

title, such funds to remain available until expended.

(Pub. L. 95-617, title IV, §407, Nov. 9, 1978, 92 Stat. 3156.)

### § 2708. Definitions

(a) For purposes of this chapter, the term—

(1) “small hydroelectric power project” means any hydroelectric power project which is located at the site of any existing dam, which uses the water power potential of such dam, and which has not more than 30,000 kilowatts of installed capacity;

(2) “electric cooperative” means any cooperative association eligible to receive loans under section 904 of title 7;

(3) “industrial development agency” means any agency which is permitted to issue obligations the interest on which is excludable from gross income under section 103 of title 26;

(4) “project costs” means the cost of acquisition<sup>1</sup> or construction of all facilities and services and the cost of acquisition of all land and interests in land used in the design and construction and operation of a small hydroelectric power project;

(5) “nonprofit organization” means any organization described in section 501(c)(3) or 501(c)(4) of title 26 and exempt from tax under section 501(a) of title 26 (but only with respect to a trade or business carried on by such organization which is not an unrelated trade or business, determined by applying section 513(a) of title 26 to such organization);

(6) “existing dam” means any dam, the construction of which was completed or on<sup>2</sup> before July 22, 2005, and which does not require any construction or enlargement of impoundment structures (other than repairs or reconstruction) in connection with the installation of any small hydroelectric power project;

(7) “municipality” has the meaning provided in section 796 of this title; and

(8) “person” has the meaning provided in section 796 of this title.

(b) The requirement in subsection (a)(1) that a project be located at the site of an existing dam in order to qualify as a small hydroelectric power project, and the other provisions of this chapter which require that a project be at or in connection with an existing dam (or utilize the potential of such dam) in order to be assisted under or included within such provisions, shall not be construed to exclude—

(1) from the definition contained in such subsection (a)(1), or

(2) from any other provision of this chapter, any project which utilizes or proposes to utilize natural water features for the generation of electricity, without the need for any dam or impoundment, in a manner which (as determined by the Commission) will achieve the purposes of this chapter and will do so without any adverse effect upon such natural water features.

(Pub. L. 95-617, title IV, §408, Nov. 9, 1978, 92 Stat. 3156; Pub. L. 96-294, title IV, §408(a), (c),

June 30, 1980, 94 Stat. 718; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 109-58, title II, §246, Aug. 8, 2005, 119 Stat. 679.)

#### REFERENCES IN TEXT

The Commission, referred to in subsec. (b), means the Federal Energy Regulatory Commission, see section 2602(3) of this title.

#### AMENDMENTS

2005—Subsec. (a)(6). Pub. L. 109-58 substituted “July 22, 2005” for “April 20, 1977”.

1986—Subsec. (a)(3), (5). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96-294, §408(a), (c)(1), designated existing provisions as subsec. (a) and, as so designated, in par. (1) substituted “30,000” for “15,000”.

Subsec. (b). Pub. L. 96-294, §408(c)(2), added subsec. (b).

### CHAPTER 48—NATIONAL AQUACULTURE POLICY, PLANNING, AND DEVELOPMENT

Sec.	
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#### § 2801. Congressional findings, purpose, and policy

##### (a) Findings

Congress finds the following:

(1) The harvest of certain species of fish and shellfish exceeds levels of optimum sustainable yield, thereby making it more difficult to meet the increasing demand for aquatic food.

(2) To satisfy the domestic market for aquatic food, the United States imports more than 50 per centum of its fish and shellfish, but this dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies.

(3) Although aquaculture currently contributes approximately 13 percent of world seafood production, less than 6 percent of current United States seafood production results from aquaculture. Domestic aquacultural production, therefore, has the potential for significant growth.

(4) Aquacultural production of aquatic plants can provide sources of food, industrial materials, pharmaceuticals, and energy, and can assist in the control and abatement of pollution.

(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquacultural technology.

(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many scientific, economic, legal,

<sup>1</sup> So in original. Probably should be “acquisition”.

