

116TH CONGRESS  
2D SESSION

# H. R. 6191

To establish a regulatory system for sustainable offshore aquaculture in the United States exclusive economic zone, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2020

Mr. PETERSON (for himself and Mr. PALAZZO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a regulatory system for sustainable offshore aquaculture in the United States exclusive economic zone, 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       (a) SHORT TITLE.—This Act may be cited as the  
5       “Advancing the Quality and Understanding of American  
6       Aquaculture Act” or the “AQUAA Act”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       this Act is as follows:

Sec. 1. Short title.

Sec. 2. Purposes.

Sec. 3. Definitions.

## TITLE I—NATIONAL STANDARDS

Sec. 101. National standards for sustainable offshore aquaculture.

## TITLE II—CORE ACTIVITIES

Sec. 201. Offshore aquaculture permits.

Sec. 202. Enterprise zones.

## TITLE III—REFINEMENTS

Sec. 301. Protection of offshore aquaculture facilities.

Sec. 302. Recordkeeping and access to information.

Sec. 303. Marine feed standards.

## TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Office of Offshore Aquaculture.

Sec. 402. Domestic aquaculture production.

Sec. 403. Outreach and education for offshore aquaculture.

Sec. 404. Administration.

Sec. 405. Report.

Sec. 406. Extension of permit terms.

Sec. 407. Interagency coordination of offshore aquaculture.

Sec. 408. Prohibited acts.

Sec. 409. Enforcement.

Sec. 410. Authorization of appropriations.

## TITLE V—RESEARCH AND DEVELOPMENT

Sec. 501. Research and development grant programs.

### 1 SEC. 2. PURPOSES.

2 The purposes of this Act are—

3 (1) to support the development of a sustainable

4 aquaculture industry in the United States;

5 (2) to develop sustainable offshore aquaculture

6 as a tool to support sustainable marine fisheries and

7 ecosystem-based management;

8 (3) to simplify the Federal regulatory regime

9 for sustainable offshore aquaculture and safeguard

1 the marine environment, wild fish stocks, and our  
2 coastal communities;

3 (4) to support research and technology development to further these goals;

5 (5) to create new jobs, and support existing  
6 jobs within the seafood industry of the United  
7 States, including jobs for traditional fishing industry  
8 partners; and

9 (6) to reduce the United States seafood trade  
10 deficit by expanding the domestic supply of seafood  
11 through domestic aquaculture.

12 **SEC. 3. DEFINITIONS.**

13 (a) IN GENERAL.—In this Act:

14 (1) AQUACULTURE.—The term “aquaculture”  
15 has the meaning given such term in section 3 of the  
16 National Aquaculture Act of 1980 (16 U.S.C. 2803).

17 (2) AQUACULTURE STAKEHOLDER.—The term  
18 “aquaculture stakeholder” means owners and opera-  
19 tors of offshore aquaculture facilities, Regional Fish-  
20 ery Management Councils, conservation organiza-  
21 tions, fisheries associations, State, county, and Trib-  
22 al governments, and other interested stakeholders.  
23 The term also includes other Federal agencies that  
24 have interests in aquaculture.

19 (6) EXCLUSIVE ECONOMIC ZONE.—

20 (A) IN GENERAL.—Unless otherwise speci-  
21 fied by the President in the public interest in  
22 a writing published in the Federal Register, the  
23 term “exclusive economic zone” means a zone,  
24 the outer boundary of which is 200 nautical  
25 miles from the baseline from which the breadth

1 of the territorial sea is measured (except as es-  
2 tablished by a maritime boundary treaty in  
3 force or being provisionally applied by the  
4 United States or, in the absence of such a trea-  
5 tory, where the distance between the United  
6 States and another country is less than 400  
7 nautical miles, a line equidistant between the  
8 United States and the other country).

9 (B) INNER BOUNDARY.—Without affecting  
10 any Presidential proclamation with regard to  
11 the establishment of the United States terri-  
12 torial sea or exclusive economic zone, the inner  
13 boundary of the exclusive economic zone is—

14 (i) in the case of the coastal States, a  
15 line coterminous with the seaward bound-  
16 ary of each such State, as described in sec-  
17 tion 4 of the Submerged Lands Act (43  
18 U.S.C. 1312);

19 (ii) in the case of the Commonwealth  
20 of Puerto Rico, a line 3 marine leagues  
21 from the coastline of the Commonwealth of  
22 Puerto Rico;

23 (iii) in the case of American Samoa,  
24 the United States Virgin Islands, and  
25 Guam, a line 3 geographic miles from the

1 coastlines of American Samoa, the United  
2 States Virgin Islands, or Guam, respec-  
3 tively;

4 (iv) in the case of the Commonwealth  
5 of the Northern Mariana Islands—

6 (I) the coastline of the Common-  
7 wealth of the Northern Mariana Is-  
8 lands, until the Commonwealth of the  
9 Northern Mariana Islands is granted  
10 authority by the United States to reg-  
11 ulate all fishing to a line seaward of  
12 its coastline; and

17 (v) for any possession of the United  
18 States not under clause (ii), (iii), or (iv),  
19 the coastline of such possession

20 (C) CONSTRUCTION.—Nothing in this defi-  
21 nition may be construed to diminish the author-  
22 ity of the Department of Defense, the Depart-  
23 ment of the Interior, or any other Federal de-  
24 partment or agency.

16 (10) OFFSHORE AQUACULTURE FACILITY.—The  
17 term “offshore aquaculture facility” means—

18 (A) an installation or structure used, in  
19 whole or in part, for offshore aquaculture; or

20 (B) an area of the seabed, water column,  
21 or the sediment used for offshore aquaculture.

10 (b) AQUACULTURE DEFINED.—Section 3 of the Na-  
11 tional Aquaculture Act of 1980 (16 U.S.C. 2803) is  
12 amended by striking paragraph (1) and inserting the fol-  
13 lowing:

14                   “(1) The term ‘aquaculture’ means any activity  
15                   involved in the propagation, rearing, or attempted  
16                   propagation or rearing, of cultured species.”.

## 17 TITLE I—NATIONAL STANDARDS

18 SEC. 101. NATIONAL STANDARDS FOR SUSTAINABLE OFF-  
19 SHORE AQUACULTURE.

20 (a) IN GENERAL.—Any regulation promulgated to  
21 implement this Act, any permit issued under this Act, and  
22 any assessment or impact statement required by the Na-  
23 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
24 et seq.) for activities proposed under this Act shall be con-

1 sistent with the following national standards for sustain-  
2 able offshore aquaculture:

3 (1) Sustainable offshore aquaculture shall  
4 strengthen coastal and marine ecosystems by reduc-  
5 ing pressure on fisheries, enhancing essential fish  
6 habitat, preserving water quality, or enhancing na-  
7 tive stocks.

8 (2) Sustainable offshore aquaculture shall be  
9 based on the best scientific information available.

10 (3) Sustainable offshore aquaculture shall avoid  
11 adverse environmental impacts to coastal and marine  
12 ecosystems, especially with regard to habitat, and  
13 water quality, caused by disease, escapements, and  
14 the effects of nonnative species.

15 (4) Sustainable offshore aquaculture shall  
16 prioritize feeds sourced from sustainable ingredients  
17 and avoid using feeds harvested from illegal, unre-  
18 ported, and unregulated fishing.

19 (5) Sustainable offshore aquaculture shall be  
20 conducted to minimize impacts, to the extent prac-  
21 ticable, on other uses of the exclusive economic zone  
22 by Federal and non-Federal entities.

23 (6) Sustainable offshore aquaculture shall take  
24 into account the importance of fishery resources to  
25 fishing communities in order to, to the extent prac-

1       ticable, minimize adverse economic impacts on such  
2       communities.

3               (7) Sustainable offshore aquaculture manage-  
4       ment measures shall, to the maximum extent prac-  
5       ticable, minimize costs and avoid unnecessary dupli-  
6       cation.

7               (8) Sustainable offshore aquaculture manage-  
8       ment measures shall avoid unnecessary risks to  
9       human life and the safety of human life at sea.

10       (b) GUIDELINES.—The Secretary shall establish advi-  
11       sory guidelines (which shall not have the force and effect  
12       of law), based on the national standards, to assist in the  
13       preparation of any application for a permit under this Act,  
14       or assessment or impact statement required under the Na-  
15       tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
16       et seq.) for activities proposed under such Act.

