

Calendar No. 729

115TH CONGRESS
2D SESSION**S. 2773****[Report No. 115–430]**

To improve the management of driftnet fishing.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2018

Mrs. FEINSTEIN (for herself, Mrs. CAPITO, Ms. HARRIS, Mr. WICKER, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 11, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To improve the management of driftnet fishing.

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 “Driftnet Modernization
 5 and Bycatch Reduction Act”.

1 **SEC. 2. DEFINITION.**

2 Section ~~3(25)~~ of the Magnuson-Stevens Fishery Con-
 3 servation and Management Act (~~16 U.S.C. 1802(25)~~) is
 4 amended by inserting “, or with a mesh size of 14 inches
 5 or greater,” after “more”.

6 **SEC. 3. FINDINGS AND POLICY.**

7 (a) FINDINGS.—Section 206(b) of the Magnuson-Ste-
 8 vens Fishery Conservation and Management Act (~~16~~
 9 ~~U.S.C. 1826(b)~~) is amended—

10 (1) in paragraph (6), by striking “and” at the
 11 end;

12 (2) in paragraph (7), by striking the period and
 13 inserting “, and”; and

14 (3) by adding at the end the following:

15 “(8) within the exclusive economic zone, large-
 16 scale driftnet fishing that deploys nets with large
 17 mesh sizes causes significant entanglement and mor-
 18 tality of living marine resources, including myriad
 19 protected species, despite limitations on the lengths
 20 of such nets.”.

21 (b) POLICY.—Section 206(c) of the Magnuson-Ste-
 22 vens Fishery Conservation and Management Act (~~16~~
 23 ~~U.S.C. 1826(c)~~) is amended—

24 (1) in paragraph (2), by striking “and” at the
 25 end;

1 (2) in paragraph (3), by striking the period and
2 inserting “; and”; and

3 (3) by adding at the end the following—

4 “(4) prioritize the phase out of large-scale
5 driftnet fishing in the exclusive economic zone and
6 promote the development and adoption of alternative
7 fishing methods and gear types that reduce the inci-
8 dental catch of living marine resources to the max-
9 imum extent possible.”.

10 **SEC. 4. TRANSITION PROGRAM.**

11 Section 206 of the Magnuson-Stevens Fishery Con-
12 servation and Management Act (16 U.S.C. 1826) is
13 amended by adding at the end the following—

14 “(i) FISHING GEAR TRANSITION PROGRAM.—

15 “(1) IN GENERAL.—The Secretary shall con-
16 duct a transition program to facilitate the phase-out
17 of large-scale driftnet fishing and adoption of alter-
18 native fishing practices that minimize the incidental
19 catch of living marine resources.

20 “(2) PERMISSIBLE USES.—

21 “(A) IN GENERAL.—The Secretary is au-
22 thorized to provide funding to fishery partici-
23 pants for one or more of the following:

24 “(i) Any fee originally associated with
25 a permit authorizing participation in a

1 large-scale driftnet fishery, if such permit
 2 is surrendered for permanent revocation,
 3 and such permit holder relinquishes any
 4 claim associated with the permit.

5 “(ii) A forfeiture of fishing gear asso-
 6 ciated with a permit described in clause (i).

7 “(iii) The purchase of alternative gear
 8 with minimal incidental catch of living ma-
 9 rine resources, if the fishery participant is
 10 authorized to continue fishing using such
 11 alternative gears.

12 “(B) PAYMENT CONDITION.—The Sec-
 13 retary may not make a payment to a fishery
 14 participant under subparagraph (A) unless the
 15 Secretary certifies that the permit authorizing
 16 participation has been permanently revoked and
 17 that no new permits will be issued to authorize
 18 such fishing.

19 “(3) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated for purposes
 21 of carrying out this subsection, \$450,000 for each of
 22 fiscal years 2018 through 2020.”.