<sup>2</sup> So in original. Probably should be “on or”.

and production factors, such as inadequate credit, diffused legal jurisdiction, the lack of management information, the lack of supportive Government policies, and the lack of reliable supplies of seed stock.

(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

#### (b) Purpose

It is the purpose of this chapter to promote aquaculture in the United States by—

- (1) declaring a national aquaculture policy;
- (2) establishing and implementing a national aquaculture development plan;
- (3) establishing the Department of Agriculture as the lead Federal agency with respect to the coordination and dissemination of national aquaculture information by designating the Secretary of Agriculture as the permanent chairman of the coordinating group and by establishing a National Aquaculture Information Center within the Department of Agriculture; and
- (4) encouraging aquaculture activities and programs in both the public and private sectors of the economy;

that will result in increased aquacultural production, the coordination of domestic aquaculture efforts, the conservation and enhancement of aquatic resources, the creation of new industries and job opportunities, and other national benefits.

#### (c) Policy

Congress declares that aquaculture has the potential for reducing the United States trade deficit in fisheries products, for augmenting existing commercial and recreational fisheries and for producing other renewable resources, thereby assisting the United States in meeting its future food needs and contributing to the solution of world resource problems. It is, therefore, in the national interest, and it is the national policy, to encourage the development of aquaculture in the United States.

(Pub. L. 96-362, §2, Sept. 26, 1980, 94 Stat. 1198; Pub. L. 99-198, title XVII, §1732, Dec. 23, 1985, 99 Stat. 1641.)

#### AMENDMENTS

1985—Subsec. (a)(3). Pub. L. 99-198, §1732(1), substituted “13 percent” for “10 per centum” and “6 percent” for “3 per centum”.

Subsec. (a)(7). Pub. L. 99-198, §1732(2), inserted “scientific,” before “economic,” and “the lack of supportive Government policies,” after “management information.”

Subsec. (b)(3), (4). Pub. L. 99-198, §1732(3), added par. (3) and redesignated former par. (3) as (4).

Subsec. (c). Pub. L. 99-198, §1732(4), inserted “or reducing the United States trade deficit in fisheries products.”

#### SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-198, title XVII, §1731, Dec. 23, 1985, 99 Stat. 1641, provided that: “This subtitle [subtitle C [D] (§§1731-1737) of title XVII of Pub. L. 99-198, amending this section and sections 2802 to 2805 and 2809 of this title] may be cited as the ‘National Aquaculture Improvement Act of 1985.’”

#### SHORT TITLE

Pub. L. 96-362, §1, Sept. 26, 1980, 94 Stat. 1198, provided: “That this Act [enacting this chapter] may be cited as the ‘National Aquaculture Act of 1980.’”

#### § 2802. Definitions

As used in this chapter, unless the context otherwise requires—

(1) The term “aquaculture” means the propagation and rearing of aquatic species in controlled or selected environments, including, but not limited to, ocean ranching (except private ocean ranching of Pacific salmon for profit in those States where such ranching is prohibited by law).

(2) The term “aquaculture facility” means any land, structure, or other appurtenance that is used for aquaculture and is located in any State. Such term includes, but is not limited to, any laboratory, hatchery, rearing pond, raceway, pen, incubator, or other equipment used in aquaculture.

(3) The term “aquatic species” means any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant.

(4) The term “coordinating group” means the interagency aquaculture coordinating group established by section 2805 of this title.

(5) The term “person” means any individual who is a citizen or national of the United States or of any State, any Indian tribe, any institution of higher education, and any corporation, partnership, association or other entity (including, but not limited to, any community development corporation, producer cooperative, or fishermen’s cooperative) organized or existing under the laws of any State.

(6) The term “Plan” means the National Aquaculture Development Plan required to be established under section 2803 of this title.

(7) The term “Secretaries” means the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of the Interior.

(8) The term “Secretary” means the Secretary of Agriculture.

(9) The term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

(Pub. L. 96-362, §3, Sept. 26, 1980, 94 Stat. 1199; Pub. L. 99-198, title XVII, §1733, Dec. 23, 1985, 99 Stat. 1641.)

