

## Calendar No. 316

116TH CONGRESS  
1ST SESSION

# S. 906

[Report No. 116–166]

To improve the management of driftnet fishing.

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### IN THE SENATE OF THE UNITED STATES

MARCH 27, 2019

Mrs. FEINSTEIN (for herself, Mrs. CAPITO, Mr. COONS, Mr. BLUMENTHAL, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 5, 2019

Reported by Mr. WICKER, with an amendment

[Insert the part printed in *italic*]

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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”.

1 **SEC. 2. DEFINITION.**

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

6 **SEC. 3. FINDINGS AND POLICY.**

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

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

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

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

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

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

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

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

3           (3) by adding at the end the following—

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

9   **SEC. 4. TRANSITION PROGRAM.**

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

13          “(i) FISHING GEAR TRANSITION PROGRAM.—

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

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

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

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

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

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

19 **SEC. 5. EXCEPTION.**

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

24                       “(i) deploys, within the exclusive eco-  
 25                       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”.

6 **SEC. 6. FEES.**

7 (a) *IN GENERAL.*—*The North Pacific Fishery Manage-*  
 8 *ment Council may recommend, and the Secretary of Com-*  
 9 *merce may approve, regulations necessary for the collection*  
 10 *of fees from charter vessel operators who guide recreational*  
 11 *anglers who harvest Pacific halibut in International Pacific*  
 12 *Halibut Commission regulatory areas 2C and 3A as those*  
 13 *terms are defined in part 300 of title 50, Code of Federal*  
 14 *Regulations (or any successor regulations).*

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

18 (1) *financing administrative costs of the Rec-*  
 19 *reational Quota Entity program;*

20 (2) *the purchase of halibut quota shares in Inter-*  
 21 *national Pacific Halibut Commission regulatory*  
 22 *areas 2C and 3A by the recreational quota entity au-*  
 23 *thorized in part 679 of title 50, Code of Federal Regu-*  
 24 *lations (or any successor regulations);*

25 (3) *halibut conservation and research; and*

1           (4) *promotion of the halibut resource by the rec-*  
2           *reational quota entity authorized in part 679 of title*  
3           *50, Code of Federal Regulations (or any successor reg-*  
4           *ulations).*



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