

STAFF COMPILATION OF AMENDMENTS TO THE MAGNUSON STEVENS FISHERY
CONSERVATION AND MANAGEMENT ACT BY THE DRIFTNET MODERNIZATION
AND BYCATCH REDUCTION ACT

*Amended sections of the Magnuson-Stevens Act are excerpted. Amendments are shown in **red underline** (additions) and **strikeout** (deletions).*

SEC. 3. DEFINITIONS

16 U.S.C. 1802

As used in this Act, unless the context otherwise requires—

...

101-627, 104-297

(25) The term "large-scale driftnet fishing" means a method of fishing in which a gillnet composed of a panel or panels of webbing, or a series of such gillnets, with a total length of two and one-half kilometers or more, or with a mesh size of 14 inches or greater, is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.

SEC. 206. LARGE-SCALE DRIFTNET FISHING

16 U.S.C. 1826

...

(b) FINDINGS.—

The Congress finds that—

...

(6) the nations of the South Pacific have agreed to a moratorium on the use of largescale driftnets in the South Pacific through the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, which was agreed to in Wellington, New Zealand, on November 29, 1989; ~~and~~

(7) increasing population pressures and new knowledge of the importance of living marine resources to the health of the global ecosystem demand that greater responsibility be exercised by persons fishing or developing new fisheries beyond the exclusive economic zone of any nation-: and

(8) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.

(c) POLICY.—It is declared to be the policy of the Congress in this section that the United

States should—

- (1) implement the moratorium called for by the United Nations General Assembly in Resolution Numbered 44-225;
- (2) support the Tarawa Declaration and the Wellington Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific; ~~and~~
- (3) secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone of any nation-; and
- (4) prioritize the phase out of large-scale driftnet fishing in the exclusive economic zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.

...

(i) FISHING GEAR TRANSITION PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of enactment of the Driftnet Modernization and Bycatch Reduction Act, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative fishing practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

(2) PERMISSIBLE USES.—Any permit holder receiving a grant under paragraph (1) may use such 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;

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

(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gears.

(3) CERTIFICATION. —The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.

SEC. 307. PROHIBITED ACTS

16 U.S.C. 1857

It is unlawful—

99-659, 101-224, 101-627, 102-251, 104-297, 106-557, 109-479

(1) for any person—

...

(M) to engage in large-scale driftnet fishing that is subject to the jurisdiction of the United States, including use of a fishing vessel of the United States to engage in such fishing beyond the exclusive economic zone of any nation unless such large-scale driftnet fishing—:

(i) deploys, within the exclusive economic 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 the date of enactment of the Driftnet Modernization and Bycatch Reduction Act.

NOTE:

50 CFR 660.713(b)(1) The maximum length of a drift gillnet on board a vessel shall not exceed 6,000 ft (1828 m).