#### AMENDMENTS

1985—Pars. (8), (9). Pub. L. 99-198 added par. (8) and redesignated former par. (8) as (9).

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### § 2803. National Aquaculture Development Plan

##### (a) In general

(1) Within eighteen months after September 26, 1980, the Secretaries shall establish the National Aquaculture Development Plan.

(2) In developing the Plan, and revisions thereto under subsection (d), beginning not later than six months after September 26, 1980, the Secretary shall consult with the Secretary of Commerce and the Secretary of the Interior, other appropriate Federal officers, States, regional fishery management councils established under section 1852 of this title, and representatives of the aquaculture industry. In addition, the Secretary shall give interested persons and organizations an opportunity to comment during the development of the Plan.

**(b) Contents of Plan**

The Plan shall—

(1) identify aquatic species that the Secretaries determine to have significant potential for culturing on a commercial or other basis;

(2) recommend actions to be taken by the public and private sectors (which may include, but are not limited to, research and development, technical assistance, demonstration, extension education, and training activities) that are necessary to achieve such potential;

(3) address, after taking into account the status of aquaculture regarding the aquatic species concerned—

(A) aquaculture facility design and operation,

(B) water quality management,

(C) use of waste products (including thermal effluents),

(D) nutrition and the development of economical feeds, including natural food sources,

(E) life history, genetics, physiology, pathology, and disease control (including research regarding organisms that may not be harmful to fish and shellfish, but are injurious to humans),

(F) processing and market development,

(G) production management and quality control, and

(H) the development of adequate supplies of seed stock;

(4) include, where appropriate, research programs on the effect of aquaculture on estuarine and other water areas and on the management of such areas for aquaculture;

(5) include, where appropriate, programs to analyze, and formulate proposed resolutions of, the legal or regulatory constraints that may affect aquaculture; and

(6) include such other research and development, technical assistance, demonstration, extension education, and training programs as the Secretary deems necessary or appropriate to carry out this chapter.

In formulating the Plan, the Secretary shall, to the extent practicable, take into account any significant action that (i) has been, or is proposed to be, undertaken by any other Federal department or agency, any State agency, or any person, and (ii) may affect the implementation of the Plan.

**(c) Actions and implementation**

The Plan shall specify—

(1) with respect to those actions that the Secretary determines should be undertaken, the period of time within which each such ac-

tion should be completed, in order to implement the Plan; and

(2) with respect to each such action which of the Secretaries, acting individually, jointly, or collectively, has the responsibility for implementing the action.

The specifications of Secretarial responsibilities under paragraph (2) for implementing actions shall be determined on the basis of—

(A) the responsibilities conferred on the respective Secretaries by law or by any executive action having the effect of law (including, but not limited to, Reorganization Plan Numbered 4 of 1970);

(B) the experience, expertise, and other appropriate resources that the department of each such Secretary may have with respect to the action required under the activity concerned; and

(C) the concurrence of the Secretaries.

**(d) Revision of Plan**

The Secretaries shall undertake periodic reviews of the operation and effectiveness of the Plan. If as a result of any such review, or the aquaculture assessment required under subsection (e), the Secretaries determine that—

(1) any aquatic species not currently identified in the Plan has significant potential for aquaculture;

(2) any action specified in the Plan is not being accomplished on a successful and timely basis; or

(3) any action specified in the Plan should be terminated because its objectives have been achieved or its projected benefits do not warrant further support;

the Secretaries shall appropriately amend the Plan.

**(e) Continuing aquaculture assessment**

The Secretaries, through the coordinating group, shall undertake a continuing assessment of aquaculture in the United States for the purpose of maintaining, on a continuing basis—

(1) a complete profile of the aquacultural industry with respect to the incidence, size, and status of commercial aquacultural enterprises;

(2) the identification of the private and public institutions and organizations involved in aquacultural research, extension, credit, and market development;

(3) the identification of the various aquatic species being cultured and a description of the status of commercial development of each of those species;

(4) to the extent practicable, the identification of aquacultural production regions, species, and markets that have significant potential for development;

(5) a catalog describing all Federal programs and activities that directly or indirectly encourage, support, or assist aquaculture; and

(6) the identification of the economic, physical, legal, institutional, and social constraints that inhibit the development of aquaculture in the United States.

