

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 404  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**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:

1           “(8) within the exclusive economic zone, large-  
2           scale driftnet fishing that deploys nets with large  
3           mesh sizes causes significant entanglement and mor-  
4           tality of living marine resources, including myriad  
5           protected species, despite limitations on the lengths  
6           of such nets.”.

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

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

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

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

15           “(4) prioritize the phase out of large-scale  
16           driftnet fishing in the exclusive economic zone and  
17           promote the development and adoption of alternative  
18           fishing methods and gear types that minimize the in-  
19           cidental catch of living marine resources.”.

20           **SEC. 4. TRANSITION PROGRAM.**

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

24           “(i) FISHING GEAR TRANSITION PROGRAM.—

1           “(1) IN GENERAL.—During the 5-year period  
2 beginning on the date of enactment of the Driftnet  
3 Modernization and Bycatch Reduction Act, the Sec-  
4 retary shall conduct a transition program to facili-  
5 tate the phase-out of large-scale driftnet fishing and  
6 adoption of alternative fishing practices that mini-  
7 mize the incidental catch of living marine resources,  
8 and shall award grants to eligible permit holders  
9 who participate in the program.

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

13           “(A) any fee originally associated with a  
14 permit authorizing participation in a large-scale  
15 driftnet fishery, if such permit is surrendered  
16 for permanent revocation, and such permit  
17 holder relinquishes any claim associated with  
18 the permit;

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

21           “(C) the purchase of alternative gear with  
22 minimal incidental catch of living marine re-  
23 sources, if the fishery participant is authorized  
24 to continue fishing using such alternative gears.

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

7   **SEC. 5. EXCEPTION.**

8           Section 307(1)(M) of the Magnuson-Stevens Fishery  
9   Conservation and Management Act (16 U.S.C.  
10 1857(1)(M)) is amended by inserting before the semicolon  
11 the following: “, unless such large-scale driftnet fishing—

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

16                           “(ii) is conducted within 5 years of  
17                           the date of enactment of the Driftnet Mod-  
18                           ernization and Bycatch Reduction Act”.

19   **SEC. 6. FEES.**

20           (a) IN GENERAL.—The North Pacific Fishery Man-  
21   agement Council may recommend, and the Secretary of  
22   Commerce may approve, regulations necessary for the col-  
23   lection of fees from charter vessel operators who guide rec-  
24   reational anglers who harvest Pacific halibut in Inter-  
25   national Pacific Halibut Commission regulatory areas 2C

1 and 3A as those terms are defined in part 300 of title  
2 50, Code of Federal Regulations (or any successor regula-  
3 tions).

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

6 (1) financing administrative costs of the Rec-  
7 reational Quota Entity program;

8 (2) the purchase of halibut quota shares in  
9 International Pacific Halibut Commission regulatory  
10 areas 2C and 3A by the recreational quota entity  
11 authorized in part 679 of title 50, Code of Federal  
12 Regulations (or any successor regulations);

13 (3) halibut conservation and research; and

14 (4) promotion of the halibut resource by the  
15 recreational quota entity authorized in part 679 of  
16 title 50, Code of Federal Regulations (or any suc-  
17 cessor regulations).

18 (c) LIMITATION ON COLLECTION AND AVAIL-  
19 ABILITY.—Fees shall be collected and available pursuant  
20 to this section only to the extent and in such amounts  
21 as provided in advance in appropriations Acts, subject to  
22 subsection (d).

23 (d) FEE COLLECTED DURING START-UP PERIOD.—  
24 Notwithstanding subsection (c), fees may be collected  
25 through the date of enactment of an Act making appro-

1 priations for the activities authorized under this Act  
2 through September 30, 2022, and shall be available for  
3 obligation and remain available until expended.