## 17       **TITLE II—CORE ACTIVITIES**

### 18       **SEC. 201. OFFSHORE AQUACULTURE PERMITS.**

19       (a) IN GENERAL.—After the Secretary promulgates  
20       final regulations under section 404(a), the Secretary may  
21       issue an offshore aquaculture permit if the Secretary de-  
22       termines that—

23               (1) the proposed offshore aquaculture facility,  
24       type of aquaculture operation, and cultured species  
25       are consistent with the purposes in section 2 and the

1       national standards for sustainable offshore aqua-  
2       culture in section 101;

3               (2) the applicant is able to comply with this Act  
4       and any terms and conditions prescribed under sec-  
5       tion 404(a), is financially responsible, and will oper-  
6       ate the offshore aquaculture facility using the best  
7       practicable technology and maintain it in good work-  
8       ing order; and

9               (3) issuance of the offshore aquaculture permit  
10      is not prohibited under section 408.

11           (b) AUTHORIZED ACTIVITIES.—An offshore aqua-  
12      culture permit holder shall be authorized to conduct off-  
13      shore aquaculture consistent with—

14               (1) this Act, including regulations promulgated  
15      to carry out this Act;

16               (2) other applicable provisions of law, including  
17      regulations; and

18               (3) any terms or conditions imposed by the Na-  
19      tional Oceanic and Atmospheric Administration.

20           (c) PERMIT PROCEDURE.—

21               (1) APPLICATION.—An applicant for an off-  
22      shore aquaculture permit shall submit an application  
23      to the Secretary. The application shall specify—

1 (A) the proposed location of the offshore  
2 aquaculture facility and the location of any on-  
3 shore facilities;

4 (B) the type of aquaculture operations that  
5 will be conducted at all facilities described in  
6 subparagraph (A);

(C) the cultured species, or a specified range of species, to be propagated or reared, or both, at the offshore aquaculture facility;

10 (D) the ways in which the permit holder  
11 will comply with the national standards for sus-  
12 tainable offshore aquaculture described in sec-  
13 tion 101;

14 (E) plans to respond to—

15 (i) a natural disaster;

16 (ii) an escapement; and

17 (iii) disease; and

18 (F) such other design, construction, and  
19 operational information as the Secretary may  
20 require to ensure the integrity of the applicant's  
21 operations and contingency planning.

22 (2) NOTICE.—Whenever the National Oceanic  
23 and Atmospheric Administration receives an offshore  
24 aquaculture permit application, the Secretary shall—

12 (B) provide public notice and an oppor-  
13 tunity for public comment for each offshore  
14 aquaculture permit application.

23 (C) deny the permit, if the Secretary deter-  
24 mines that the application does not meet the re-  
25 quirements of paragraph (1), or any other ap-

1 plicable law, and that these issues cannot be re-  
2 mediated.

3 (6) EXTENSION OF REVIEW.—The Secretary  
4 may extend the review period for an additional 90  
5 days if the Secretary determines that further time is  
6 needed to analyze the application. The Secretary  
7 may further extend the review period beyond the ex-  
8 tension provided in the preceding sentence if the  
9 Secretary determines that the Department of Com-  
10 mmerce needs more time to comply with applicable  
11 Federal law, provided that the Secretary's deter-  
12 mination states the specific actions the Department  
13 must undertake, together with deadlines for com-  
14 pleting such actions.

15 (d) PERMIT REQUIREMENTS.—

16 (1) IN GENERAL.—An offshore aquaculture per-  
17 mit holder shall be—

18 (A) a citizen or permanent resident of the  
19 United States; or

20 (B) a corporation, partnership, or other  
21 entity that—

22 (i) is organized and existing under the  
23 laws of a State or the United States; and

24 (ii) is not State-owned or majority-  
25 controlled by a State-owned enterprise.

(B) specify in each offshore aquaculture permit the duration, size, and location of the offshore aquaculture facility.

## 10 (e) DURATION.—

## 15 (2) EXCEPTIONS.—

16 (A) ENTERPRISE ZONE.—A permit issued  
17 for offshore aquaculture to be conducted in an  
18 enterprise zone as provided in section 202 shall  
19 have an initial 25-year duration.

20 (B) OUTER CONTINENTAL SHELF.—The  
21 Secretary shall develop the duration of an off-  
22 shore aquaculture permit subject to subsection  
23 (n)(1), in consultation with the Secretary of the  
24 Interior, except that the permit shall expire not  
25 later than the date that the lessee or the les-

1 see's operator submits, to the Secretary of the  
2 Interior, a final application for the decommis-  
3 sioning and removal of an existing facility upon  
4 which an offshore aquaculture facility is lo-  
5 cated.

6 (f) RENEWAL.—The Secretary may renew an offshore  
7 aquaculture permit that has not been revoked for an addi-  
8 tional 15- or 25-year period, as provided in subsection (e),  
9 before the end of the original permit's duration, if—

10 (1) the permit or amended permit complies with  
11 existing requirements;

12 (2) the permit holder has not been subject to  
13 sanctions under section 408 or committed a prohib-  
14 ited act under such section; and

15 (3) the permit has not been modified because of  
16 emergency considerations.

17 (g) REVOCATION.—The Secretary may, pursuant to  
18 regulations issued under this Act, revoke an offshore  
19 aquaculture permit, if—

20 (1) the permit holder commits a prohibited act  
21 under section 408;

22 (2) the permit holder fails to begin offshore  
23 aquaculture operations within 2 years from the date  
24 the required Federal permits are obtained; or

9 (h) EXPIRATION OR REVOCATION.—Not later than 1  
10 year after the expiration or revocation of an offshore aqua-  
11 culture permit, a permit holder shall—

16 (i) EMERGENCY DETERMINATION.—If the Secretary  
17 determines that an emergency exists that poses a signifi-  
18 cant risk to the safety of humans, to the marine environ-  
19 ment, to cultured species, to a marine species, or to the  
20 security of the United States and that requires suspen-  
21 sion, modification, or revocation of an offshore aqua-  
22 culture permit, the Secretary may suspend, modify, or re-  
23 voke the permit for such time as the Secretary determines  
24 is necessary to address the emergency. The Secretary shall  
25 afford the permit holder a prompt post-suspension, post-

1 modification, or post-revocation opportunity to be heard  
2 regarding the suspension, modification, or revocation.

3 (j) FEES.—

4 (1) ESTABLISHMENT.—

5 (A) IN GENERAL.—The Secretary may es-  
6 tablish, by regulation, application fees and an-  
7 nual offshore aquaculture permit fees under  
8 this section.

9 (B) DEPOSIT AND COLLECTION.—The fees  
10 described in subparagraph (A) shall be depos-  
11 ited as offsetting collections in the operations,  
12 research, and facilities account of the National  
13 Oceanic and Atmospheric Administration. Fees  
14 may be collected and made available to the ex-  
15 tent provided in advance in appropriation Acts.

16 (C) SETTING OF FEES.—The fees de-  
17 scribed in subparagraph (A) shall—

18 (i) be set as an amount such that the  
19 total revenue from such fees does not ex-  
20 ceed the amount required to cover the  
21 costs of management, data collection, anal-  
22 ysis, inspection, and enforcement activities  
23 related to permits under this section; and

1 (ii) provide adequate resources to  
2 cover the costs of the inspections required  
3 under section 302(f).

14 (A) any unpaid fees;  
15 (B) the cost of removing an offshore aqua-  
16 culture facility at the expiration or revocation of  
17 an offshore aquaculture permit;

18 (C) the cost of site remediation for impacts  
19 arising from activities; or

20 (D) any other financial risks identified by  
21 the Secretary.

22 (k) MAGNUSON-STEVENS FISHERY CONSERVATION  
23 AND MANAGEMENT ACT.—Beginning on the effective date  
24 of the final regulations promulgated under section 404,  
25 the conduct of offshore aquaculture that is in accordance

1 with an offshore aquaculture permit issued under this sec-  
2 tion shall not be considered fishing for purposes of the  
3 Magnuson-Stevens Fishery Conservation and Manage-  
4 ment Act (16 U.S.C. 1801 et seq.).