(Pub. L. 96-362, § 4, Sept. 26, 1980, 94 Stat. 1199; Pub. L. 96-561, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3300; Pub. L. 99-198, title XVII, § 1734, Dec.

23, 1985, 99 Stat. 1641; Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

#### REFERENCES IN TEXT

Reorganization Plan Numbered 4 of 1970, referred to in subsec. (c)(A), is Reorg. Plan No. 4 of 1970, 35 F.R. 15627, 84 Stat. 2090, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

1985—Subsec. (a)(2). Pub. L. 99-198, §1734(1)(A), (B), substituted “Secretary” for “Secretaries” wherever appearing and inserted provisions requiring consultations with the Secretary of Commerce and the Secretary of the Interior.

Subsec. (a)(3). Pub. L. 99-198, §1734(1)(C), struck out par. (3) which provided for the establishment of an advisory committee to assist in the initial development of the Plan.

Subsec. (b). Pub. L. 99-198, §1734(2), inserted “to” after “determine” in par. (1), substituted “Secretary deems” for “Secretaries deem” in par. (6), and substituted “Secretary” for “Secretaries” in provisions following par. (6).

Subsec. (c)(1). Pub. L. 99-198, §1734(3)(A), substituted “Secretary determines” for “Secretaries determine”.

Subsec. (c)(2)(C). Pub. L. 99-198, §1734(3)(B)-(D), added subpar. (C).

1980—Subsec. (a)(2). Pub. L. 96-561 made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-561, title II, §238(b), Dec. 22, 1980, 94 Stat. 3300, provided that the amendment made by that section is effective 15 days after Dec. 22, 1980.

### § 2804. Functions and powers of Secretaries

#### (a) Mandatory functions

In implementing the Plan, the Secretaries shall—

(1) provide advisory, educational, and technical assistance (including training) with respect to aquaculture to interested persons, and in providing such assistance, shall, to the maximum extent practicable, avoid duplication of similar assistance provided by other Federal departments and agencies and by State agencies;

(2) consult and cooperate with interested persons, Federal departments and agencies, State agencies, and regional fishery management councils established under section 1852 of this title;

(3) encourage the implementation of aquacultural technology in the rehabilitation and enhancement of publicly owned fish and shellfish stocks (including rehabilitation and enhancement by private nonprofit enterprises), and in the development of private commercial aquacultural enterprises; and

(4) prescribe such regulations as may be necessary to carry out the Plan.

#### (b) Discretionary functions

In implementing the Plan, the Secretaries may—

(1) for the purposes of assessing the biological, technical, and economic feasibility of any aquacultural system—

(A) conduct tests of the system, and, if necessary to demonstrate its feasibility, construct, operate, and maintain developmental aquaculture facilities for testing laboratory results, and

(B) conduct such other tests or analyses as may be necessary;

(2) develop methods to enhance seed stocks of aquatic species; and

(3) conduct such other tests or analyses or take such other actions as the Secretaries deem necessary or appropriate.

#### (c) Information services

(1) In addition to performing such other mandatory functions under this chapter—

(A) the Secretaries shall collect and analyze scientific, technical, legal, and economic information relating to aquaculture, including acreages, water use, production, marketing, culture techniques, and other relevant matters;

(B) the Secretary shall—

(i) establish, within the Department of Agriculture, a National Aquaculture Information Center that shall serve as a repository for the information generated under subparagraph (A) and other provisions of this chapter and shall, on a request basis, make that information available to the public,

(ii) arrange with foreign nations for the exchange of information relating to aquaculture and support a translation service, and

