115TH CONGRESS
2D SESSION

# S. _____

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

---

IN THE SENATE OF THE UNITED STATES

_____

_____ introduced the following bill; which was read twice and referred to the Committee on _____

---

# A BILL

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

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Marine Aquaculture Act of 2018''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Office of Marine Aquaculture.
Sec. 5. Administration.

Sec. 6. Offshore aquaculture permits.
Sec. 7. Restrictions on offshore aquaculture activities.
Sec. 8. Recordkeeping and access to information.
Sec. 9. Programmatic environmental impact statement.
Sec. 10. Research and development grant program.
Sec. 11. Enforcement.
Sec. 12. Authorization of appropriations.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) There is increasing interest within the United States in developing commercial marine aquaculture, in order to provide nutritious, sustainable seafood for domestic consumption and export to global markets.

(2) There is no Federal program in the United States that specifically provides a comprehensive, nationwide permitting system for, or management of, marine aquaculture facilities in the exclusive economic zone.

(3) Regulatory certainty and security of tenure are needed to make business investment decisions about marine aquaculture.

(4) Potential economic, environmental, and social benefits can be derived from marine aquaculture technologies. To balance those benefits against concerns about environmental and socioeconomic impacts, additional research and development is needed to adequately assess the potential for adverse impacts on the environment and coastal communities,

to develop tools and practices for proper siting and operation of marine aquaculture facilities, and to ensure that those impacts, if any, can be mitigated through improvements of marine aquaculture technologies.

(5) The United States is the leading global net importer of fish and fishery products, with over 90 percent of the seafood consumed in the United States, by value, imported from other countries, about 50 percent of which is derived from aquaculture. The United States, as a result, runs a substantial trade deficit in seafood.

(6) Increasing the overall effectiveness and productivity of Federal aquaculture research, technology transfer, and assistance programs is coordinated by the Interagency Working Group on Aquaculture (referred to in this section as ''IWGA'' and formerly known as the Joint Subcommittee on Aquaculture), which was created by Congress in the National Aquaculture Act of 1980 (Public Law 96–362). The IWGA is chaired by the Department of Agriculture, with vice-chairs from the Department of Commerce and the Department of the Interior, and reports to the Committee on Science of the National Science and Technology Council. The IWGA addresses issues

of national scope and importance and may form national task forces or special projects to facilitate a coordinated, systematic approach to addressing critical issues and needs.

(7) As affirmed by Congress in the National Aquaculture Act of 1980 (Public Law 96–362), marine aquaculture conducted in Federal waters is in the public interest.

(b) PURPOSES.—The purposes of this Act are—

(1) to support the development of a sustainable marine aquaculture industry in the United States;

(2) to safeguard the marine environment and our coastal communities;

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

(4) to provide new jobs and to support existing jobs within the seafood industry of the United States, including jobs for watermen, processors, and other traditional fishing industry partners; and

(5) to reduce the United States' seafood trade deficit by expanding the domestic supply of seafood through the production of marine aquaculture.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) COASTAL STATE.—Except as otherwise specifically provided, the term ''coastal State'' has the meaning given the term ''coastal state'' in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(2) CULTURED SPECIES.—The term ''cultured species'' means—

(A) any finfish, mollusk, crustacean, aquatic plant, alga, echinoderm, zooplankton, diadromous species, or other marine species propagated and reared for marine aquaculture, excluding marine mammals and birds; and

(B) aquaculture practices that rely on a natural set for seed, such as rope culture for mussels.

(3) EXCLUSIVE ECONOMIC ZONE.—

(A) IN GENERAL.—Unless otherwise specified by the President in the public interest in a writing published in the Federal Register, the term ''exclusive economic zone'' means a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured (except as established by a maritime boundary treaty in force or being provisionally applied by the

United States or, in the absence of such a treaty, where the distance between the United States and another country is less than 400 nautical miles, a line equidistant between the United States and the other country).