5 (l) COMPATIBILITY WITH OTHER USES.—Each Fed-  
6 eral agency implementing this section, person subject to  
7 this section, and coastal State seeking to review a permit  
8 application under this section shall comply with the appli-  
9 cable provisions of the Coastal Zone Management Act of  
10 1972 (16 U.S.C. 1451 et seq.), including regulations pro-  
11 mulgated to carry out such Act.

12 (m) STATUTORY CONSTRUCTION.—An offshore aqua-  
13 culture permit issued under this section shall not super-  
14 sede or substitute for any other authorization required  
15 under Federal or State laws.

16 (n) ACTIONS AFFECTING THE OUTER CONTINENTAL  
17 SHELF.—

18 (1) NOTIFICATION OF SECRETARY OF THE IN-  
19 TERIOR.—The Secretary shall notify the Secretary  
20 of the Interior for each application for an offshore  
21 aquaculture permit that is located on the outer con-  
22 tinental shelf.

23 (2) PRIOR CONSENT REQUIRED.—An offshore  
24 aquaculture facility may not be located on a lease,  
25 right-of-use and easement, or right of way author-

1       ized or permitted under the Outer Continental Shelf  
2       Lands Act (43 U.S.C. 1331 et seq.) without the  
3       prior consent of any lessee and other owner of oper-  
4       ating interest.

5                   (3) COMPLIANCE REVIEW.—The Secretary of  
6       the Interior shall review each agreement between a  
7       prospective offshore aquaculture operator and a les-  
8       see. The Secretary of the Interior shall approve such  
9       agreement if it is consistent with the Federal lease  
10      terms, Department of the Interior regulations, and  
11      the Secretary of the Interior’s role in the protection  
12      of the marine environment, property, and human life  
13      or health. An agreement under this subsection  
14      shall—

15                   (A) be part of the information reviewed  
16       under paragraph (4); and

17                   (B) not be subject to a separate Coastal  
18       Zone Management Act of 1972 (16 U.S.C.  
19       1451 et seq.) review.

20                   (4) COORDINATED COASTAL ZONE MANAGE-  
21       MENT ACT REVIEW.—

22                   (A) STATE REVIEW.—

23                   (i) IN GENERAL.—A coastal State’s  
24       review under the Coastal Zone Manage-  
25       ment Act of 1972 (16 U.S.C. 1451 et seq.)

1 shall include any modification or change to  
2 a lessee's approved plan that results from,  
3 or is necessary for, the issuance of an off-  
4 shore aquaculture permit if the State si-  
5 multaneously receives—

6 (I) the information related to the  
7 modification or change; and

8 (II) the offshore aquaculture per-  
9 mit applicant's consistency certifi-  
10 cation.

11 (ii) SIMULTANEOUS RECEIPT.—If the  
12 coastal State simultaneously receives the  
13 information related to a modification or  
14 change to a lessee's approved plan and the  
15 offshore aquaculture permit applicant's  
16 consistency certification, then—

17 (I) a lessee shall not be required  
18 to submit a separate consistency cer-  
19 tification for the modification or  
20 change under section 307(c)(3)(B) of  
21 the Coastal Zone Management Act of  
22 1972 (16 U.S.C. 1456(c)(3)(B)); and

23 (II) the coastal State's concur-  
24 rence (or presumed concurrence) or  
25 objection to the consistency certifi-

1 cation for the offshore aquaculture  
2 permit under section 307(c)(3)(A) of  
3 such Act shall apply both—

4 (aa) to the offshore aqua-  
5 culture permit; and

6 (bb) to any related modifica-  
7 tion or change to a lessee's plan  
8 approved under the Outer Conti-  
9 nental Shelf Lands Act (43  
10 U.S.C. 1331 et seq.).

11 (B) STATE REVIEW UNDER SECTION  
12 307(c)(3)(B) OF THE COASTAL ZONE MANAGE-  
13 MENT ACT OF 1972.—To the extent that a  
14 coastal State is not authorized by section  
15 307(c)(3)(A) of the Coastal Zone Management  
16 Act of 1972 (16 U.S.C. 1456(c)(3)(A)) to re-  
17 view an offshore aquaculture permit application  
18 submitted under this Act, then a modification  
19 or change to a lessee's approved plan shall be  
20 subject to coastal State review under section  
21 307(c)(3)(B) of such Act if a consistency cer-  
22 tification for the modification or change is re-  
23 quired under applicable Federal regulations.

24 (C) DEFINITIONS.—In this paragraph:

12 (I) will locate the proposed facil-  
13 ity in an area that would require con-  
14 sent from the lessee as described in  
15 paragraph (2); and

16 (II) is required to submit a con-  
17 sistency certification for its aqua-  
18 culture application under section  
19 307(c)(3)(A) of the Coastal Zone  
20 Management Act of 1972 (16 U.S.C.  
21 1456(c)(3)(A)) to the coastal State.

22 (iii) OFFSHORE AQUACULTURE PER-  
23 MIT APPLICATION.—The term “offshore  
24 aquaculture permit application” means an  
25 application for an offshore aquaculture

1                   permit under this section that will locate  
2                   the proposed facility in an area that would  
3                   require consent from the lessee as de-  
4                   scribed in paragraph (2).

(5) JOINT AND SEVERAL LIABILITY.—For offshore aquaculture located on a facility described under this subsection, a permit holder and each party that is or was a lessee of the lease on which the facility is located during the term of the offshore aquaculture permit shall be jointly and severally liable for the removal of any construction or modification related to the offshore aquaculture operations if a bond or other form of financial guarantee under subsection (j)(3) for aquaculture operations is insufficient to cover those obligations. This paragraph shall not affect any obligation to decommission the facility under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

19 (6) ADDITIONAL AUTHORITY.—

20 (A) IN GENERAL.—The Secretary of the  
21 Interior may, to carry out this subsection—

22 (i) promulgate rules and regulations  
23 as necessary and appropriate;  
24 (ii) require and enforce any additional  
25 terms or conditions that the Secretary of

1 the Interior considers necessary to ensure  
2 the compatibility of aquaculture operations  
3 with activities for which permits, author-  
4 izations, leases, negotiated agreements,  
5 right-of-way, or right-of-use and easement  
6 were issued under the Outer Continental  
7 Shelf Lands Act (43 U.S.C. 1331 et seq.);

14 (iv) require and enforce any additional  
15 terms or conditions that the Secretary of  
16 the Interior considers necessary—

17 (I) to protect the marine environ-  
18 ment, property, or human life or  
19 health; and

20 (II) to ensure the compatibility of  
21 aquaculture operations with activities  
22 for which permits were issued under  
23 the Outer Continental Shelf Lands  
24 Act (43 U.S.C. 1331 et seq.); and

1 (v) enforce all requirements contained  
2 in the regulations, lease terms and condi-  
3 tions, and orders under the Outer Conti-  
4 nental Shelf Lands Act (43 U.S.C. 1331 et  
5 seq.).

6 (B) INTERPRETATION.—Failure to comply  
7 with any order issued under subparagraph  
8 (A)(iii) shall constitute a violation of the Outer  
9 Continental Shelf Lands Act (43 U.S.C. 1331  
10 et seq.).

11 (o) ASSURANCE OF ANIMAL HEALTH.—

12 (1) IN GENERAL.—Nothing in this section shall  
13 affect the authority of the Secretary of Agriculture  
14 to—

15 (A) carry out the Animal Health Protec-  
16 tion Act (7 U.S.C. 8301 et seq.) with respect to  
17 cultured species in the exclusive economic zone;  
18 or

19 (B) operate as the lead Federal agency for  
20 providing animal health oversight for cultured  
21 species in the exclusive economic zone.

22 (2) CRITERIA FOR PRACTICING VETERINARY  
23 MEDICINE IN WATERS OUTSIDE STATE JURISDI-  
24 TION.—A veterinarian may practice veterinary medi-

1       cine in waters outside State jurisdiction if the veteri-  
2       narian—

3                   (A) is licensed and in good standing to  
4                   practice veterinary medicine in any State;

5                   (B) holds a category II veterinary accredi-  
6                   tation from the Animal and Plant Health In-  
7                   spection Service that includes completion of  
8                   aquatic animal health modules of the Animal  
9                   and Plant Health Inspection Service; and

10                  (C) has a valid veterinarian client-patient  
11                  relationship with the facility in which he or she  
12                  is practicing veterinary medicine.

