

H.R. 5126, DESCEND Act of 2020

As ordered reported by the House Committee on Natural Resources on March 11, 2020

| By Fiscal Year, Millions of Dollars | 2020 | 2020-2025 | 2020-2030 |
|--|------|-------------------------------------|----------------------|
| Direct Spending (Outlays) | 0 | 0 | 0 |
| Revenues | 0 | * | * |
| Increase or Decrease (-) in the Deficit | 0 | * | * |
| Spending Subject to Appropriation (Outlays) | * | * | not estimated |
| Statutory pay-as-you-go procedures apply? | Yes | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | Yes, Under Threshold |
| * = between -\$500,000 and \$500,000. | | | |

When people are fishing they often have to discard some of the fish they catch for various regulatory and economic reasons. Improperly discarding fish can harm them by causing barotrauma (injuries related to the rapid change in water pressure on their bodies), which can lead to increased mortality for the discarded fish. H.R. 5126 would make it unlawful to fish, commercially or recreationally, for reef fish in the Gulf of Mexico without a device to safely return discarded fish to the water at a depth sufficient for the fish to recover from barotrauma. The requirement would take effect one year after enactment and would lapse five years after enactment.

H.R. 5126 would create new civil penalties for violating that requirement. Any fines collected under the bill would be recorded in the budget as revenues. CBO estimates that enacting the provision would result in an insignificant increase in revenues over the 2020-2030 period because few cases would likely be affected.

The bill also would direct the National Oceanic and Atmospheric Administration (NOAA) and the National Academies of Science to study and report to the Congress on the mortality of discarded fish in the Gulf of Mexico reef fisheries. Following that study, NOAA and the Gulf of Mexico Fishery Management Council would be required to create new guidance for collecting information and monitoring the effectiveness of barotrauma reducing devices. Using information on the cost of similar studies, CBO estimates that implementing those



requirements would cost less than \$500,000 over the 2020-2025 period. Such spending would be subject to the availability of appropriated funds.

H.R. 5126 would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) by requiring commercial and recreational boats fishing for reef fish in the Gulf of Mexico Exclusive Economic Zone to have a device to safely return discarded fish to the water at an appropriate depth for survival. CBO estimates that the cost of complying with the mandate would not exceed the annual threshold established in UMRA for private-sector mandates (\$168 million, in 2020, adjusted annually for inflation).

Using data from NOAA and industry experts, CBO estimates that roughly 30,000 fishing vessels (commercial and recreational) would be required to have the devices on board. CBO estimates that the cost of complying with the requirement would total less than \$2 million in the first year and less than that in subsequent years because only a small number of devices would probably need to be replaced in any single year.

The bill would not impose intergovernmental mandates as defined in UMRA.

The CBO staff contact for this estimate is Robert Reese (for federal costs) and Lilia Ledezma (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.