(iii) conduct a study of the extent to which the United States aquaculture industry has access to relevant Federal programs which assist the agricultural sector and report to Congress on the findings of such study by December 31, 1986;

(C) the Secretary of Commerce shall conduct a study, and report to Congress thereon by December 31, 1987, to determine whether existing capture fisheries could be adversely affected by competition from products produced by commercial aquacultural enterprises and include in such study an assessment of any adverse effect, by species and by geographical region, on such fisheries and recommend measures to ameliorate any such effect; and

(D) the Secretary of the Interior, in consultation with the Secretary of Commerce, shall undertake a study, and report to Congress thereon by December 31, 1987, to identify exotic species introduced into the United States waters as a result of aquaculture activities, and to determine the potential benefits and impacts of the introduction of exotic species.

(2) Any production information submitted to the Secretaries under paragraph (1)(A) shall be confidential and may only be disclosed if required under court order. The Secretaries shall preserve such confidentiality. The Secretaries may release or make public any information in any aggregate or summary form that does not directly or indirectly disclose the identity, busi-

ness transactions, or trade secrets of any person who submits such information.

**(d) Biennial report**

The Secretary, through the coordinating group and in consultation with the Secretary of Commerce and the Secretary of the Interior,<sup>1</sup> shall prepare on a biennial basis, and submit to Congress, a report on the status of aquaculture in the United States. Such report shall contain a description and evaluation of the actions undertaken with respect to the Plan during the reporting period, an explanation of any revisions made to the Plan during the reporting period, and such other comments and recommendations as the Secretary deems appropriate. The report required by this subsection shall be submitted to the Congress not later than February 1, 1988.

(Pub. L. 96-362, § 5, Sept. 26, 1980, 94 Stat. 1201; Pub. L. 96-561, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3300; Pub. L. 99-198, title XVII, § 1735, Dec. 23, 1985, 99 Stat. 1642; Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

1985—Subsec. (c)(1). Pub. L. 99-198, § 1735(1), amended par. (1) generally. Prior to amendment, par. (1) provided that in addition to performing such other required functions under this chapter, the Secretaries shall (A) establish and maintain an information service for the collection, analysis, and dissemination of scientific, technical, legal, and economic information relating to aquaculture; (B) conduct appropriate surveys, in coordination with other Federal departments and agencies, of public and private aquacultural activities being conducted in the United States for the purpose of acquiring information on acreages, water use, production, culture techniques, and other relevant matters; (C) arrange with foreign nations for the exchange of information relating to aquaculture and support a translation service; (D) conduct a continuing study to determine whether existing capture fisheries could be adversely affected by competition from products produced by commercial aquacultural enterprises and include in such study (i) an assessment of any adverse effect, by species and by geographical region, on such fisheries, and (ii) recommended measures to ameliorate any such effect; and (E) report to Congress on the findings of the study conducted under subparagraph (D) in the biennial status report required under subsection (d) of this section.

Subsec. (c)(2). Pub. L. 99-198, § 1735(1), amended par. (2) generally, substituting “The Secretaries shall preserve such confidentiality” for “The Secretaries shall prescribe such procedures as may be necessary to preserve such confidentiality”.

Subsec. (d). Pub. L. 99-198, § 1735(2), substituted “Secretary” for “Secretaries” wherever appearing; inserted “and in consultation with the Secretary of Commerce and the Secretary of the Interior,” after “the coordinating group” in first sentence; struck out “under section 2803(d) of this title” after “revisions made to the Plan”, and substituted “Such” for “Each such”, substituted “deems appropriate” for “deem appropriate” in second sentence; and substituted “The report required by this subsection shall be submitted to the Congress not later than February 1, 1988” for “The first report required under this subsection shall be submitted to Congress by September 30, 1981”.

1980—Subsec. (a)(2). Pub. L. 96-561 made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

<sup>1</sup> So in original.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-561, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3300, provided that the amendment made by that section is effective 15 days after Dec. 22, 1980.

