

117TH CONGRESS
2D SESSION

S. 5067

To provide that no Federal funds shall be appropriated, awarded, or granted to the Monterey Bay Aquarium.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2022

Mr. KING (for himself 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 that no Federal funds shall be appropriated, awarded, or granted to the Monterey Bay Aquarium.

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 “Red Listing Monterey
5 Bay Aquarium Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) Lobstering has served as an economic en-
9 gine and family tradition in Maine and the other
10 New England States for centuries.

1 (2) The lobster fishery supports thousands of
2 families who make their livelihoods from catching,
3 processing, or serving lobsters, employing people of
4 all ages year-round, with many harvesters beginning
5 as children and staying in the industry for their en-
6 tire working lives.

7 (3) Maine's lobster fishery alone has an esti-
8 mated ex-vessel value of \$725,000,000, generating
9 more than \$1,000,000,000 in economic activity and
10 supporting more than 15,500 jobs throughout the
11 supply chain.

12 (4) The lobster industry has spearheaded sus-
13 tainability measures for more than 150 years, ensur-
14 ing the health of the lobster stock and the marine
15 environment through the following:

16 (A) In 1872, Maine passed the first law
17 banning taking of egg-bearing female lobster.

18 (B) In 1874, Maine passed the first laws
19 regulating the minimum size of lobster that
20 could be harvested.

21 (C) In 1948, Maine passed a requirement
22 that fishermen mark female, egg-bearing lob-
23 sters with a V-shaped notch.

24 (D) In 1997, Maine lobstermen removed
25 all surface floating rope and, in 2009, replaced

1 an estimated 27,000 miles of floating line with
2 whale-safe sinking lines.

3 (E) In 2015, Maine lobstermen adjusted
4 their gear in certain areas to a newly required
5 minimum number of traps per buoy, reducing
6 the amount of vertical rope present in the water
7 by an additional 3,000 miles.

8 (F) In 2022, lobstermen converted their
9 gear once again, including more “weak links”,
10 more “weak rope”, and more traps per buoy, to
11 further reduce vertical line in the water column,
12 in addition to removing nearly 1,000 miles of
13 gear from prime fishing grounds.

14 (5) These measures are the reason why there
15 has never been a serious injury or death of the en-
16 dangered North Atlantic right whale attributed to
17 the Maine lobster fishery and there has not been a
18 known right whale entanglement with Maine lobster
19 gear since 2004.

20 (6) According to the National Oceanic and At-
21 mospheric Administration, the majority of known
22 right whale deaths since 2017 have been attributed
23 to vessel strikes in Canada and of the 33 right whale
24 mortalities occurring between 2017 and 2020, 24 of
25 those whales were confirmed to be attributed to en-

1 entanglements in Canadian fishing gear and vessel
2 strikes in Canadian waters.

3 (7) Despite these facts, Monterey Bay Aquar-
4 ium's Seafood Watch program added the American
5 lobster fishery to a "red list" of seafood that con-
6 sumers should avoid due to the risk that the fishery
7 poses to right whales.

8 (8) This red list designation for American lob-
9 ster by Seafood Watch is speculative and conjecture,
10 not supported by the data or the science as they
11 state in their report, "until there is more specific in-
12 formation available regarding which fisheries are re-
13 sponsible for the unattributed entanglements, Sea-
14 food Watch considers that all relevant fisheries that
15 may overlap with North Atlantic right whales pose
16 risks".

17 (9) In their own press release announcing the
18 red listing for American lobster, Seafood Watch
19 states, "More than 90% of entanglements cannot be
20 linked to a specific gear type, and only 12% of en-
21 tanglements can be linked to a specific location.".

22 (10) Monterey Bay Aquarium ignores the ef-
23 forts by the lobster industry to reduce their risk to
24 right whales for the past 150 years, admitting in

1 their report that “effects on mitigation of whale en-
2 tanglement have yet to be determined”.

3 (11) This new, unsubstantiated designation has
4 a real world impact; with the lobster industry al-
5 ready facing challenges, the inaccurate designation
6 will hurt the thousands of hardworking lobstermen,
7 their families, and businesses across Maine and has
8 already prompted seafood retailers such as Blue
9 Apron and HelloFresh to pull lobster from their
10 menus.

11 (12) Monterey Bay’s Seafood Watch Program
12 has produced recommendations that rely on pseudo-
13 scientific claims and false assumptions that ignore
14 scientific principles that should underpin any legiti-
15 mate ratings and, by ignoring the facts, Seafood
16 Watch is not encouraging safe fishing, but rather
17 damaging the reputation of its certification process
18 by smearing an entire industry and misleading con-
19 sumers.

20 (13) Monterey Bay Aquarium receives millions
21 of Federal taxpayer dollars for scientific research
22 and to promote ocean conservation and seafood sus-
23 tainability, yet the Monterey Bay Aquarium has irre-
24 sponsibly ignored scientific facts and the lobster
25 fishery’s history of sustainability.

1 **SEC. 3. PROHIBITION ON FEDERAL FUNDING FOR THE**
2 **MONTEREY BAY AQUARIUM.**

3 No Federal funds shall be appropriated, awarded, or
4 granted to the Monterey Bay Aquarium.