(B) INNER BOUNDARY.—Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or exclusive economic zone, the inner boundary of the exclusive economic zone is—

(i) in the case of the coastal States, a line coterminous with the seaward boundary of each such State, as described in section 4 of the Submerged Lands Act (43 U.S.C. 1312);

(ii) in the case of Puerto Rico, a line 3 marine leagues from the coastline of Puerto Rico;

(iii) in the case of American Samoa, the Virgin Islands, and Guam, a line 3 geographic miles from the coastlines of American Samoa, the Virgin Islands, or Guam, respectively;

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

(I) the coastline of the Commonwealth of the Northern Mariana Islands, until the Commonwealth of the Northern Mariana Islands is granted authority by the United States to regulate all fishing to a line seaward of its coastline; and

(II) upon the United States grant of such authority, the line established by such grant of authority; or

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

(C) CONSTRUCTION.—Nothing in this definition may be construed to diminish the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) LESSEE.—The term ''lessee'' means any party to a lease, right-of-use and easement, or right-of-way, or an approved assignment thereof, issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(5) MARINE AQUACULTURE.—The term ''marine aquaculture'' means any activity involved in the propagation, rearing, or attempted propagation or rearing, of cultured species saltwater or brackish water conditions in the exclusive economic zone, State waters, coastal waters, estuaries, or land-based facilities.

(6) OFFSHORE AQUACULTURE.—The term ''offshore aquaculture'' means any activities involved in the propagation, rearing, or attempted propagation or rearing, of cultured species in the exclusive economic zone.

(7) OFFSHORE AQUACULTURE FACILITY.—The term ''offshore aquaculture facility'' means—

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

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

(8) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.

**SEC. 4. OFFICE OF MARINE AQUACULTURE.**

(a) OFFICE OF MARINE AQUACULTURE.—The Secretary shall establish and provide resources to an Office

of Marine Aquaculture within the National Marine Fisheries Service at the National Oceanic and Atmospheric Administration headquarters, including supporting aquaculture divisions in each of the National Oceanic and Atmospheric Administration's regional fisheries offices.

(b) DUTIES.—The Office of Marine Aquaculture shall—

(1) coordinate regulatory, scientific, outreach, and international issues related to aquaculture within the National Oceanic and Atmospheric Administration;

(2) coordinate the National Oceanic and Atmospheric Administration's aquaculture activities, including the research and development grant program under section 10, a collaboration with the Office of Oceanic and Atmospheric Research and the National Ocean Service;

(3) support existing aquaculture outreach, education, extension services, and training efforts, such as those from the National Sea Grant College Program and the National Oceanic and Atmospheric Administration Regional Aquaculture Coordinators;

(4) provide opportunities for engagement with owners and operators of offshore aquaculture facilities, fishery management councils, conservation or-

ganizations, fisheries associations, State governments, and other interested stakeholders;

(5) administer the research and development grant program under section 10;

(6) organize through each regional fisheries office a network of regional experts, in coordination with relevant organizations (including the National Sea Grant College Program, the Department of Agriculture Regional Aquaculture Centers, land-grant universities, and the Cooperative Extension System of the Department of Agriculture) to provide technical expertise and extension services on aquaculture; and

(7) administer at least 1 Administration Regional Aquaculture Coordinator in each of the 6 National Marine Fisheries regions, which shall be located at a regional office in the respective region.

(c) AQUACULTURE SUBCOMMITTEE.—The Office of Marine Aquaculture shall coordinate its activities with the aquaculture advisory board of the Marine Fisheries Advisory Committee. The Marine Fisheries Advisory Committee shall designate the ''Aquaculture Subcommittee'' as a permanent, standing committee to serve as an external board to advise the Secretary on aquaculture. The Aqua-

culture Subcommittee shall coordinate with the National Sea Grant Advisory Board, as appropriate.

**SEC. 5. ADMINISTRATION.**

(a) NOAA AUTHORITY.—The National Oceanic and Atmospheric Administration shall serve as the lead Federal agency for purposes of providing information on Federal permitting requirements for offshore aquaculture, arranging opportunities for prospective permit applicants to discuss proposed projects with other Federal agencies with Federal permit and review responsibilities prior to submittal of a permit application, and coordinating the efficient application for permits and approvals required by Federal agencies;

(b) REGULATIONS.—The Secretary shall—

(1) promulgate regulations, after consulting with relevant Federal agencies, coastal States, Tribal governments, and regional fishery management councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852), to implement this Act, including—

(A) procedures to issue, modify, deny, revoke, or suspend an offshore aquaculture permit;

(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;

(D) procedures to transfer an offshore aquaculture permit from an original permit holder to a person that meets the requirements under section 6(a);

(E) procedures to consider public-private partnerships;

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

(G) development of an offshore aquaculture permit that can be issued in accordance with the requirements of section 6; and

(2) promulgate such additional regulations as are necessary and appropriate to carry out this Act.

