

116TH CONGRESS
1ST SESSION

S. 2960

To require individuals fishing for Gulf reef fish to use certain descending devices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 2, 2019

Mr. CASSIDY (for himself and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require individuals fishing for Gulf reef fish to use certain descending devices, and for other purposes.

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 “Direct Enhancement
5 of Snapper Conservation and the Economy through Novel
6 Devices Act of 2019” or the “DESCEND Act of 2019”.

7 **SEC. 2. REQUIRED POSSESSION OF DESCENDING DEVICES.**

8 (a) REQUIRED GEAR IN THE GULF REEF FISH FISH-
9 ERY.—Title III of the Magnuson-Stevens Fishery Con-

1 servation and Management Act (16 U.S.C. 1851 et seq.)

2 is amended by adding at the end the following:

3 **“SEC. 321. REQUIRED POSSESSION OF DESCENDING DE-**
 4 **VICES.**

5 “(a) REQUIRE GEAR IN THE GULF REEF FISH FISH-
 6 ERY.—It shall be unlawful for a person on board a com-
 7 mercial or recreational vessel to fish for Gulf reef fish in
 8 the Gulf of Mexico Exclusive Economic Zone without pos-
 9 sessing on board the vessel a venting tool or a descending
 10 device that is rigged and ready for use while fishing is
 11 occurring.

12 “(b) SAVINGS CLAUSE.—No provision of this section
 13 shall be interpreted to affect any program or activity car-
 14 ried out by the Gulf Coast Ecosystem Restoration Council
 15 established under section 311(t) of the Federal Water Pol-
 16 lution Control Act (33 U.S.C. 1321(t)), or any project
 17 contained in an approved Restoration Plan developed by
 18 any Natural Resources Damage Assessment Trustee Im-
 19 plementation Group to reduce post-release mortality from
 20 barotrauma in Gulf of Mexico Reef Fish Recreational
 21 Fisheries.

22 “(c) DEFINITIONS.—In this section:

23 “(1) DESCENDING DEVICE.—The term ‘de-
 24 scending device’ means an instrument that—

1 “(A) will release fish at a depth sufficient
2 for the fish to be able to recover from the ef-
3 fects of barotrauma;

4 “(B) is a weighted hook, lip clamp, or box
5 that will hold the fish while it is lowered to
6 depth, or another device determined to be ap-
7 propriate by the Secretary; and

8 “(C) is capable of—

9 “(i) releasing the fish automatically;

10 “(ii) releasing the fish by actions of
11 the operator of the device; or

12 “(iii) allowing the fish to escape on its
13 own.

14 “(2) VENTING TOOL.—The term ‘venting tool’
15 has the meaning given to it by the Gulf of Mexico
16 Fishery Management Council.

17 “(3) GULF REEF FISH.—The term ‘Gulf reef
18 fish’ means any fish chosen by the Gulf of Mexico
19 Fishery Management Council that is in the reef
20 Fishery Management Plan for the purposes of this
21 Act.

22 “(d) SUNSET.—The requirements under this section
23 shall expire on the date that is 5 years after the date of
24 enactment of the Direct Enhancement of Snapper Con-

1 servation and the Economy through Novel Devices Act of
2 2019.”.

3 (b) CIVIL PENALTIES.—Section 308(a) of the Mag-
4 nuson-Stevens Fishery Conservation and Management Act
5 (16 U.S.C. 1858(a)) is amended—

6 (1) by inserting “or section 321” after “section
7 307”; and

8 (2) by adding at the end the following: “The
9 authorization under this subsection for a penalty for
10 a violation of section 321 shall expire on the date
11 that is 5 years after the date of enactment of the
12 Direct Enhancement of Snapper Conservation and
13 the Economy through Novel Devices Act of 2019.”

14 (c) EFFECTIVE DATE.—The amendments made by
15 this Act shall take effect 1 year after the date of enact-
16 ment of this Act.

17 **SEC. 3. IMPROVING DISCARD MORTALITY DATA.**

18 (a) AGREEMENT.—Within 60 days of the date of en-
19 actment this Act, the Secretary of Commerce shall enter
20 into an agreement with the National Academy of Sciences
21 to conduct a study and produce a report on discard mor-
22 tality in the Gulf of Mexico reef fish fisheries. Such study
23 shall include—

24 (1) assessment of gaps and biases in reporting
25 of discards and associated discard mortality;

1 (2) assessment of uncertainty and likely im-
2 pacts of such uncertainty in discard mortality;

3 (3) assessment of the effectiveness and usage
4 rates of barotrauma reducing devices;

5 (4) recommendations for future research prior-
6 ities; and

7 (5) recommendations for standardized reporting
8 and quantification of discards for fisheries under the
9 Gulf of Mexico Reef Fish Fishery Management Plan.

10 (b) DEADLINE.—The National Academy of Sciences
11 shall complete the study described in subsection (a) and
12 transmit the final report to the Secretary of Commerce
13 within 2 years of the date of enactment of this Act. The
14 Secretary of Commerce shall, within 3 months of receiving
15 such study and report, submit such study and report to
16 the Committee on Commerce, Science, and Transportation
17 of the Senate and the Committee on Natural Resources
18 of the House of Representatives.

19 (c) PLAN.—Within 1 year of receiving the study and
20 report described in subsection (a), the Gulf of Mexico
21 Fishery Management Council and the Secretary of Com-
22 merce shall—

23 (1) develop guidance for minimum standards
24 for quantifying and reporting discards and associ-

1 ated mortality in the Gulf of Mexico Reef Fish Fish-
2 ery Management Plan; and

3 (2) develop a plan to assess and monitor the ef-
4 fectiveness and usage of barotrauma reducing de-
5 vices and the impact on discard mortality rates in
6 Gulf of Mexico reef fish fisheries.

7 (d) FOLLOW-UP REPORT.—Within 3 years of devel-
8 oping minimum standards and developing the assessment
9 and monitoring plan in subsection (c), the Secretary of
10 Commerce shall provide a detailed report on implementa-
11 tion to the Committee on Commerce, Science, and Trans-
12 portation of the Senate and the Committee on Natural Re-
13 sources of the House of Representatives.

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