COLLECTION OF FEES FOR TRIPLOID GRASS CARP CERTIFICATION INSPECTIONS

Pub. L. 104-40, § 1, Nov. 1, 1995, 109 Stat. 350, provided: “(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Fish and Wildlife Service (referred to in this section as the ‘Director’), may charge reasonable fees for expenses to the Federal Government for triploid grass carp certification inspections requested by a person who owns or operates an aquaculture facility.

“(b) AVAILABILITY.—All fees collected under subsection (a) shall be available to the Director until expended, without further appropriations.

“(c) USE.—The Director shall use all fees collected under subsection (a) to carry out the activities referred to in subsection (a).”

**§ 2805. Coordination of national activities regarding aquaculture**

**(a) Establishment**

There is established within the Office of Science and Technology Policy an interagency aquaculture coordinating group that shall, subject to subsection (f), operate as a Joint Subcommittee on Aquaculture of the Federal Coordinating Council on Science, Engineering, and Technology (hereinafter in this section referred to as the “Federal Council”) established by Executive Order 12039, dated February 24, 1978. The coordinating group shall be composed of the following members or their designees:

(1) The Secretary of Agriculture, who shall be the permanent chairman of the coordinating group.

(2) The Secretary of Commerce.

(3) The Secretary of the Interior.

(4) The Secretary of Energy.

(5) The Secretary of Health and Human Services.

(6) The Administrator of the Environmental Protection Agency.

(7) The Chief of Engineers.

(8) The Administrator of the Small Business Administration.

(9) The Administrator of the Agency for International Development.

(10) The Chairman of the Tennessee Valley Authority.

(11) The Director of the National Science Foundation.

(12) The Governor of the Farm Credit Administration.

(13) The heads of such other Federal agencies as are deemed appropriate by the Director of the Office of Science and Technology Policy (hereinafter in this section referred to as the “Director”), after consultation with the coordinating group.

**(b) Purpose and functions**

The purpose of the coordinating group is to increase the overall effectiveness and productivity

of Federal aquaculture research, transfer, and assistance programs. In fulfilling this purpose the coordinating group shall—

- (1) review the national needs for aquaculture research, transfer, and assistance;
- (2) assess the effectiveness and adequacy of Federal efforts to meet those national needs;
- (3) undertake planning, coordination, and communication among Federal agencies engaged in the science, engineering, and technology of aquaculture;
- (4) collect, compile, and disseminate information on aquaculture;
- (5) encourage joint programs among Federal agencies in areas of mutual interest; and
- (6) recommend to the Federal Council specific actions on issues, problems, plans, and programs in aquaculture.

**(c) Reports**

The coordinating group shall regularly report to the Chairman of the Federal Council on the coordinating group's activities and on recommendations concerning Federal policies and programs related to aquaculture.

**(d) Federal consistency**

Each Federal department and agency that has functions or responsibilities with respect to aquaculture or has jurisdiction over any activity that affects, or that may affect, the achievement of the purpose and policy of this chapter, shall, in consultation with the coordinating group and to the maximum extent practicable, perform such function, responsibility, or activity in a manner that is consistent with the purpose and policy of this chapter.

**(e) Functions if Federal Council terminated**

If at any time after September 26, 1980, the functions of the Federal Council are by executive action terminated or transferred to an agency other than the Office of Science and Technology Policy, the coordinating group shall carry out its purpose under the direction of the Director. In that event, the recommendations of the coordinating group referred to in subsection (b)(6) and the reports required under subsection (c) shall be made to the Director.

(Pub. L. 96-362, §6, Sept. 26, 1980, 94 Stat. 1203; Pub. L. 99-198, title XVII, §1736, Dec. 23, 1985, 99 Stat. 1643.)

REFERENCES IN TEXT

Executive Order 12039, dated February 24, 1978, referred to in subsec. (a), is Ex. Ord. No. 12039, Feb. 24, 1978, 43 F.R. 8095, which is set out as a note under section 6601 of Title 42, The Public Health and Welfare.

AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99-198, §1736(1), inserted “, who shall be the permanent chairman of the coordinating group”.