(c) AGREEMENTS.—The Secretary may enter into and perform such contracts, leases, or cooperative agreements, and make and receive such grants or funds, as may be necessary to carry out this Act.

(d) APPLICATION OF LAWS TO OFFSHORE AQUACULTURE FACILITIES IN THE EXCLUSIVE ECONOMIC ZONE.—The Constitution, laws, and treaties of the United States shall apply to an offshore aquaculture facility located in the exclusive economic zone for which an offshore aquaculture permit was issued and to activities in the exclusive economic zone connected, associated, or potentially interfering with the use or operation of the offshore aquaculture facility in the same manner as if the offshore aquaculture facility were an area of exclusive Federal jurisdiction located within a State.

(e) ASSURANCE OF ANIMAL HEALTH.—

(1) IN GENERAL.—Nothing in this section shall affect the authority of the Secretary of Agriculture to carry out the Animal Health Protection Act (7 U.S.C. 8301 et seq.) with respect to cultured species in the exclusive economic zone.

(2) CRITERIA FOR PRACTICING VETERINARY MEDICINE IN WATERS OUTSIDE STATE JURISDICTION.—A veterinarian may practice veterinary medicine in waters outside State jurisdiction if the veterinarian—

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

(B) holds a category II veterinary accreditation from the Animal and Plant Health Inspection Service that includes completion of aquatic animal health modules of the Animal and Plant Health Inspection Service; and

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

**SEC. 6. OFFSHORE AQUACULTURE PERMITS.**

(a) IN GENERAL.—After the Secretary promulgates final regulations under section 5(b)(1), the Secretary may issue an offshore aquaculture permit if the Secretary determines that—

(1) the applicant has demonstrated that the offshore aquaculture facility—

(A) will be maintained in good working order; and

(B) will be operated in a manner that prevents or minimizes adverse impacts on the marine environment;

(2) the construction and operation of the offshore aquaculture facility is consistent with national policy goals and objectives, including sustainable and healthy fisheries, maritime shipping, and environmental quality; and

(3) issuance of the offshore aquaculture permit is not prohibited under section 7(b).

(b) AUTHORIZED ACTIVITIES.—An offshore aquaculture permit holder—

(1) shall be authorized to conduct offshore aquaculture consistent with this Act (including regulations), other applicable provisions of law (including regulations), and any terms or conditions prescribed under subsection (d)(2); and

(2) may raise specified cultured species in a specific offshore aquaculture facility within a specified area of the exclusive economic zone if the cultured species is considered—

(A) native to the region where the aquaculture facility is located;

(B) naturalized to the region where the aquaculture facility is located;

(C) sterile or otherwise not capable of producing viable offspring; or

(D) by the best available science, to not cause undue harm to wild species, habitats, or ecosystems in the event of an escape.

(c) PERMIT PROCEDURE.—

(1) APPLICATION.—An applicant for a permit shall submit an application to the Secretary. The application shall specify—

(A) the proposed location of the offshore aquaculture facility;

(B) the type of operation;

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

(D) the ways in which the permit holder will address potential environmental impacts, including invasive species, pathogens, impacts on benthic habitat and water quality;

(E) such other design, construction, and operational information, as the Secretary may require; and

(F) a facility decommissioning plan.

(2) NOTICE.—The Secretary shall provide public notice and an opportunity for public comment for each offshore aquaculture permit application. To the extent practicable, the public notice for each permit application shall fulfill the public notice requirement for all Federal agencies under all applicable provisions of law, and the response to public comment

shall include all agency responses to all aspects of each facility or group of facilities.

(3) DETERMINATION.—The Secretary shall determine whether an application is complete within 30 days of receiving the required documents. Not later than 120 days after the Secretary determines that an application is complete and that the applicant has satisfied applicable statutory and regulatory requirements, the Secretary shall issue the permit.

(d) PERMIT REQUIREMENTS.—

(1) IN GENERAL.—An offshore aquaculture permit holder shall be—

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

(B) a corporation, partnership, or other entity organized and existing under the laws of a State or the United States.

