

117TH CONGRESS  
1ST SESSION

# H. R. 404

To improve the management of driftnet fishing.

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## 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

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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 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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