Subsecs. (c) to (f). Pub. L. 99-198, §1736(2)–(4), struck out subsec. (c) which provided that each of the Secretaries or their designees, on such rotating basis as determined by the Director, shall serve as the chairman of the coordinating group, with the term of office of the chairman set at two years, redesignated subsecs. (d) to (f) as (c) to (e), respectively, and in subsec. (e), as redesignated, substituted “subsection (c)” for “subsection (d)”.

**§ 2806. Contracts and grants**

**(a) In general**

The Secretaries may each carry out any action that such Secretary is responsible for implementing under the Plan through grants to, or contracts with, any person, any other Federal department or agency, any State agency, or any regional commission.

**(b) Terms and conditions**

Any contract entered into, or any grant made, under subsection (a) shall contain such terms and conditions as the Secretary concerned shall by regulation prescribe as being necessary or appropriate to protect the interests of the United States. No contract may be entered into, and no grant may be made under subsection (a), for any purpose that is in violation of any applicable State or local law.

**(c) Limitation**

The amount of any grant made under subsection (a) may not exceed an amount equal to one-half the estimated cost of the project for which the grant is made.

**(d) Audit**

Each recipient of a grant or contract under this section shall make available to the Secretary concerned and to the Comptroller General of the United States, for purposes of audit and examination, any book, document, paper, or record that is pertinent to the funds received under such grant or contract.

(Pub. L. 96-362, §7, Sept. 26, 1980, 94 Stat. 1204.)

**§ 2807. Capital requirements for aquaculture**

**(a) Capital requirements study**

The Secretaries, through the coordinating group, shall conduct within twelve months after September 26, 1980, a study of the capital requirements of the United States aquaculture industry. The study shall—

- (1) document and analyze any capital constraints that affect the development of aquaculture in the United States; and
- (2) evaluate the role that appropriate Federal financial assistance does or could play in filling gaps in the normal credit market with respect to aquaculture.

The study will identify the capital needs of the United States aquaculture industry, with emphasis on the needs that are not being filled either in normal credit channels or through government programs for direct loans, loan guarantees, disaster loans, and insurance. Upon its completion, the Secretaries shall submit the results of the study to Congress.

**(b) Capital requirements plan**

Based on the results of the Capital Requirements Study conducted under subsection (a), and within six months of the completion of the study, the Secretaries shall formulate a plan for acting on the study's findings. The plan shall include: (1) those Federal actions, if any, found to be necessary to meet financial needs unmet through normal credit channels and existing Federal programs; and (2) recommendations, if any, for legislative actions. Upon completion, the plan shall be submitted to Congress.

(Pub. L. 96-362, § 8, Sept. 26, 1980, 94 Stat. 1204.)

### § 2808. Regulatory constraints on aquaculture

#### (a) Regulatory constraints study

The Secretaries, through the coordinating group, shall conduct, within twelve months after September 26, 1980, a study of the State and Federal regulatory restrictions to aquaculture development in the United States. The study shall—

(1) include a literature review and a descriptive list identifying the parameters of the issue;

(2) identify and list relevant current and pending Federal regulations restricting the development of commercial aquaculture operations;

(3) identify and list relevant current State regulations restricting the development of commercial aquaculture operations in five States selected randomly in five separate geographic regions of the United States;

(4) conduct case studies of ten commercial aquaculture operations in the United States representing a wide range of marine and fresh water species to determine the practical effects of regulatory restrictions on aquaculture; and

(5) develop a flow-chart time line using the information obtained by means of paragraphs (1) through (4) to identify those regulations and restrictions that could have the most detrimental effect in establishing commercial aquaculture operations in the United States.

Upon completion of the study, the Secretaries shall submit its results to Congress.

#### (b) Regulatory constraints plan

Based on the results of the Regulatory Constraints Study conducted under subsection (a), and within six months of the study's completion, the Secretaries shall formulate a plan for acting on the study's findings. The plan will contain specific steps the Federal Government can take to remove unnecessarily burdensome regulatory barriers to the initiation and operation of commercial aquaculture ventures. Upon its completion, the Secretaries shall submit the plan to Congress.

