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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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Direct Enhancement of Snapper Conservation and the Economy through Novel Devices Act of 2019'' or the ''DESCEND Act of 2019''.

SEC. 2. REQUIRED USE OF DESCENDING DEVICES.

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

servation and Management Act (16 U.S.C. 1851 et seq.) is amended by adding at the end the following:

"SEC. 321. REQUIRED POSSESSION OF DESCENDING DEVICES.

"(a) REQUIRE GEAR IN THE GULF REEF FISH FISHERY.—It shall be unlawful for a person on board a commercial or recreational vessel to fish for Gulf reef fish in the Gulf of Mexico Exclusive Economic Zone without possessing on board the vessel a venting tool or a descending device that is rigged and ready for use while fishing is occurring.

"(b) SAVINGS CLAUSE.—No provision of this section shall be interpreted to affect any program or activity carried out by the Gulf Coast Ecosystem Restoration Council established by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note), or any project contained in an approved Restoration Plan developed by any Natural Resources Damage Assessment Trustee Implementation Group to reduce post-release mortality from barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries.

"(c) DEFINITIONS.—In this section:

"(1) DESCENDING DEVICE.—The term 'descending device' means an instrument that—

''(A) will release fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma;

''(B) is a weighted hook, lip clamp, or box that will hold the fish while it is lowered to depth, or another device determined to be appropriate by the Secretary; and

''(C) is capable of—

''(i) releasing the fish automatically;

''(ii) releasing the fish by actions of the operator of the device; or

''(iii) allowing the fish to escape on its own.

''(2) VENTING TOOL.—The term 'venting tool' has the meaning given to it by the Gulf of Mexico Fishery Management Council.

''(3) GULF REEF FISH.—The term 'Gulf reef fish' means any fish chosen by the Gulf of Mexico Fishery Management Council that is in the reef Fishery Management Plan for the purposes of this Act.'';

(b) CIVIL PENALTIES.—Section 308(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858(a)) is amended by inserting ''or section 321'' after ''section 307''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 1 year after the date of enactment of this Act.

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

(1) in section 308(a), by striking ''or section 321''; and

(2) by striking title 321.

SEC. 3. IMPROVING DISCARD MORTALITY DATA.

(a) AGREEMENT.—Within 60 days of the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to conduct a study and produce a report on discard mortality in the Gulf of Mexico reef fish fisheries. Such study shall include—

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

(2) assessment of uncertainty and likely impacts of such uncertainty in discard mortality;

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

(4) recommendations for future research priorities; and

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

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

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

(1) develop guidance for minimum standards for quantifying and reporting discards and associated mortality in the Gulf of Mexico Reef Fish Fishery Management Plan; and

(2) develop a plan to assess and monitor the effectiveness and usage of barotrauma-reducing devices and the impact on discard mortality rates in Gulf of Mexico reef fish fisheries.

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

and monitoring plan in subsection (c), the Secretary shall provide a detailed report on implementation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

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