13        (p) EXISTING PERMITS AND APPLICATIONS.—

14                  (1) IN GENERAL.—Beginning on the date of en-  
15                  actment, any new permit issued shall be in accord-  
16                  ance with the permit authority created by this Act.

17                  (2) PREEXISTING PERMITS.—Permits in effect  
18                  prior to the date of enactment shall remain in effect  
19                  under the permit authority created by this Act.

20                  (3) PRIORITIZATION OF ACTIVE APPLICA-  
21                  TIONS.—A permit application submitted prior to the  
22                  date of enactment shall be eligible for priority proc-  
23                  essing under the application authority created by  
24                  this Act.

1 **SEC. 202. ENTERPRISE ZONES.**

## 2 (a) IN GENERAL.—

3 (1) DEVELOPMENT.—The Secretary shall de-  
4 velop, consistent with this section, enterprise zones  
5 for sustainable offshore aquaculture.

6 (2) CONSULTATION WITH STATES AND TERRI-  
7 TORIES.—The Secretary shall provide notice to the  
8 Governor of every State or territory in the fisheries  
9 management region under the Magnuson-Stevens  
10 Fishery Conservation and Management Act (16  
11 U.S.C. 1801 et seq.), regarding proposed enterprise  
12 zone locations. When the proposed site is within 100  
13 miles of another such fisheries management region,  
14 the Secretary shall provide the same notice to the  
15 Governor of every State and territory in that region.  
16 Governors may submit comments to the Secretary,  
17 and the Secretary shall consult with interested Gov-  
18 ernors in the development of enterprise zones under  
19 this section.

20 (3) REGIONAL SITING WORKSHOPS.—The Sec-  
21 retary shall, in each geographical region covered by  
22 a Regional Fishery Management Council under the  
23 Magnuson-Stevens Fishery Conservation and Man-  
24 agement Act (16 U.S.C. 1801 et seq.), conduct in-  
25 formal workshops as necessary or advisable to solicit

1 public feedback on potential sites for enterprise  
2 zones for sustainable offshore aquaculture.

1       offshore aquaculture, in accordance with the fol-  
2       lowing:

3 (A) Such programmatic environmental im-  
4 pact statements need not cover the entirety of  
5 the exclusive economic zone, but the Secretary  
6 shall attempt to provide coverage in each area  
7 of the exclusive economic zone, including the  
8 East Coast, Gulf Coast, West Coast, and other  
9 areas of the Atlantic and Pacific in the jurisdic-  
10 tion of the United States.

11 (B) Nothing in this section shall be con-  
12 strued to change, alter, or supersede the re-  
13 quirements of the National Environmental Pol-  
14 icy Act of 1969 (42 U.S.C. 4321 et seq.).

15 (b) SPATIAL DATA.—To support the implementation  
16 of subsection (a), the National Oceanic and Atmospheric  
17 Administration shall collect and curate spatial data rel-  
18 evant to aquaculture, and make such data publicly avail-  
19 able.

20 (c) EFFECTS OF DESIGNATION.—The enterprise  
21 zones established under this section shall—

22 (1) offer a streamlined path forward for permit-  
23 ting aquaculture facilities;

## 6 TITLE III—REFINEMENTS

7 SEC. 301. PROTECTION OF OFFSHORE AQUACULTURE FA-  
8 CILITIES.

9 (a) IN GENERAL.—The Secretary may promulgate  
10 regulations that the Secretary determines are reasonable  
11 and necessary to protect an offshore aquaculture facility.  
12 When appropriate, the Secretary shall request the Sec-  
13 retary of the department in which the Coast Guard is op-  
14 erating to establish a navigational safety zone around an  
15 offshore aquaculture facility.

16 (b) NAVIGATIONAL SAFETY ZONE.—The Secretary of  
17 the department in which the Coast Guard is operating—

18 (1) shall consult with the Secretary of the Inter-  
19 rior before designating a navigational safety zone  
20 around an offshore aquaculture facility;

3 (c) LIMITATIONS.—No installation, structure, or use  
4 will be allowed in a navigational safety zone that is incom-  
5 patible with the operation of the offshore aquaculture fa-  
6 cility.

## 7 SEC. 302. RECORDKEEPING AND ACCESS TO INFORMATION.

8           (a) REGULATIONS.—The Secretary, after consulta-  
9 tion with other interested Federal departments and agen-  
10 cies, shall prescribe by regulation—

11 (1) the records that an offshore aquaculture  
12 permit holder is required to establish and maintain;

13 (2) the reports that an offshore aquaculture  
14 permit holder is required to make;

15 (3) the information that an offshore aqua-  
16 culture permit holder is required to provide, which  
17 shall include—

18 (A) data regarding escape events;

19 (B) the prevalence of disease in the off-  
20 shore aquaculture facility, including a descrip-  
21 tion of veterinary services provided for treat-  
22 ment; and

23 (C) other information, as the Secretary  
24 may require; and

4 (b) REGULATORY CONSISTENCY.—The regulations  
5 under subsection (a) may not amend, contradict, or dupli-  
6 cate regulations under any other Federal law.

7 (c) RECORDKEEPING.—An offshore aquaculture per-  
8 mit holder shall—

14 (d) PUBLIC ACCESS.—The Secretary shall make re-  
15 ports and other information received under this Act avail-  
16 able to the public unless the Secretary determines it is  
17 necessary to withhold disclosure to protect confidential  
18 business information and sensitive personal information.  
19 The Secretary shall establish procedures to protect con-  
20 fidential business information and sensitive personal infor-  
21 mation from being disclosed.

22 (e) GOVERNMENT ACCESS.—Any Federal Govern-  
23 ment official with an official responsibility for imple-  
24 menting and enforcing Federal law applicable to maritime  
25 fishing, shipping, or conservation, shall have reasonable

1 access, at all times, to an offshore aquaculture facility for  
2 which a permit is issued under this Act for the purpose  
3 of enforcing the Federal law under the official's jurisdic-  
4 tion or otherwise carrying out the official's responsibilities.  
5 Such an official may inspect, at reasonable times, records,  
6 files, papers, permits, processes, controls, and the offshore  
7 aquaculture facility and may test any feature of the off-  
8 shore aquaculture facility. Each inspection shall be con-  
9 ducted with reasonable promptness. The permit holder  
10 shall receive timely notification, in writing, of the results  
11 of the inspection.

12 (f) INSPECTION.—

13 (1) FREQUENCY.—The Secretary shall con-  
14 duct—

15 (A) an annual inspection of offshore aqua-  
16 culture facilities for which a permit is issued  
17 under this Act for the first 5 years after  
18 issuance of the permit; and

19 (B) a biennial inspection of such facilities  
20 thereafter.

21 (2) NOTICE.—The Secretary shall provide rea-  
22 sonable notice prior to site inspections at offshore  
23 aquaculture facilities pursuant to paragraph (1).

24 (3) FACILITIES LOCATED ON THE OUTER CON-  
25 TINENTAL SHELF.—The Secretary of the Interior, or

1 a designee of such Secretary, is authorized with in-  
2 spection authority under this section for offshore  
3 aquaculture facilities located on the outer conti-  
4 nental shelf.

5 **SEC. 303. MARINE FEED STANDARDS.**

6 The Secretary shall require that any fisheries-derived  
7 marine feed ingredients (both first use and trimmings)  
8 used at offshore aquaculture facilities in the exclusive eco-  
9 nomic zone—

10 (1) are sourced from a sustainably managed  
11 fishery;

12 (2) employ traceability sufficient to credibly  
13 demonstrate the ingredients were sourced from a  
14 sustainably managed fishery; and

15 (3) are sourced from fisheries located in coun-  
16 tries without a Tier 3 or Tier 2 Watch List rating  
17 as determined by the latest State Department Traf-  
18 ficking in Persons Report, and not from vessels de-  
19 termined by Customs and Border Protection to be  
20 engaged in forced labor.

21 **TITLE IV—ADMINISTRATIVE  
22 PROVISIONS**

23 **SEC. 401. OFFICE OF OFFSHORE AQUACULTURE.**

24 (a) OFFICE OF OFFSHORE AQUACULTURE, HEAD-  
25 QUARTERS.—The Secretary shall establish and provide re-

1 sources for an Office of Offshore Aquaculture within the  
2 National Marine Fisheries Service at the National Oceanic  
3 and Atmospheric Administration headquarters.

