

115TH CONGRESS  
2D SESSION

# S. 2773

To improve the management of driftnet fishing.

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2018

Mrs. FEINSTEIN (for herself, Mrs. CAPITO, and Ms. HARRIS) 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 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”.

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

1 fishing methods and gear types that reduce the inci-  
2 dental catch of living marine resources to the max-  
3 imum extent possible.”.

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

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

8 “(i) FISHING GEAR TRANSITION PROGRAM.—

9 “(1) IN GENERAL.—The Secretary shall con-  
10 duct a transition program to facilitate the phase-out  
11 of large-scale driftnet fishing and adoption of alter-  
12 native fishing practices that minimize the incidental  
13 catch of living marine resources.

14 “(2) PERMISSIBLE USES.—

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

18 “(i) Any fee originally associated with  
19 a permit authorizing participation in a  
20 large-scale driftnet fishery, if such permit  
21 is surrendered for permanent revocation,  
22 and such permit holder relinquishes any  
23 claim associated with the permit.

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

1                   “(iii) The purchase of alternative gear  
2                   with minimal incidental catch of living ma-  
3                   rine resources, if the fishery participant is  
4                   authorized to continue fishing using such  
5                   alternative gears.

6                   “(B) PAYMENT CONDITION.—The Sec-  
7                   retary may not make a payment to a fishery  
8                   participant under subparagraph (A) unless the  
9                   Secretary certifies that the permit authorizing  
10                  participation has been permanently revoked and  
11                  that no new permits will be issued to authorize  
12                  such fishing.

13                  “(3) AUTHORIZATION OF APPROPRIATIONS.—  
14                  There is authorized to be appropriated for purposes  
15                  of carrying out this subsection, \$450,000 for each of  
16                  fiscal years 2018 through 2020.”.

17 **SEC. 5. EXCEPTION.**

18                  Section 307(1)(M) of the Magnuson-Stevens Fishery  
19                  Conservation and Management Act (16 U.S.C.  
20                  1857(1)(M)) is amended by inserting before the semicolon  
21                  the following: “, unless such large-scale driftnet fishing—

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

1                                   “(ii) is conducted prior to January 1,  
2                                   2020.”.

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