

116TH CONGRESS
1ST SESSION

H. R. 5126

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2019

Mr. GRAVES of Louisiana (for himself, Mr. HUFFMAN, and Mr. PALAZZO) introduced the following bill; which was referred to the Committee on Natural Resources

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 USE 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 by the Resources and Ecosystems Sustain-
16 ability, Tourist Opportunities, and Revived Economies of
17 the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note),
18 or any project contained in an approved Restoration Plan
19 developed by any Natural Resources Damage Assessment
20 Trustee Implementation Group to reduce post-release
21 mortality from barotrauma in Gulf of Mexico Reef Fish
22 Recreational Fisheries.

23 “(c) DEFINITIONS.—In this section:

24 “(1) DESCENDING DEVICE.—The term ‘de-
25 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 (b) CIVIL PENALTIES.—Section 308(a) of the Mag-
23 nuson-Stevens Fishery Conservation and Management Act
24 (16 U.S.C. 1858(a)) is amended by inserting “or section
25 321” after “section 307”.

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

4 (d) SUNSET.—Five years after the date of enactment
5 of this Act, the Magnuson-Stevens Fishery Conservation
6 and Management Act is amended—

7 (1) in section 308(a), by striking “or section
8 321”; and

9 (2) by striking title 321.

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

11 (a) AGREEMENT.—Within 60 days of the date of en-
12 actment of this Act, the Secretary shall enter into an
13 agreement with the National Academy of Sciences to con-
14 duct a study and produce a report on discard mortality
15 in the Gulf of Mexico reef fish fisheries. Such study shall
16 include—

17 (1) assessment of gaps and biases in reporting
18 of discards and associated discard mortality;

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

21 (3) assessment of the effectiveness and usage
22 rates of barotrauma-reducing devices;

23 (4) recommendations for future research prior-
24 ities; and

1 (5) recommendations for standardized reporting
2 and quantification of discards for fisheries under the
3 Gulf of Mexico Reef Fish Fishery Management Plan.

4 (b) DEADLINE.—The National Academy of Sciences
5 shall complete the study described in subsection (a) and
6 transmit the final report to the Secretary within 2 years
7 of the date of enactment of this Act. The Secretary shall,
8 within 3 months of receiving such study and report, sub-
9 mit such study and report in (a) to the Committee on
10 Commerce, Science, and Transportation of the Senate and
11 the Committee on Natural Resources of the House of Rep-
12 resentatives.

13 (c) PLAN.—Within 1 year of receiving the study and
14 report in described in subsection (a), the Gulf of Mexico
15 Fishery Management Council and the Secretary shall—

16 (1) develop guidance for minimum standards
17 for quantifying and reporting discards and associ-
18 ated mortality in the Gulf of Mexico Reef Fish Fish-
19 ery Management Plan; and

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

24 (d) FOLLOW-UP REPORT.—Within 3 years of devel-
25 oping minimum standards and developing the assessment

1 and monitoring plan in subsection (c), the Secretary shall
2 provide a detailed report on implementation to the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate and the Committee on Natural Resources of the
5 House of Representatives.

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