

117TH CONGRESS
1ST SESSION

H. R. 404

To improve the management of driftnet fishing.

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

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 of 2021”.

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 minimize the in-
2 cidental catch of living marine resources.”.

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

4 Section 206 of the Magnuson-Stevens Fishery Con-
5 servation and Management Act (16 U.S.C. 1826) is
6 amended—

7 (1) by redesignating subsection (h) as sub-
8 section (i); and

9 (2) by inserting after subsection (g) the fol-
10 lowing:

11 “(h) FISHING GEAR TRANSITION PROGRAM.—

12 “(1) IN GENERAL.—During the 5-year period
13 beginning on the date of enactment of the Driftnet
14 Modernization and Bycatch Reduction Act of 2021,
15 the Secretary shall conduct a transition program to
16 facilitate the phase-out of large-scale driftnet fishing
17 and adoption of alternative fishing practices that
18 minimize the incidental catch of living marine re-
19 sources, and shall award grants to eligible permit
20 holders who participate in the program.

21 “(2) PERMISSIBLE USES.—Any permit holder
22 receiving a grant under paragraph (1) may use such
23 funds only for the purpose of covering—

24 “(A) any fee originally associated with a
25 permit authorizing participation in a large-scale

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

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

7 “(C) the purchase of alternative gear the
8 use of which is likely to result in minimal inci-
9 dental catch of living marine resources, if the
10 fishery participant is authorized to continue
11 fishing using such alternative gear.

12 “(3) CERTIFICATION.—The Secretary shall cer-
13 tify that, with respect to each participant in the pro-
14 gram under this subsection, any permit authorizing
15 participation in a large-scale driftnet fishery has
16 been permanently revoked and that no new permits
17 will be issued to authorize such fishing.”.

18 **SEC. 5. EXCEPTION.**

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

23 “(i) deploys, within the exclusive eco-
24 nomic zone, a net with a total length of

1 less than two and one-half kilometers and
2 a mesh size of 14 inches or greater; and

3 “(ii) is conducted within 5 years of
4 the date of enactment of the Driftnet Mod-
5 ernization and Bycatch Reduction Act of
6 2021”.

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