(2) TERMS AND CONDITIONS.—Subject to subsection (m), the Secretary shall—

(A) prescribe the terms and conditions that apply to each offshore aquaculture permit; and

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

(e) DURATION.—

(1) IN GENERAL.—An offshore aquaculture permit shall have an initial 25-year duration, and may be renewed subject to the terms of this Act.

(2) EXCEPTIONS.—

(A) The Secretary shall develop the duration of an offshore aquaculture permit for a project involving pilot-scale testing or farm-scale research on aquaculture science and technologies.

(B) The Secretary shall develop the duration of an offshore aquaculture permit subject to subsection (m)(1), in consultation with the Secretary of the Interior, except that the permit shall expire not later than the date that the lessee or the lessee's operator submits, to the Secretary of the Interior, a final application for the decommissioning and removal of an existing facility upon which an offshore aquaculture facility is located.

(f) RENEWAL.—An offshore aquaculture permit holder may renew a permit before the end of the duration provided that the permit or amended permit complies with existing requirements.

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

(1) the permit holder fails to begin offshore aquaculture operations within 3 years from the date the required Federal permits are obtained;

(2) there is a prolonged interruption of offshore aquaculture operations, which the Secretary may considered to be prolonged no sooner than 3 years after the initial interruption; or

(3) the permit holder fails to meet the standards of the aquaculture permit.

(h) EXPIRATION.—Not later than 3 years after the expiration or termination of an offshore aquaculture permit, a permit holder shall—

(1) remove all structures, gear, and other property from the site; and

(2) take such other measures to restore the site, as the Secretary considers necessary.

(i) EMERGENCY DETERMINATION.—If the Secretary determines that an emergency exists that poses a significant risk to the safety of humans, to the marine environment, to cultured species, to a marine species, or to the security of the United States and that requires suspension, modification, or revocation of an offshore aqua-

culture permit, the Secretary may suspend, modify, or revoke the permit for such time as the Secretary determines is necessary to address the emergency. The Secretary shall afford the permit holder a prompt post-suspension, post-modification, or post-revocation opportunity to be heard regarding the suspension, modification, or revocation.

(j) FEES.—

(1) ESTABLISHMENT.—The Secretary may establish, by regulation, application fees and annual permit fees. The fees shall be deposited as offsetting collections in the Operations, Research, and Facilities account. Fees may be collected and made available to the extent provided in advance in appropriation Acts. Such fees shall be set as an amount such that the total revenue from such fees does not exceed the amount required to cover the costs of management, data collection, analysis, and enforcement activities related to permits under this section.

(2) WAIVERS.—The Secretary may waive, in whole or in part, any fee under this section if an offshore aquaculture facility is used primarily for research.

(3) GUARANTEES.—The Secretary shall require a permit holder to post a bond or other form of financial guarantee in an amount determined by the

Secretary, to be reasonable and commensurate with the aquaculture operation and as sufficient to cover, without duplication—

(A) any unpaid fees;

(B) the cost of removing an offshore aquaculture facility at the expiration or termination of an offshore aquaculture permit; and

(C) the cost of site remediation for impacts arising from authorized activities.

(k) COMPATIBILITY WITH OTHER USES.—

(1) IN GENERAL.—Before issuing an offshore aquaculture permit under this section, the Secretary shall consult with applicable Federal agencies, coastal States, and regional fishery management councils to ensure that the proposed offshore aquaculture is compatible with the use of the exclusive economic zone for navigation, fishing, resource protection, recreation, national defense (including military readiness), mineral and energy exploration and development, transportation, and other activities within the exclusive economic zone.

(2) MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.—After the effective date of the final regulations promulgated under section 5(b)(1), the conduct of offshore aquaculture

that is in accordance with an offshore aquaculture permit issued under this Act shall not be considered fishing for purposes of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). The Secretary shall ensure, to the extent practicable, that offshore aquaculture does not interfere with conservation and management measures under such Act and minimizes any potential losses of fishing access.

(l) STATUTORY CONSTRUCTION.—An offshore aquaculture permit issued under this Act shall not supersede or substitute for any other authorization required under Federal or State laws (including regulations).

(m) ACTIONS AFFECTING THE OUTER CONTINENTAL SHELF.—

(1) NOTIFICATION OF SECRETARY OF INTERIOR.—The Secretary shall notify the Secretary of the Interior for each offshore aquaculture permit that is located—

(A) on a lease, right-of-use and easement, or right-of-way authorized or permitted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); or

(B) within 1 mile of any other facility for which a permit has been issued, or for which a plan has been approved, under that Act.

