risks associated with harvesting fish in-  
 17 tended for commerce.

18 “(B) DESCRIPTION.—An individual or en-  
 19 tity is described in this subparagraph if the in-  
 20 dividual or entity is—

21 “(i) a citizen of the United States;

22 “(ii) a partnership of citizens of the  
 23 United States; or

24 “(iii) a corporation, limited liability  
 25 corporation, or other organizational struc-  
 26 ture organized under State law.

1           “(2) ELIGIBLE FARM-RAISED FISH PRO-  
2           DUCER.—The term ‘eligible farm-raised fish pro-  
3           ducer’ means an individual or entity described under  
4           paragraph (1)(B) that, as determined by the Sec-  
5           retary, assumes the production and market risks as-  
6           sociated with the production of fish in a controlled  
7           environment intended for commerce.

8           “(3) ELIGIBLE LOSS.—The term ‘eligible loss’,  
9           with respect to a calendar year, means when actual  
10          gross revenue associated with commercial fishing or  
11          farm-raised fish production for such calendar year is  
12          less than 85 percent of the average gross revenue for  
13          the 3 previous calendar years.

14          “(4) ELIGIBLE LOSS CONDITION.—The term  
15          ‘eligible loss condition’ means a condition that re-  
16          sulted in eligible loss due to algae bloom, freshwater  
17          intrusion, adverse weather, bird depredation, disease,  
18          or other condition, as determined by the Secretary.

19          “(5) FISH.—The term ‘fish’ includes—  
20                  “(A) shellfish (including oysters, shrimp,  
21                  crawfish, and crab);  
22                  “(B) finfish (including catfish); and  
23                  “(C) any other species of aquatic organism  
24                  harvested with the intent of entering commerce.

1           “(6) VERIFIABLE RECORDS.—The term  
2           ‘verifiable records’ means a document provided by a  
3           commercial fisherman or farm-raised fish producer  
4           that reasonably supports, and can be verified and  
5           used to substantiate claimed eligible loss, includ-  
6           ing—

7                   “(A) trip tickets or their equivalents, such  
8                   as dealer forms, which show fish harvest vol-  
9                   umes and sales prices;

10                   “(B) Federal or State tax and financial in-  
11                   formation to identify components of gross rev-  
12                   enue derived from commercial fishing or farm-  
13                   raised fish production; or

14                   “(C) any other form of reliable record that  
15                   reasonably supports the eligible loss as well as  
16                   the average gross revenue for the 3 previous  
17                   calendar years.

18           “(b) SUPPLEMENTAL REVENUE ASSISTANCE PRO-  
19           GRAM.—

20                   “(1) IN GENERAL.—Subject to the availability  
21                   of funds, the Secretary shall use such sums as are  
22                   necessary to provide compensation to eligible com-  
23                   mercial fishermen and eligible farm-raised fish pro-  
24                   ducers that have incurred eligible losses, based on  
25                   verifiable records, due to eligible loss conditions.

1           “(2) PAYMENT AMOUNT.—The amount of the  
2           compensation to be paid to an eligible commercial  
3           fisherman or eligible farm-raised fish producer under  
4           paragraph (1) for an eligible loss for a calendar year  
5           shall be equal to the difference between—

6                   “(A) 85 percent of the average gross rev-  
7                   enue for the 3 previous calendar years, cal-  
8                   culated by multiplying the average volume of  
9                   fish harvested or produced by the average fair  
10                  market value or price received; and

11                  “(B) the actual total gross revenue re-  
12                  ceived during the calendar year of claimed eligi-  
13                  ble loss.

14           “(3) PAYMENT LIMITATION.—The total amount  
15           of compensation received by a person or entity (ex-  
16           cluding a joint venture or general partnership) under  
17           this section for a calendar year shall not exceed 85  
18           percent of the average gross revenue received during  
19           the 3 previous calendar years.

20           “(4) APPLICATION.—If eligible losses have oc-  
21           curred due to eligible loss conditions, the Secretary  
22           shall provide assistance under this section whether  
23           or not a fishery resource disaster determination has  
24           been made under section 312(a).

1           “(5) EFFECTIVE DATE.—Compensation author-  
2           ized under this section shall apply to eligible losses  
3           suffered during the 2019 calendar year and each  
4           year thereafter, subject to the availability of funds.”.

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