4 (b) OFFICE OF OFFSHORE AQUACULTURE, REGIONAL PRESENCE.—The Secretary shall establish and  
5 provide resources for the Office of Offshore Aquaculture  
6 to have a presence in each of the regional fisheries offices  
7 of the National Oceanic and Atmospheric Administration.  
8 Such presence shall, at a minimum, be sufficient to fulfill  
9 the duties under subsection (c), but may be increased to  
10 the extent warranted by the activity and interest of aqua-  
11 culture stakeholders in the region.

13 (c) DUTIES.—The Office of Offshore Aquaculture  
14 shall—

15 (1) implement this Act;  
16 (2) coordinate regulatory, scientific, outreach,  
17 and international issues related to aquaculture within  
18 the National Oceanic and Atmospheric Adminis-  
19 tration;  
20 (3) coordinate offshore aquaculture outreach,  
21 education, extension services, and training efforts  
22 with the lead Federal agency, the Department of Ag-  
23 riculture, with respect to national aquaculture infor-  
24 mation; and

6 (d) OFFSHORE AQUACULTURE SUBCOMMITTEE.—  
7 The Marine Fisheries Advisory Committee shall designate  
8 the “Offshore Aquaculture Subcommittee” as a perma-  
9 nent, standing subcommittee to serve as an external board  
10 to advise the Secretary on aquaculture. The Offshore  
11 Aquaculture Subcommittee shall coordinate with the Na-  
12 tional Sea Grant Advisory Board, as appropriate.

13 (e) COORDINATION.—The Office of Offshore Aquaculture shall coordinate its activities with the Offshore Aquaculture Subcommittee.

16 (f) BUDGET PRESENTATION.—The National Oceanic  
17 and Atmospheric Administration shall transmit its budget  
18 request for the Office of Aquaculture as a separate line  
19 with the National Marine Fisheries Service.

## 20 SEC. 402. DOMESTIC AQUACULTURE PRODUCTION.

21 (a) IN GENERAL.—The Secretary of Agriculture shall  
22 support the development of sustainable aquaculture, con-  
23 sistent with this Act and other applicable Federal law.

24 (b) MARKETING AND PROMOTION GRANTS.—The  
25 Secretary of Agriculture shall, in consultation with indus-

1 try and the Department of Commerce, establish and ad-  
2 minister a grant program to support the sale of cultured  
3 species domestically and internationally.

4 (c) WORKFORCE DEVELOPMENT.—The Secretary of  
5 Agriculture shall, in consultation with industry and aca-  
6 demic institutions, develop and manage a grant program  
7 to support the education and training of individuals with  
8 the skills needed to manage and operate aquaculture facili-  
9 ties.

10 (d) REGIONAL OFFSHORE AQUACULTURE EXPER-  
11 TISE NETWORKS.—The Secretary shall organize through  
12 each regional fisheries office of the National Oceanic and  
13 Atmospheric Administration a network of regional experts  
14 and Federal agency contacts, in coordination with relevant  
15 organizations (including the National Sea Grant College  
16 Program under the National Sea Grant College Program  
17 Act (33 U.S.C. 1121 et seq.), the Department of Agri-  
18 culture Regional Aquaculture Centers, land-grant univer-  
19 sities, and the Cooperative Extension System of the De-  
20 partment of Agriculture) to provide technical expertise  
21 and extension services on offshore aquaculture and infor-  
22 mation on Federal permit requirements.

23 (e) AQUACULTURE DATABASE.—

24 (1) ESTABLISHMENT AND MAINTENANCE.—The  
25 Secretary of Agriculture shall establish and maintain

1 an aquaculture database. The aquaculture database  
2 shall include information on research, technologies,  
3 monitoring techniques, best practices, and advisory  
4 board recommendations.

5 (2) PRIVACY AND CONFIDENTIALITY.—The Sec-  
6 retary shall make the aquaculture database available  
7 in a manner that safeguards confidential business  
8 information and guarantees respondents to informa-  
9 tion requests that individual information will be kept  
10 confidential. The inclusion of information in the  
11 database under this subsection shall not be consid-  
12 ered to be publication for purposes of subsection (a)  
13 or (b) of section 102 of title 35, United States Code.

14 (3) EXISTING DATA SOURCES.—In carrying out  
15 this subsection, the Secretary of Agriculture shall  
16 utilize preexisting data sources, including informa-  
17 tion obtained by the National Agricultural Statistics  
18 Service, and information services described under  
19 section (5)(c) of the National Aquaculture Act of  
20 1980 (16 U.S.C. 2804(c)).

21 **SEC. 403. OUTREACH AND EDUCATION FOR OFFSHORE**  
22 **AQUACULTURE.**

23 The Secretary, in coordination with the Secretary of  
24 the Department of Agriculture, shall conduct outreach on  
25 sustainable offshore aquaculture to promote under-

1 standing, science-based decision making, and commercial  
2 adoption. The Secretary, and Secretary of Agriculture,  
3 shall use appropriate means to engage—  
4 (1) the general public;  
5 (2) community leaders;  
6 (3) governmental officials;  
7 (4) the business community;  
8 (5) the academic community; and  
9 (6) the nonprofit sector.

10 **SEC. 404. ADMINISTRATION.**

11 (a) REGULATIONS.—The Secretary—  
12 (1) shall initiate a rulemaking process, not later  
13 than 1 year after the date of enactment of this Act,  
14 after consulting with relevant Federal agencies,  
15 coastal States, Indian Tribal governments within the  
16 meaning of such term in Executive Order 13175 (65  
17 Fed. Reg. 67249), the Commonwealth of Puerto  
18 Rico, American Samoa, the United States Virgin Is-  
19 lands, Guam, the Commonwealth of the Northern  
20 Mariana Islands, and Regional Fishery Management  
21 Councils as established under section 302 of the  
22 Magnuson-Stevens Fishery Conservation and Man-  
23 agement Act (16 U.S.C. 1852), to implement this  
24 Act, including—

(A) procedures to issue, modify, deny, revoke, or suspend an offshore aquaculture permit in accordance with this Act;

(B) procedures to coordinate the offshore aquaculture permitting process, with similar or complementary activities administered by other Federal agencies, Tribal governments, and coastal States;

(C) procedures to monitor and evaluate permit compliance to verify and confirm compliance with the requirements of this Act;

(D) procedures to transfer an offshore aquaculture permit from an original permit holder to a person that meets the requirements under section 201;

(E) procedures to minimize, as much as practicable, conflicts with existing uses in the exclusive economic zone;

(F) procedures to consider public-private partnerships; and

(G) standards for determining what types of feed may be employed in an offshore aquaculture facility in accordance with the requirements of section 303;

9       (b) AGREEMENTS.—The Secretary may enter into  
10 and perform such contracts, leases, or cooperative agree-  
11 ments, and make and receive such grants or funds, as may  
12 be necessary to carry out this Act.

13 (c) USE OF CONTRIBUTED GOVERNMENTAL RE-  
14 SOURCES.—For enforcement under this Act, the Secretary  
15 may use, with consent and with or without reimbursement,  
16 the land, services, equipment, personnel, and facilities of—

17 (1) any department, agency, or instrumentality  
18 of the United States;

19 (2) any State, local government, Indian Tribal  
20 government, Territory, or possession (or any polit-  
21 ical subdivision thereof);

22 (3) any foreign government; or

23 (4) international organization.

24 (d) AUTHORITY TO USE GRANT FUNDS.—

22 (e) RESERVATION OF AUTHORITY.—Nothing in this  
23 Act shall be construed to displace, supersede, or limit the  
24 jurisdiction, responsibilities, or rights of any Federal or

1 State agency, or Indian Tribe or Alaska Native organiza-  
2 tion, under any Federal law or treaty.

3 **SEC. 405. REPORT.**

4 (a) REPORT.—Not later than 5 years after the date  
5 of enactment of this Act, the Secretary shall issue a report  
6 to the Chairman and Ranking Member of the Committee  
7 on Commerce, Science, and Transportation and Com-  
8 mittee on Agriculture, Nutrition, and Forestry of the Sen-  
9 ate and the Committee on Natural Resources and Com-  
10 mittee of Agriculture of the House of Representatives re-  
11 garding implementation of this Act. The report shall in-  
12 clude—

13 (1) the number of offshore aquaculture permits  
14 applied for, granted, denied, and retired, together  
15 with a brief description of the circumstances of each;

16 (2) any and all enforcement actions undertaken,  
17 and the disposition of each;

18 (3) the number of enterprise zones established  
19 under section 202, together with a brief description  
20 of the circumstances of each;

21 (4) results from any grants awarded under this  
22 Act;

23 (5) the Secretary's assessment of the state of  
24 aquaculture and offshore aquaculture in the United  
25 States;

4 (7) the Secretary's recommendations to improve  
5 United States aquaculture and offshore aquaculture.

