

117TH CONGRESS
1ST SESSION

S. 273

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Driftnet Modernization
3 and Bycatch Reduction Act”.

4 **SEC. 2. DEFINITION.**

5 Section 3(25) of the Magnuson-Stevens Fishery Con-
6 servation and Management Act (16 U.S.C. 1802(25)) is
7 amended by inserting “, or with a mesh size of 14 inches
8 or greater,” after “more”.

9 **SEC. 3. FINDINGS AND POLICY.**

10 (a) FINDINGS.—Section 206(b) of the Magnuson-Ste-
11 vens Fishery Conservation and Management Act (16
12 U.S.C. 1826(b)) is amended—

13 (1) in paragraph (6), by striking “and” at the
14 end;

15 (2) in paragraph (7), by striking the period and
16 inserting “; and”; and

17 (3) by adding at the end the following:

18 “(8) within the exclusive economic zone, large-
19 scale driftnet fishing that deploys nets with large
20 mesh sizes causes significant entanglement and mor-
21 tality of living marine resources, including myriad
22 protected species, despite limitations on the lengths
23 of such nets.”.

24 (b) POLICY.—Section 206(c) of the Magnuson-Ste-
25 vens Fishery Conservation and Management Act (16
26 U.S.C. 1826(c)) is amended—

1 (1) in paragraph (2), by striking “and” at the
2 end;

3 (2) in paragraph (3), by striking the period and
4 inserting “; and”; and

5 (3) by adding at the end the following:

6 “(4) prioritize the phase out of large-scale
7 driftnet fishing in the exclusive economic zone and
8 promote the development and adoption of alternative
9 fishing methods and gear types that minimize the in-
10 cidental catch of living marine resources.”.

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

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

15 “(i) FISHING GEAR TRANSITION PROGRAM.—

16 “(1) IN GENERAL.—During the 5-year period
17 beginning on the date of enactment of the Driftnet
18 Modernization and Bycatch Reduction Act, the Sec-
19 retary shall conduct a transition program to facili-
20 tate the phase-out of large-scale driftnet fishing and
21 adoption of alternative fishing practices that mini-
22 mize the incidental catch of living marine resources,
23 and shall award grants to eligible permit holders
24 who participate in the program.

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

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

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

12 “(C) the purchase of alternative gear with
13 minimal incidental catch of living marine re-
14 sources, if the fishery participant is authorized
15 to continue fishing using such alternative gears.

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

22 **SEC. 5. EXCEPTION.**

23 Section 307(1)(M) of the Magnuson-Stevens Fishery
24 Conservation and Management Act (16 U.S.C.

1 1857(1)(M)) is amended by inserting before the semicolon
 2 the following: “, unless such large-scale driftnet fishing—

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

7 “(ii) is conducted within 5 years of
 8 the date of enactment of the Driftnet Mod-
 9 ernization and Bycatch Reduction Act”.

10 **SEC. 6. FEES.**

11 (a) IN GENERAL.—The North Pacific Fishery Man-
 12 agement Council may recommend, and the Secretary of
 13 Commerce may approve, regulations necessary for the col-
 14 lection of fees from charter vessel operators who guide rec-
 15 reational anglers who harvest Pacific halibut in Inter-
 16 national Pacific Halibut Commission regulatory areas 2C
 17 and 3A as those terms are defined in part 300 of title
 18 50, Code of Federal Regulations (or any successor regula-
 19 tions).

20 (b) USE OF FEES.—Any fees collected under this sec-
 21 tion shall be available for the purposes of—

22 (1) financing administrative costs of the Rec-
 23 reational Quota Entity program;

24 (2) the purchase of halibut quota shares in
 25 International Pacific Halibut Commission regulatory

1 areas 2C and 3A by the recreational quota entity
2 authorized in part 679 of title 50, Code of Federal
3 Regulations (or any successor regulations);

4 (3) halibut conservation and research; and

5 (4) promotion of the halibut resource by the
6 recreational quota entity authorized in part 679 of
7 title 50, Code of Federal Regulations (or any suc-
8 cessor regulations).

9 (c) LIMITATION ON COLLECTION AND AVAIL-
10 ABILITY.—Fees shall be collected and available pursuant
11 to this section only to the extent and in such amounts
12 as provided in advance in appropriations Acts, subject to
13 subsection (d).

14 (d) FEE COLLECTED DURING START-UP PERIOD.—
15 Notwithstanding subsection (c), fees may be collected
16 through the date of enactment of an Act making appro-
17 priations for the activities authorized under this Act
18 through September 30, 2022, and shall be available for
19 obligation and remain available until expended.

Passed the Senate September 14, 2021.

Attest:

Secretary.

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