

**Suspend the Rules and Pass the Bill, H.R. 5126, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5126

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

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## 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.

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 2020” or the “DESCEND Act of 2020”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that commercial and rec-  
3 reational fishermen (which, for the purpose of this Act  
4 shall include charter fishing) for Gulf reef fish are ex-  
5 pected to use a venting tool or a descending device re-  
6 quired for possession under section 3 when releasing fish  
7 that are exhibiting signs of barotrauma. The Secretary of  
8 Commerce (referred to in this Act as the “Secretary”),  
9 in coordination with the Gulf of Mexico Fishery Manage-  
10 ment Council, should develop and disseminate to fisher-  
11 men education and outreach materials related to proper  
12 use of venting tools and descending devices, and strongly  
13 encourage their use by commercial and recreational fisher-  
14 men when releasing fish that are exhibiting signs of  
15 barotrauma.

16 **SEC. 3. REQUIRED POSSESSION OF DESCENDING DEVICES.**

17 (a) REQUIRED GEAR IN THE GULF REEF FISH FISH-  
18 ERY.—Title III of the Magnuson-Stevens Fishery Con-  
19 servation and Management Act (16 U.S.C. 1851 et seq.)  
20 is amended by adding at the end the following:

21 **“SEC. 321. REQUIRED POSSESSION OF DESCENDING DE-**  
22 **VICES.**

23 **“(a) REQUIRE GEAR IN THE GULF REEF FISH FISH-**  
24 **ERY.—It shall be unlawful for a person on board a com-**  
25 **mercial or recreational vessel to fish for Gulf reef fish in**  
26 **the Gulf of Mexico Exclusive Economic Zone without pos-**

1    sessing on board the vessel a venting tool or a descending  
2    device that is rigged and ready for use while fishing is  
3    occurring.

4           “(b) SAVINGS CLAUSE.—No provision of this section  
5    shall be interpreted to affect any program or activity car-  
6    ried out by the Gulf Coast Ecosystem Restoration Council  
7    established by the Resources and Ecosystems Sustain-  
8    ability, Tourist Opportunities, and Revived Economies of  
9    the Gulf Coast States Act of 2012 (33 U.S.C. 1321 note),  
10   or any project contained in an approved Restoration Plan  
11   developed by any Natural Resources Damage Assessment  
12   Trustee Implementation Group to reduce post-release  
13   mortality from barotrauma in Gulf of Mexico Reef Fish  
14   Recreational Fisheries.

15           “(c) DEFINITIONS.—In this section:

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

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

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

25                           “(C) is capable of—

1 “(i) releasing the fish automatically;

2 “(ii) releasing the fish by actions of  
3 the operator of the device; or

4 “(iii) allowing the fish to escape on its  
5 own.

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

9 “(3) GULF REEF FISH.—The term ‘Gulf reef  
10 fish’ means any fish chosen by the Gulf of Mexico  
11 Fishery Management Council that is in the reef  
12 Fishery Management Plan for the purposes of this  
13 Act.”.

14 (b) CIVIL PENALTIES.—Section 308(a) of the Mag-  
15 nuson-Stevens Fishery Conservation and Management Act  
16 (16 U.S.C. 1858(a)) is amended by inserting “or section  
17 321” after “section 307”.

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

21 (d) CONFORMING AMENDMENT.—Title III of the  
22 table of contents of the Magnuson-Stevens Fishery Con-  
23 servation and Management Act (16 U.S.C. 1851 et seq.)  
24 is amended by striking the item relating to section 305

1 and all that follows through the end of the items relating  
2 to such title and inserting the following:

- “Sec. 305. Other requirements and authority.
- “Sec. 306. State jurisdiction.
- “Sec. 307. Prohibited acts.
- “Sec. 308. Civil penalties and permit sanctions.
- “Sec. 309. Criminal offenses.
- “Sec. 310. Civil forfeitures.
- “Sec. 311. Enforcement.
- “Sec. 312. Transition to sustainable fisheries.
- “Sec. 313. North Pacific fisheries conservation.
- “Sec. 314. Northwest Atlantic Ocean fisheries reinvestment program.
- “Sec. 315. Regional Coastal Disaster Assistance, Transition, and Recovery Program.
- “Sec. 316. Bycatch Reduction Engineering Program.
- “Sec. 317. Shark Feeding.
- “Sec. 318. Cooperative Research and Management Program.
- “Sec. 319. Herring Study.
- “Sec. 320. Restoration Study.
- “Sec. 321. Required possession of descending devices.”.

3 (e) SUNSET.—Five years after the date of the enact-  
4 ment of this Act, the Magnuson-Stevens Fishery Con-  
5 servation and Management Act (16 U.S.C. 1851 et seq.)  
6 is amended—

7 (1) in the table of contents, by striking the item  
8 relating to section 321;

9 (2) in section 308(a), by striking “or section  
10 321”; and

11 (3) by striking section 321.

12 **SEC. 4. IMPROVING DISCARD MORTALITY DATA.**

13 (a) AGREEMENT.—Not later than 60 days after the  
14 date of the enactment of this Act, the Secretary shall enter  
15 into an agreement with the National Academy of Sciences  
16 to conduct a study and produce a report on discard mor-

1 tality in the Gulf of Mexico reef fish fisheries. The study  
2 shall include—

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

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

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

9 (4) recommendations for future research prior-  
10 ities; and

11 (5) recommendations for standardized reporting  
12 and quantification of discards in the same metric as  
13 landings for fisheries under the Gulf of Mexico Reef  
14 Fish Fishery Management Plan.

15 (b) DEADLINES.—Not later than 2 years after the  
16 date of the enactment of this Act, the National Academy  
17 of Sciences shall complete the study required under sub-  
18 section (a) and transmit the final report to the Secretary.  
19 Not later than 3 months after receiving the study and re-  
20 port in accordance with this subsection, the Secretary  
21 shall submit the study and report to the Committee on  
22 Commerce, Science, and Transportation of the Senate and  
23 the Committee on Natural Resources of the House of Rep-  
24 resentatives.

1 (c) PLAN.—Not later than 1 year after the Secretary  
2 receives the study and report required under subsection  
3 (a), Secretary and the Gulf of Mexico Fishery Manage-  
4 ment Council shall develop—

5 (1) guidance for minimum standards for quan-  
6 tifying and reporting discards and associated mor-  
7 tality in the Gulf of Mexico Reef Fish Fishery Man-  
8 agement Plan; and

9 (2) a plan to assess and monitor the effective-  
10 ness and usage of barotrauma-reducing devices and  
11 the impact on discard mortality rates in Gulf of  
12 Mexico reef fish fisheries.

13 (d) FOLLOW-UP REPORT.—Not later than 3 years  
14 after developing minimum standards and developing the  
15 assessment and monitoring plan under subsection (c), the  
16 Secretary shall provide a detailed report on implementa-  
17 tion to the Committee on Commerce, Science, and Trans-  
18 portation of the Senate and the Committee on Natural Re-  
19 sources of the House of Representatives.

20 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

21 The budgetary effects of this Act, for the purpose of  
22 complying with the Statutory Pay-As-You-Go Act of 2010,  
23 shall be determined by reference to the latest statement  
24 titled “Budgetary Effects of PAYGO Legislation” for this  
25 Act, submitted for printing in the Congressional Record

1 by the Chairman of the House Budget Committee, pro-  
2 vided that such statement has been submitted prior to the  
3 vote on passage.