(Pub. L. 96-362, § 9, Sept. 26, 1980, 94 Stat. 1205.)

### § 2809. Authorizations for appropriations

For purposes of carrying out the provisions of this chapter, there are authorized to be appropriated—

(1) to the Department of Agriculture, \$1,000,000 for each of fiscal years 1991 through 2023;

(2) to the Department of Commerce, \$1,000,000 for each of fiscal years 1991 through 2023; and

(3) to the Department of<sup>1</sup> Interior, \$1,000,000 for each of fiscal years 1991 through 2023.

Funds authorized by this section shall be in addition to, and not in lieu of, funds authorized by any other Act.

(Pub. L. 96-362, § 10, Sept. 26, 1980, 94 Stat. 1205; Pub. L. 98-623, title IV, § 402, Nov. 8, 1984, 98 Stat.

3407; Pub. L. 99-198, title XVII, § 1737, Dec. 23, 1985, 99 Stat. 1643; Pub. L. 101-624, title XVI, § 1614(d), Nov. 28, 1990, 104 Stat. 3728; Pub. L. 105-185, title III, § 301(i), June 23, 1998, 112 Stat. 563; Pub. L. 107-171, title VII, § 7139, May 13, 2002, 116 Stat. 436; Pub. L. 110-234, title VII, § 7414, May 22, 2008, 122 Stat. 1256; Pub. L. 110-246, § 4(a), title VII, § 7414, June 18, 2008, 122 Stat. 1664, 2017; Pub. L. 113-79, title VII, § 7406, Feb. 7, 2014, 128 Stat. 898; Pub. L. 115-334, title VII, § 7510, Dec. 20, 2018, 132 Stat. 4824.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2018—Pub. L. 115-334 substituted “2023” for “2018” wherever appearing.

2014—Pub. L. 113-79 substituted “2018” for “2012” wherever appearing.

2008—Pars. (1) to (3). Pub. L. 110-246, § 7414, substituted “2012” for “2007”.

2002—Pars. (1) to (3). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Pars. (1) to (3). Pub. L. 105-185 substituted “fiscal years 1991 through 2002” for “the fiscal years 1991, 1992, and 1993”.

1990—Pars. (1) to (3). Pub. L. 101-624 amended pars. (1) to (3) generally. Prior to amendment, pars. (1) to (3) read as follows:

“(1) to the Department of Agriculture, \$2,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988;

“(2) to the Department of Commerce, \$2,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988; and

“(3) to the Department of the Interior, \$1,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988.”

1985—Pars. (1) to (3). Pub. L. 99-198 inserted provisions authorizing appropriations of \$1,000,000 for each of fiscal years 1986, 1987, and 1988.

1984—Pars. (1), (2). Pub. L. 98-623 substituted provisions authorizing appropriations of \$2,000,000 for each of fiscal years 1984 and 1985 for provisions which had authorized appropriations of \$7,000,000 for fiscal year 1981, \$10,000,000 for fiscal year 1982, and \$12,000,000 for fiscal year 1983.

Par. (3). Pub. L. 98-623 substituted provisions authorizing appropriations of \$1,000,000 for each of fiscal years 1984 and 1985 for provisions which had authorized appropriations of \$3,000,000 for fiscal year 1981, \$4,000,000 for fiscal year 1982, and \$5,000,000 for fiscal year 1983.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

### § 2810. Disclaimer

Nothing in this chapter shall be construed to amend, repeal, or otherwise modify the authority of any Federal officer, department, or agency to perform any function, responsibility, or activity authorized under any other provision of law.

(Pub. L. 96-362, § 11, Sept. 26, 1980, 94 Stat. 1206.)

## CHAPTER 49—FISH AND WILDLIFE CONSERVATION

Sec.  
2901.

Congressional findings and declaration of purpose.

<sup>1</sup> So in original. Probably should be “of the”.