116TH CONGRESS 1ST SESSION

To improve the management of driftnet fishing.

IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN (for herself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on

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 Con8 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".

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1	SEC. 3. FINDINGS AND POLICY.
2	(a) FINDINGS.—Section 206(b) of the Magnuson-Ste-
3	vens Fishery Conservation and Management Act (16
4	U.S.C. 1826(b)) is amended—
5	(1) in paragraph (6), by striking "and" at the
6	end;
7	(2) in paragraph (7), by striking the period and
8	inserting "; and"; and
9	(3) by adding at the end the following:
10	"(8) within the exclusive economic zone, large-
11	scale driftnet fishing that deploys nets with large
12	mesh sizes causes significant entanglement and mor-
13	tality of living marine resources, including myriad
14	protected species, despite limitations on the lengths
15	of such nets.".
16	(b) Policy.—Section 206(c) of the Magnuson-Ste-
17	vens Fishery Conservation and Management Act (16
18	U.S.C. 1826(c)) is amended—
19	(1) in paragraph (2), by striking "and" at the
20	end;
21	(2) in paragraph (3), by striking the period and
22	inserting "; and"; and
23	(3) by adding at the end the following—
24	"(4) prioritize the phase out of large-scale
25	driftnet fishing in the exclusive economic zone and
26	promote the development and adoption of alternative

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fishing methods and gear types that minimize the in cidental catch of living marine resources.".
 SEC. 4. TRANSITION PROGRAM.
 Section 206 of the Magnuson-Stevens Fishery Con-

5 servation and Management Act (16 U.S.C. 1826) is
6 amended by adding at the end the following—

7 "(i) FISHING GEAR TRANSITION PROGRAM.—

8 "(1) IN GENERAL.—During the 5-year period 9 beginning on the date of enactment of the Driftnet 10 Modernization and Bycatch Reduction Act, the Sec-11 retary shall conduct a transition program to facili-12 tate the phase-out of large-scale driftnet fishing and 13 adoption of alternative fishing practices that mini-14 mize the incidental catch of living marine resources, 15 and shall award grants to eligible permit holders 16 who participate in the program.

17 "(2) PERMISSIBLE USES.—Any permit holder
18 receiving a grant under paragraph (1) may use such
19 funds only for the purpose of covering—

"(A) any fee originally associated with a
permit authorizing participation in a large-scale
driftnet fishery, if such permit is surrendered
for permanent revocation, and such permit
holder relinquishes any claim associated with
the permit;

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1	"(B) a forfeiture of fishing gear associated
2	with a permit described in subparagraph (A); or
3	"(C) the purchase of alternative gear with
4	minimal incidental catch of living marine re-
5	sources, if the fishery participant is authorized
6	to continue fishing using such alternative gears.
7	"(3) CERTIFICATION.—The Secretary shall cer-
8	tify that, with respect to each participant in the pro-
9	gram under this subsection, any permit authorizing
10	participation in a large-scale driftnet fishery has
11	been permanently revoked and that no new permits
12	will be issued to authorize such fishing.".
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12	SEC. 5. EXCEPTION.
13	SEC. 5. EXCEPTION.
13 14	SEC. 5. EXCEPTION. Section 307(1)(M) of the Magnuson-Stevens Fishery
 13 14 15 16 	SEC. 5. EXCEPTION. Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C.
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 13 14 15 16 17 	SEC. 5. EXCEPTION. Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: ", unless such large-scale driftnet fishing—
 13 14 15 16 17 18 	SEC. 5. EXCEPTION. Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: ", unless such large-scale driftnet fishing— "(i) deploys, within the exclusive eco-
 13 14 15 16 17 18 19 	SEC. 5. EXCEPTION. Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: ", unless such large-scale driftnet fishing— "(i) deploys, within the exclusive eco- nomic zone, a net with a total length of
 13 14 15 16 17 18 19 20 	SEC. 5. EXCEPTION. Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: ", unless such large-scale driftnet fishing— "(i) deploys, within the exclusive eco- nomic zone, a net with a total length of less than two and one-half kilometers and
 13 14 15 16 17 18 19 20 21 	SEC. 5. EXCEPTION. Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: ", unless such large-scale driftnet fishing— "(i) deploys, within the exclusive eco- nomic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and
 13 14 15 16 17 18 19 20 21 22 	SEC. 5. EXCEPTION. Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: ", unless such large-scale driftnet fishing— "(i) deploys, within the exclusive eco- nomic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and "(ii) is conducted within 5 years of