

117TH CONGRESS  
1ST SESSION

# S. 273

To improve the management of driftnet fishing.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mrs. FEINSTEIN (for herself and Mrs. CAPITO) 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 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 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—

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

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.”.

13 **SEC. 5. EXCEPTION.**

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

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

22                       “(ii) is conducted within 5 years of  
23                       the date of enactment of the Driftnet Mod-  
24                       ernization and Bycatch Reduction Act”.

1 **SEC. 6. FEES.**

2 (a) IN GENERAL.—The North Pacific Fishery Man-  
3 agement Council may recommend, and the Secretary of  
4 Commerce may approve, regulations necessary for the col-  
5 lection of fees from charter vessel operators who guide rec-  
6 reational anglers who harvest Pacific halibut in Inter-  
7 national Pacific Halibut Commission regulatory areas 2C  
8 and 3A as those terms are defined in part 300 of title  
9 50, Code of Federal Regulations (or any successor regula-  
10 tions).

11 (b) USE OF FEES.—Any fees collected under this sec-  
12 tion shall be available, without appropriation or fiscal year  
13 limitation, for the purposes of—

14 (1) financing administrative costs of the Rec-  
15 reational Quota Entity program;

16 (2) the purchase of halibut quota shares in  
17 International Pacific Halibut Commission regulatory  
18 areas 2C and 3A by the recreational quota entity  
19 authorized in part 679 of title 50, Code of Federal  
20 Regulations (or any successor regulations);

21 (3) halibut conservation and research; and

22 (4) promotion of the halibut resource by the  
23 recreational quota entity authorized in part 679 of  
24 title 50, Code of Federal Regulations (or any suc-  
25 cessor regulations).

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