23 **SEC. 5. EXCEPTION.**

24 Section 307(1)(M) of the Magnuson-Stevens Fishery
 25 Conservation and Management Act (16 U.S.C.

1 1857(1)(M)) is amended by inserting before the semicolon
 2 the following: “, unless such large-scale driftnet fishing—
 3 “(i) deploys, within the exclusive eco-
 4 nomic zone, a net with a total length of
 5 less than two and one-half kilometers and
 6 a mesh size of 14 inches or greater; and
 7 “(ii) is conducted prior to January 1,
 8 2020.”.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Driftnet Modernization*
 11 *and Bycatch Reduction Act”.*

12 **SEC. 2. DEFINITION.**

13 *Section 3(25) of the Magnuson-Stevens Fishery Con-*
 14 *servation and Management Act (16 U.S.C. 1802(25)) is*
 15 *amended by inserting “, or with a mesh size of 14 inches*
 16 *or greater,” after “more”.*

17 **SEC. 3. FINDINGS AND POLICY.**

18 *(a) FINDINGS.—Section 206(b) of the Magnuson-Ste-*
 19 *vens Fishery Conservation and Management Act (16 U.S.C.*
 20 *1826(b)) is amended—*

21 *(1) in paragraph (6), by striking “and” at the*
 22 *end;*

23 *(2) in paragraph (7), by striking the period and*
 24 *inserting “; and”; and*

25 *(3) by adding at the end the following:*

1 “(8) *within the exclusive economic zone, large-*
 2 *scale driftnet fishing that deploys nets with large*
 3 *mesh sizes causes significant entanglement and mor-*
 4 *tality of living marine resources, including myriad*
 5 *protected species, despite limitations on the lengths of*
 6 *such nets.*”.

7 (b) *POLICY.—Section 206(c) of the Magnuson-Stevens*
 8 *Fishery Conservation and Management Act (16 U.S.C.*
 9 *1826(c)) is amended—*

10 (1) *in paragraph (2), by striking “and” at the*
 11 *end;*

12 (2) *in paragraph (3), by striking the period and*
 13 *inserting “; and”; and*

14 (3) *by adding at the end the following—*

15 “(4) *prioritize the phase out of large-scale*
 16 *driftnet fishing in the exclusive economic zone and*
 17 *promote the development and adoption of alternative*
 18 *fishing methods and gear types that minimize the in-*
 19 *cidental catch of living marine resources.*”.

20 **SEC. 4. TRANSITION PROGRAM.**

21 *Section 206 of the Magnuson-Stevens Fishery Con-*
 22 *servation and Management Act (16 U.S.C. 1826) is amend-*
 23 *ed by adding at the end the following—*

24 “(i) *FISHING GEAR TRANSITION PROGRAM.—*

1 “(1) *IN GENERAL.*—*The Secretary shall conduct*
 2 *a transition program to facilitate the phase-out of*
 3 *large-scale driftnet fishing and adoption of alternative*
 4 *fishing practices that minimize the incidental catch of*
 5 *living marine resources.*

6 “(2) *PERMISSIBLE USES.*—*Any permit holder*
 7 *participating in the transition program under para-*
 8 *graph (1) is eligible for a grant under section 316,*
 9 *if—*

10 “(A) *the grant is used only the purpose of*
 11 *covering—*

12 “(i) *any fee originally associated with*
 13 *a permit authorizing participation in a*
 14 *large-scale driftnet fishery, if such permit is*
 15 *surrendered for permanent revocation, and*
 16 *such permit holder relinquishes any claim*
 17 *associated with the permit;*

18 “(ii) *a forfeiture of fishing gear associ-*
 19 *ated with a permit described in clause (i);*
 20 *or*

21 “(iii) *the purchase of alternative gear*
 22 *with minimal incidental catch of living ma-*
 23 *rine resources, if the fishery participant is*
 24 *authorized to continue fishing using such*
 25 *alternative gears; and*

1 “(B) the Secretary certifies that the permit
 2 authorizing participation has been permanently
 3 revoked and that no new permits will be issued
 4 to authorize such fishing.”.

5 **SEC. 5. EXCEPTION.**

6 Section 307(1)(M) of the Magnuson-Stevens Fishery
 7 Conservation and Management Act (16 U.S.C. 1857(1)(M))
 8 is amended by inserting before the semicolon the following:
 9 “, unless such large-scale driftnet fishing—
 10 “(i) deploys, within the exclusive eco-
 11 nomic zone, a net with a total length of less
 12 than two and one-half kilometers and a
 13 mesh size of 14 inches or greater; and
 14 “(ii) is conducted within 5 years of the
 15 date of enactment of the Driftnet Mod-
 16 ernization and Bycatch Reduction Act”.

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