6 (b) DETERMINATION REGARDING PERMITS.—In ad-  
7 dition to the requirements of subsection (a), the Secretary  
8 may make the following determinations regarding permit  
9 terms for offshore aquaculture:

10 (1) The effect of shortening or lengthening per-  
11 mit terms on the risk of harm to the environment.

12 (2) The effect of shortening or lengthening per-  
13 mit terms on industry's access to capital markets.

14 (3) Whether a change to the permit terms es-  
15 tablished in this Act is warranted.

## 16 SEC. 406. EXTENSION OF PERMIT TERMS.

17       Upon a determination by the Secretary that a change  
18 to permit terms established under this Act is warranted,  
19 the Secretary is authorized to extend the terms of offshore  
20 aquaculture permits as follows:

5 SEC. 407. INTERAGENCY COORDINATION OF OFFSHORE  
6 AQUACULTURE.

7 (a) IN GENERAL.—The Secretary of Commerce shall  
8 coordinate with the Department of the Interior, the De-  
9 partment of Agriculture, the Environmental Protection  
10 Agency, the Army Corps of Engineers, and the depart-  
11 ment in which the U.S. Coast Guard is operating to sim-  
12 plify the Federal regulatory regime for sustainable off-  
13 shore aquaculture and safeguarding the marine environ-  
14 ment, wild fish stocks, and coastal communities. The Sec-  
15 retaries of the Interior, Agriculture, and the department  
16 in which the U.S. Coast Guard is operating, the Adminis-  
17 trator of the Environmental Protection Agency, and the  
18 Chief of Engineers shall cooperate with the Secretary of  
19 Commerce to implement this section.

20 (b) UNIFIED PERMITTING AND REVIEW PROCESS.—

1       Agency, and the Chief of Engineers shall, through  
2       the Secretary of Commerce, initiate a rulemaking for  
3       a unified permit application, public notice, public  
4       comment, and Federal agency comment period for  
5       all permits administered by such agency heads relat-  
6       ing to offshore aquaculture.

7                   (2) OUTREACH.—The Secretary of Commerce,  
8       through the National Oceanic and Atmospheric Ad-  
9       ministration, shall serve as the lead Federal agency  
10      for purposes of providing information on Federal  
11      permitting requirements for aquaculture in Federal  
12      waters.

13                   (3) INFORMAL REVIEW AND COMPATIBILITY  
14       ANALYSIS.—The Secretary of Commerce, acting  
15       through the National Oceanic and Atmospheric Ad-  
16       ministration, shall convene representatives of the  
17       Department of the Interior, the Department of Agri-  
18       culture, the Environmental Protection Agency, the  
19       Army Corps of Engineers, and the Department in  
20       which the U.S. Coast Guard is operating to provide  
21       prospective permit applicants an opportunity for in-  
22       formal consultation with Federal agencies. The Sec-  
23       retary of Commerce may invite representatives from  
24       other Federal agencies as necessary or advisable.  
25       Nothing in this subsection shall preclude an appli-

1       cant or a prospective applicant from contacting Fed-  
2       eral agencies directly.

3 (4) ENVIRONMENTAL ANALYSIS.—To the extent  
4 allowable under the National Environmental Policy  
5 Act of 1969 (42 U.S.C. 4321 et seq.), any environ-  
6 mental analysis or environmental impact statement  
7 required under such Act for offshore aquaculture ac-  
8 tivities shall be conducted through a single, consoli-  
9 dated environmental review and the National Oce-  
10 anic and Atmospheric Administration, through the  
11 Office of Aquaculture and associated divisions, shall  
12 serve as the lead Federal agency.

20 SEC. 408. PROHIBITED ACTS.

21 It is unlawful for any person—

22 (1) to violate any provision of this Act or any  
23 regulation or permit issued pursuant to this Act;

1 with section 408) to access an offshore aquaculture  
2 facility, associated onshore facility, vessel, or other  
3 conveyance, subject to such person's control, for pur-  
4 poses of conducting any search or inspection in con-  
5 nection with the enforcement of this Act;

6 (3) to assault, resist, oppose, impede, intimi-  
7 date, or interfere with any such authorized officer in  
8 the conduct of any search or inspection described in  
9 paragraph (2);

10 (4) to resist a lawful arrest for any act prohib-  
11 ited by this section;

12 (5) to ship, transport, offer for sale, sell, pur-  
13 chase, import, export, or have custody, control, or  
14 possession of, any fish produced, taken, retained, or  
15 possessed in violation of this Act;

16 (6) to interfere with, delay, or prevent, by any  
17 means, the apprehension or arrest of another person,  
18 knowing that such other person has committed any  
19 act prohibited by this section;

20 (7) to make or submit to the Secretary or the  
21 Governor of a State false information regarding any  
22 matter that the Secretary or Governor is considering  
23 in the course of carrying out this Act; or

## 10 SEC. 409. ENFORCEMENT.

11 (a) RESPONSIBILITY.—The provisions of this Act  
12 shall be enforced by the Secretary and the Secretary of  
13 the department in which the Coast Guard is operating.  
14 In enforcing this Act, such Secretaries may by agreement  
15 utilize, on a reimbursable or nonreimbursable basis, the  
16 personnel, services, equipment (including aircraft and ves-  
17 sels), and facilities of any other Federal agency, including  
18 all elements of the Department of Defense, or of any State  
19 agency. Such Secretaries shall, and the head of any Fed-  
20 eral or State agency that has entered into an agreement  
21 with either such Secretary under this section may (if the  
22 agreement so provides), authorize officers to enforce the  
23 provisions of this Act or any regulation promulgated under  
24 this Act.

1       (b) POWERS OF AUTHORIZED OFFICERS.—Any offi-  
2 cer who is authorized under subsection (a) to enforce the  
3 provisions of this Act may, with or without a warrant or  
4 other process, as authorized by law—

5               (1) arrest any person, if the officer has reason-  
6 able cause to believe that such person has committed  
7 an act prohibited by section 408;

8               (2) board, search or inspect, any offshore aqua-  
9 culture facility, associated onshore facility, vessel, or  
10 other conveyance (including its gear, furniture, ap-  
11 purtenances, stores, records, and cargo) which is  
12 subject to the provisions of this Act;

13               (3) seize any vessel, or other conveyance (to-  
14 gether with its gear, furniture, appurtenances,  
15 stores, records, and cargo) used or employed in, or  
16 with respect to which it reasonably appears that  
17 such vessel was used or employed in, the violation of  
18 any provision of this Act;

19               (4) seize any fish (wherever found) taken, pro-  
20 duced, imported, exported, transported, sold, re-  
21 ceived, acquired, or purchased in any manner, in  
22 connection with or as a result of the violation of any  
23 provision of this Act;

24               (5) seize any evidence related to any violation  
25 of any provision of this Act;

(6) detain any fish or fish product to determine compliance with this Act;

1 issued pursuant to this Act for such facility or conveyance,  
2 such officer shall note the issuance of any citation under  
3 this subsection, including the date thereof and the reason  
4 therefor, on the permit. The Secretary shall maintain a  
5 record of all citations issued pursuant to this subsection.

6 (d) SUBPOENAS.—For the purposes of conducting  
7 any investigation or hearing under this Act, or any other  
8 marine resource law enforced by the Secretary, the Sec-  
9 retary may issue subpoenas for the attendance and testi-  
10 mony of witnesses and the production of relevant papers,  
11 photographs, records, books, and documents in any form,  
12 including those in electronic, optical or magnetic form, and  
13 may administer oaths. Witnesses summoned shall be paid  
14 the same fees and mileage that are paid to witnesses in  
15 the courts of the United States. In case of contempt or  
16 refusal to obey a subpoena served upon any person pursu-  
17 ant to this subsection, the district court of the United  
18 States for any district in which such person is found, re-  
19 sides, or transacts business, upon application by the  
20 United States and after notice to such person, shall have  
21 jurisdiction to issue an order requiring such person to ap-  
22 pear and give testimony before the Secretary or to appear  
23 and produce documents before the Secretary, or both, and  
24 any failure to obey such order of the court may be pun-  
25 ished by such court as a contempt thereof.

