

# Union Calendar No. 402

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 404

[Report No. 117-561]

To improve the management of driftnet fishing.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2021

Mr. LIEU (for himself, Mr. FITZPATRICK, Mr. WITTMAN, Mr. LOWENTHAL, Ms. LEE of California, Mr. MAST, Mr. PALAZZO, Mr. CASE, Mr. SCHIFF, Mr. HARDER of California, Mr. GRIFFITH, Mr. THOMPSON of California, Ms. NORTON, Ms. ESHOO, Mr. LARSEN of Washington, Mr. BUCHANAN, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 16, 2022

Additional sponsors: Mrs. NAPOLITANO, Mr. DEFazio, Mr. RICE of South Carolina, Mr. CLEAVER, Ms. LOFGREN, Mr. GOTTHEIMER, Ms. MATSUI, and Mr. MCGOVERN

NOVEMBER 16, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 21, 2021]

# **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”.*

6 **SEC. 2. DEFINITION.**

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

11 **SEC. 3. FINDINGS AND POLICY.**

12 *(a) FINDINGS.—Section 206(b) of the Magnuson-Ste-*  
 13 *vens Fishery Conservation and Management Act (16 U.S.C.*  
 14 *1826(b)) is amended—*

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

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

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

20 *“(8) within the exclusive economic zone, large-*  
 21 *scale driftnet fishing that deploys nets with large*  
 22 *mesh sizes causes significant entanglement and mor-*  
 23 *tality of living marine resources, including myriad*  
 24 *protected species, despite limitations on the lengths of*  
 25 *such nets.”.*

1       (b) *POLICY.*—Section 206(c) of the Magnuson-Stevens  
 2   *Fishery Conservation and Management Act (16 U.S.C.*  
 3   *1826(c)) is amended—*

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

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

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

9               “(4) *prioritize the phase out of large-scale*  
 10   *driftnet fishing in the exclusive economic zone and*  
 11   *promote the development and adoption of alternative*  
 12   *fishing methods and gear types that minimize the in-*  
 13   *cidental catch of living marine resources.”.*

14   **SEC. 4. TRANSITION PROGRAM.**

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

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

19               “(1) *IN GENERAL.*—During the 5-year period be-  
 20   *ginning on the date of enactment of the Driftnet Mod-*  
 21   *ernization and Bycatch Reduction Act, the Secretary*  
 22   *shall conduct a transition program to facilitate the*  
 23   *phase-out of large-scale driftnet fishing and adoption*  
 24   *of alternative fishing practices that minimize the in-*  
 25   *cidental catch of living marine resources, and shall*

1       *award grants to eligible permit holders who partici-*  
2       *pate in the program.*

3               “(2) *PERMISSIBLE USES.*—*Any permit holder re-*  
4       *ceiving a grant under paragraph (1) may use such*  
5       *funds only for the purpose of covering—*

6               “(A) *any fee originally associated with a*  
7       *permit authorizing participation in a large-scale*  
8       *driftnet fishery, if such permit is surrendered for*  
9       *permanent revocation, and such permit holder*  
10       *relinquishes any claim associated with the per-*  
11       *mit;*

12              “(B) *a forfeiture of fishing gear associated*  
13       *with a permit described in subparagraph (A); or*

14              “(C) *the purchase of alternative gear with*  
15       *minimal incidental catch of living marine re-*  
16       *sources, if the fishery participant is authorized*  
17       *to continue fishing using such alternative gears.*

18              “(3) *CERTIFICATION.*—*The Secretary shall cer-*  
19       *tify that, with respect to each participant in the pro-*  
20       *gram under this subsection, any permit authorizing*  
21       *participation in a large-scale driftnet fishery has been*  
22       *permanently revoked and that no new permits will be*  
23       *issued to authorize such fishing.”.*

1 **SEC. 5. EXCEPTION.**

2       Section 307(1)(M) of the Magnuson-Stevens Fishery  
3 Conservation and Management Act (16 U.S.C. 1857(1)(M))  
4 is amended by inserting before the semicolon the following:  
5 “, unless such large-scale driftnet fishing—

6                       “(i) deploys, within the exclusive eco-  
7                       nomic zone, a net with a total length of less  
8                       than two and one-half kilometers and a  
9                       mesh size of 14 inches or greater; and

10                      “(ii) is conducted within 5 years of the  
11                      date of enactment of the Driftnet Mod-  
12                      ernization and Bycatch Reduction Act”.

13 **SEC. 6. FEES.**

14       (a) *IN GENERAL.*—The North Pacific Fishery Manage-  
15 ment Council may recommend, and the Secretary of Com-  
16 merce may approve, regulations necessary for the collection  
17 of fees from charter vessel operators who guide recreational  
18 anglers who harvest Pacific halibut in International Pacific  
19 Halibut Commission regulatory areas 2C and 3A as those  
20 terms are defined in part 300 of title 50, Code of Federal  
21 Regulations (or any successor regulations).

22       (b) *USE OF FEES.*—Any fees collected under this sec-  
23 tion shall be available for the purposes of—

24                      (1) financing administrative costs of the Rec-  
25                      reational Quota Entity program;

1           (2) *the purchase of halibut quota shares in Inter-*  
2           *national Pacific Halibut Commission regulatory*  
3           *areas 2C and 3A by the recreational quota entity au-*  
4           *thorized in part 679 of title 50, Code of Federal Regu-*  
5           *lations (or any successor regulations);*

6           (3) *halibut conservation and research; and*

7           (4) *promotion of the halibut resource by the rec-*  
8           *reational quota entity authorized in part 679 of title*  
9           *50, Code of Federal Regulations (or any successor reg-*  
10          *ulations).*

11          (c) *LIMITATION ON COLLECTION AND AVAILABILITY.—*  
12          *Fees shall be collected and available pursuant to this section*  
13          *only to the extent and in such amounts as provided in ad-*  
14          *vance in appropriations Acts, subject to subsection (d).*

15          (d) *FEE COLLECTED DURING START-UP PERIOD.—*  
16          *Notwithstanding subsection (c), fees may be collected*  
17          *through the date of enactment of an Act making appropria-*  
18          *tions for the activities authorized under this Act through*  
19          *September 30, 2022, and shall be available for obligation*  
20          *and remain available until expended.*

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