1       (e) DISTRICT COURT JURISDICTION.—The several  
2 district courts of the United States shall have jurisdiction  
3 over any actions arising under this Act. For purposes of  
4 this section, for Hawaii or any possession of the United  
5 States in the Pacific Ocean, the appropriate court is the  
6 United States District Court for the District of Hawaii,  
7 except that in the case of Guam and Wake Island, the  
8 appropriate court is the United States District Court for  
9 the District of Guam, and in the case of the Northern  
10 Mariana Islands, the appropriate court is the United  
11 States District Court for the District of the Northern  
12 Mariana Islands. Each violation shall be a separate of-  
13 fense and the offense shall be deemed to have been com-  
14 mitted not only in the district where the violation first oc-  
15 curred, but also in any other district as authorized by law.  
16 Any offenses not committed in any district are subject to  
17 the venue provisions of section 3238 of title 18, United  
18 States Code.

19       (f) CIVIL ENFORCEMENT.—

20           (1) CIVIL ADMINISTRATIVE PENALTIES.—

21               (A) IN GENERAL.—Any person who is  
22 found by the Secretary, after notice and oppor-  
23 tunity for a hearing in accordance with section  
24 554 of title 5, United States Code, to have com-  
25 mitted an act prohibited by section 408 shall be

1 liable to the United States for a civil penalty.  
2 The amount of the civil penalty shall not exceed  
3 the amount specified in section 308(a) of the  
4 Magnuson-Stevens Fishery Conservation and  
5 Management Act (16 U.S.C. 1858(a)) for each  
6 violation. Each day of a continuing violation  
7 shall constitute a separate offense. The amount  
8 of such civil penalty shall be assessed by the  
9 Secretary, by written notice. In determining the  
10 amount of such penalty, the Secretary shall  
11 take into account the nature, circumstances, ex-  
12 tent, and gravity of the prohibited acts com-  
13 mitted and, with respect to the violator, the de-  
14 gree of culpability, any history of prior offenses,  
15 and such other matters as justice may require.  
16 In assessing such penalty the Secretary may  
17 also consider any information provided by the  
18 violator relating to the ability of the violator to  
19 pay, provided that the information is served on  
20 the Secretary at least 30 days prior to an ad-  
21 ministrative hearing.

22 (B) COMPROMISE OR OTHER ACTION BY  
23 SECRETARY.—The Secretary may compromise,  
24 modify, or remit, with or without conditions,  
25 any civil administrative penalty which is or may

1           be imposed under this subsection and that has  
2           not been referred to the Attorney General for  
3           further enforcement action.

4           (2) IN REM JURISDICTION.—An offshore aqua-  
5           culture facility, associated onshore facility, vessel, or  
6           other conveyance (including its gear, furniture, ap-  
7           purtenances, stores, records, and cargo) used in the  
8           commission of an act prohibited by section 408 shall  
9           be liable in rem for any civil penalty assessed for  
10           such violation under this section and may be pro-  
11           ceeded against in any district court of the United  
12           States having jurisdiction thereof.

13           (3) COLLECTION OF ADMINISTRATIVE PEN-  
14           ALTIES.—If any person fails to pay an assessment  
15           of a civil penalty under paragraph (1) after it has  
16           become a final and unappealable order, the Sec-  
17           retary shall refer the matter to the Attorney Gen-  
18           eral, who shall recover the amount assessed (plus in-  
19           terest at current prevailing rates from the date of  
20           the final order) in any appropriate district court of  
21           the United States. In such action, the validity and  
22           appropriateness of the final order imposing the civil  
23           penalty shall not be subject to review. Any person  
24           who fails to pay, on a timely basis, the amount of  
25           an assessment of a civil penalty shall be required to

1 pay, in addition to such amount and interest, attorney-  
2 ney's fees and costs for collection proceedings and a  
3 quarterly nonpayment penalty for each quarter dur-  
4 ing which such failure to pay persists. Such non-  
5 payment penalty shall be in an amount equal to 20  
6 percent of the aggregate amount of such person's  
7 penalties and nonpayment penalties that are unpaid  
8 as of the beginning of such quarter.

9 (4) PERMIT SANCTIONS.—

10 (A) IN GENERAL.—With respect to any  
11 case in which an offshore aquaculture facility,  
12 associated onshore facility, vessel, or other con-  
13 veysance was used in the commission of an act  
14 prohibited under section 408, the owner or op-  
15 erator of an offshore aquaculture facility, asso-  
16 ciated onshore facility, vessel, or other convey-  
17 ance (or any other person who has been issued  
18 or has applied for a permit under this Act), has  
19 acted in violation of section 408, or any civil  
20 penalty, criminal fine, or amount in settlement  
21 of a civil forfeiture imposed under this Act on  
22 a person, offshore aquaculture facility, associ-  
23 ated onshore facility, vessel, or other convey-  
24 ance that has been issued or has applied for a

1           permit under this Act has not been paid and is  
2           overdue, the Secretary may—

11 (iii) deny such permit; or

12 (iv) impose additional conditions and  
13 restrictions on such permit.

14 (B) CONSIDERATIONS.—In imposing a  
15 sanction under this paragraph, the Secretary  
16 shall take into account the nature, cir-  
17 cumstances, extent, and gravity of the prohib-  
18 ited acts for which the sanction is imposed and,  
19 with respect to the violator, the degree of culpa-  
20 bility, any history of prior offenses, and such  
21 other matters as justice may require.

22 (C) EFFECT OF TRANSFER OF OWNER-  
23 SHIP.—Transfer of ownership of an offshore  
24 aquaculture facility, associated onshore facility,  
25 vessel, or other conveyance, by sale or other-

1 wise, shall not extinguish any permit sanction  
2 that is in effect or is pending at the time of  
3 transfer of ownership. Before executing the  
4 transfer of ownership of a facility or convey-  
5 ance, by sale or otherwise, the owner shall dis-  
6 close in writing to the prospective transferee the  
7 existence of any permit sanction that will be in  
8 effect or pending with respect to the facility or  
9 conveyance at the time of the transfer.

10 (D) PAYMENT OF PENALTY OR FINE.—In  
11 the case of any permit that is suspended under  
12 this paragraph for nonpayment of a civil pen-  
13 alty or criminal fine, the Secretary shall rein-  
14 state the permit upon payment of the penalty  
15 or fine and interest thereon at the prevailing  
16 rate.

17 (E) HEARING.—No sanction shall be im-  
18 posed under this paragraph unless there has  
19 been a prior opportunity for a hearing on the  
20 facts underlying the violation for which the  
21 sanction is imposed, either in conjunction with  
22 a civil penalty proceeding under this section or  
23 otherwise.

24 (5) REVIEW OF CIVIL PENALTY.—Any person  
25 against whom a civil penalty is assessed under this

1 subsection or against whom a permit sanction is im-  
2 posed under this subsection (other than a permit  
3 suspension for nonpayment of penalty or fine) may  
4 obtain review thereof in the United States district  
5 court for the appropriate district by filing a com-  
6 plaint against the Secretary in such court within 30  
7 days from the date of such order that constitutes a  
8 final agency action. The Secretary shall promptly  
9 file in such court a certified copy of the record upon  
10 which such violation was found or such penalty im-  
11 posed, as provided in section 2112 of title 28,  
12 United States Code. The findings and order of the  
13 Secretary shall be set aside by such court if they are  
14 not found to be supported by substantial evidence,  
15 as provided in section 706(2) of title 5, United  
16 States Code.

17 (6) INJUNCTIVE RELIEF.—Upon the request of  
18 the Secretary, the Attorney General of the United  
19 States may commence a civil action for appropriate  
20 relief, including a permanent or temporary injunc-  
21 tion, for any violation of this Act (including regula-  
22 tions).

23 (g) FORFEITURE.—

24 (1) CRIMINAL FORFEITURE.—

(A) IN GENERAL.—A person who is convicted of an offense in violation of this Act shall forfeit to the United States—

(i) any property, real or personal, constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the offense, including, without limitation, any fish (or the fair market value thereof); and

(ii) any property, real or personal, used or intended to be used, in any manner, to commit or facilitate the commission of the offense, including, without limitation, any vessel (including the vessel's equipment, stores, catch and cargo), vehicle, aircraft, or other means of transportation.

(B) APPLICABILITY OF CONTROLLED SUBSTANCES ACT.—Pursuant to section 2461(c) of title 28, United States Code, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) other than subsection (d) thereof shall apply to criminal forfeitures under this section.

(2) CIVIL FORFEITURE.—

21 (B) APPLICATION OF THE CUSTOMS  
22 LAWS.—All provisions of law relating to seizure,  
23 summary judgment, and forfeiture and con-  
24 demnation for violation of the customs laws, the  
25 disposition of the property forfeited or con-

1 demned or the proceeds from the sale thereof,  
2 the remission or mitigation of such forfeitures,  
3 and the compromise of claims shall apply to sei-  
4 zures and forfeitures incurred, or alleged to  
5 have been incurred, under the provisions of this  
6 Act, insofar as applicable and not inconsistent  
7 with the provisions hereof. For seizures and for-  
8 feitures of property under this section by the  
9 Secretary, such duties as are imposed upon the  
10 customs officer or any other person with respect  
11 to the seizure and forfeiture of property under  
12 the customs law may be performed by such offi-  
13 cers as are designated by the Secretary or,  
14 upon request of the Secretary, by any other  
15 agency that has authority to manage and dis-  
16 pose of seized property.

17 (C) PRESUMPTION.—For the purposes of  
18 this section there is a rebuttable presumption  
19 that all fish, or components thereof, found in an  
20 offshore aquaculture facility or on board a ves-  
21 sel a vessel or other conveyance that is used or  
22 seized in connection with a violation of this Act  
23 were produced, taken, obtained, transported, or  
24 retained in violation of this Act.

25 (h) CRIMINAL ENFORCEMENT.—

(1) IMPRISONMENT.—Any person (other than a foreign government agency, or entity wholly owned and controlled by a foreign government) who knowingly commits any act prohibited under section 408 shall be imprisoned for not more than 5 years or fined not more than \$500,000 for individuals or \$1,000,000 for an organization, or both, except that, if in the commission of any such offense the individual uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the maximum term of imprisonment is not more than 10 years.

23 (i) JOINT ENFORCEMENT AGREEMENTS.—

24 (1) IN GENERAL.—The Governor of an eligible  
25 State may apply to the Secretary for execution of a

1 joint enforcement agreement with the Secretary that  
2 will authorize the deputization and funding of State  
3 law enforcement officers with marine law enforce-  
4 ment responsibilities to perform duties of the Sec-  
5 retary relating to law enforcement provisions under  
6 this title or any other marine resource law enforced  
7 by the Secretary. Upon receiving an application  
8 meeting the requirements of this subsection, the Sec-  
9 retary may enter into a joint enforcement agreement  
10 with the requesting State.

11 (2) ELIGIBLE STATE.—A State is eligible to  
12 participate in the cooperative enforcement agree-  
13 ments under this section if it is in, or bordering on,  
14 the Atlantic Ocean (including the Caribbean Sea),  
15 the Pacific Ocean, the Arctic Ocean, the Gulf of  
16 Mexico, Long Island Sound, or 1 or more of the  
17 Great Lakes.

18 (3) REQUIREMENTS.—Joint enforcement agree-  
19 ments executed under paragraph (1)—  
20 (A) shall be consistent with the purposes  
21 and intent of this section to the extent applica-  
22 ble to the regulated activities;  
23 (B) may include specifications for joint  
24 management responsibilities as provided by the

1 first section of Public Law 91-412 (15 U.S.C.  
2 1525); and

3 (C) shall provide for confidentiality of data  
4 and information submitted to the State under  
5 this Act.

## 21 SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

22 There are authorized to be appropriated to the Sec-  
23 retary for the purpose of carrying out this title—

24 (1) \$60,000,000 for fiscal year 2020;

25 (2) \$65,000,000 for fiscal year 2021;

4                   **TITLE V—RESEARCH AND**  
5                   **DEVELOPMENT**

6 SEC. 501. RESEARCH AND DEVELOPMENT GRANT PRO-  
7 GRAMS.

8 Subtitle L of the National Agricultural Research, Ex-  
9 tension, and Teaching Act of 1977 (7 U.S.C. 3321 et seq.)  
10 is amended by inserting after section 1475 (7 U.S.C.  
11 3322) the following:

## 12 "SEC. 1476. RESEARCH AND EXTENSION PROGRAM.

13        "(a) AQUACULTURE RESEARCH AND EXTENSION.—  
14    The Secretary shall establish, in consultation with the Sec-  
15    retary of Commerce and other applicable Federal agencies,  
16    coastal States, Tribal governments, Regional Fishery  
17    Management Councils, academic institutions, and inter-  
18    ested stakeholders, a research and development grant pro-  
19    gram for purposes of—

20           “(1) creating innovative design and engineering  
21       solutions to common obstacles within the aqua-  
22       culture industry;

23 “(2) enabling the transition of innovative aqua-  
24 culture technologies, including technologies focused

1 on the commercialization of high-value marine spe-  
2 cies, from laboratory studies to commercial use;

3 “(3) evaluating the role of genetics in relation  
4 to brood stock production, disease management, and  
5 interactions between cultured species and wild  
6 stocks;

7 “(4) advancing research into the management,  
8 mitigation, and prevention of cultured species dis-  
9 eases;

10 “(5) developing cost-effective feeds to optimize  
11 the use of wild fish, fish oil, plants, and sources of  
12 protein and lipids in aquaculture feeds and maintain  
13 the human health benefits of cultured seafood;

14 “(6) improving techniques for monitoring, as-  
15 sessing, and addressing environmental impacts of  
16 aquaculture and develop and evaluate methodologies  
17 to prevent, minimize, and mitigate potential adverse  
18 environmental impacts;

19 “(7) evaluating the potential for aquaculture to  
20 serve as a tool for environmental management, in-  
21 cluding connections to water quality, watershed  
22 management, and fishery conservation and manage-  
23 ment;

24 “(8) evaluating the potential impact of offshore  
25 aquaculture on the economies of coastal commu-

1       nities, particularly those dependent on traditional  
2       fishery resources;

3           “(9) identifying barriers to entry in the offshore  
4       aquaculture industry and propose solutions to over-  
5       come them;

6           “(10) studying the traditional aquaculture  
7       methods and practices of Native Americans, Alaska  
8       Natives, and Native Hawaiians to evaluate economic,  
9       environmental, and sociological impacts; and

10           “(11) investigating other priority issues identi-  
11       fied by the Secretary.

12       “(b) PRIORITY.—In making grants under this sec-  
13       tion, the Secretary shall give priority to—

14           “(1) 1890 Institutions (as defined in section 2  
15       of the Agricultural Research, Extension, and Edu-  
16       cation Reform Act of 1998 (7 U.S.C. 7601));

17           “(2) 1994 Institutions (as defined in section  
18       532 of the Equity in Educational Land-Grant Sta-  
19       tus Act of 1994 (7 U.S.C. 301 note; Public Law  
20       103–382)); and

21           “(3) Hispanic-serving institutions (as defined in  
22       section 1404 of the National Agricultural Research,  
23       Extension, and Teaching Policy Act of 1977 (7  
24       U.S.C. 3103)).

1       “(c) COORDINATION WITH OTHER FEDERAL PRO-

2 GRAMS.—The Secretary shall—

3           “(1) coordinate aquaculture research and devel-  
4 opment grants with other Federal programs that  
5 provide grant funding for purposes similar to those  
6 under subsection (a); and

7           “(2) coordinate the research and development  
8 grant program established in this section with the  
9 interagency aquaculture coordinating group estab-  
10 lished under section 6 of the National Aquaculture  
11 Act of 1980 (16 U.S.C. 2805) and with the research  
12 and development conducted through the Cooperative  
13 Extension System of the Department of Agriculture.

14       “(d) COOPERATIVE RESEARCH AGREEMENT.—To  
15 carry out this section, the Secretary may enter into a coop-  
16 erative agreement with a State, institution of higher edu-  
17 cation, or other private institution or research center.

18       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
19 is authorized to be appropriated such sums as may be nec-  
20 essary to carry out this section for the period of fiscal  
21 years 2021 through 2025.”.

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