(2) PRIOR CONSENT REQUIRED.—Offshore aquaculture may not be located on a facility described in paragraph (1)(A) without the prior consent of the lessee.

(3) COMPLIANCE REVIEW.—The Secretary of the Interior shall review and approve each agreement between a prospective offshore aquaculture operator and a lessee described in paragraph (1)(A). The Secretary of the Interior shall ensure that the agreement is consistent with the Federal lease terms, Department of the Interior regulations, and the Secretary of the Interior's role in the protection of the marine environment, property, and human life or health. An agreement under this subsection shall—

(A) be part of the information reviewed under the Coastal Zone Management Act review process under paragraph (4); and

(B) not be subject to a separate Coastal Zone Management Act review.

(4) COORDINATED COASTAL ZONE MANAGEMENT ACT REVIEW.—

(A) STATE REVIEW UNDER SECTION 307(c)(3)(A) OF THE COASTAL ZONE MANAGEMENT ACT OF 1972.—

(i) IN GENERAL.—A coastal State's review under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) shall include any modification or change to a lessee's approved plan that results from, or is necessary for, the issuance of an offshore aquaculture permit if the State simultaneously receives—

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

(II) the offshore aquaculture permit applicant's consistency certification.

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

(I) a lessee shall not be required to submit a separate consistency certification for the modification or

change under section 307(c)(3)(B) of the Coastal Zone Management Act of 1972; and

(II) the coastal State's concurrence (or presumed concurrence) or objection to the consistency certification for the offshore aquaculture permit under section 307(c)(3)(A) of such Act shall apply both—

(aa) to the offshore aquaculture permit; and

(bb) to any related modification or change to a lessee's plan approved under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(B) STATE REVIEW UNDER SECTION 307(C)(3)(B) OF THE COASTAL ZONE MANAGEMENT ACT OF 1972.—To the extent that a coastal State is not authorized by section 307(c)(3)(A) of the Coastal Zone Management Act of 1972 to review an offshore aquaculture permit application submitted under this Act, then a modification or change to a lessee's approved plan shall be subject to coastal State re-

view under section 307(c)(3)(B) of such Act if a consistency certification for the modification or change is required under applicable Federal regulations.

(C) LESSEE'S APPROVED PLAN DEFINED.—In this paragraph, the term ''lessee's approved plan'' includes a document for which a consistency certification is required under applicable Federal regulations, such as a change to the approved plan for decommissioning a facility.

(5) JOINT AND SEVERAL LIABILITY.—For offshore aquaculture located on a facility described in paragraph (1)(A), 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.).

(6) ADDITIONAL AUTHORITY.—

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

(i) promulgate rules and regulations as necessary and appropriate;

(ii) require and enforce any additional terms or conditions that the Secretary of the Interior considers necessary—

(I) to protect the marine environment, property, or human life or health; and

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

(iii) issue an order to an offshore aquaculture permit holder to take any action the Secretary of the Interior considers necessary to ensure safe operations on the facility, and to protect the marine environment, property, or human life or health; and

(iv) enforce all requirements contained in the regulations, lease terms and condi-

tions, and orders under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

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

(n) PERMITTING HARMONIZATION.—

(1) IN GENERAL.—In promulgating the regulations required to implement this Act, the Secretary shall, to the maximum extent practicable, minimize duplication and harmonize timelines and requirements with other required Federal permits. Efforts under this subsection shall include coordinating timelines for permit application and review processes (including public notice and comment periods) and aligning information requests and reporting requirements for permit applicants and permit holders.

(2) ENVIRONMENTAL ANALYSIS.—The National Oceanic and Atmospheric Administration, through the Office of Marine Aquaculture and associated divisions, shall be responsible for coordinating any environmental analysis or environmental impact statement required under the National Environmental

Policy Act of 1969 (42 U.S.C. 4321 et seq.) by serving as the lead Federal agency for a single consolidated environmental review for all applicable Federal permits for an offshore aquaculture facility or group of facilities, with input from other Federal agencies as cooperating agencies under such Act.

(3) COORDINATION OF PERMITTING ACTIVITIES.—To the extent practicable under this Act and all other applicable laws and regulations, Federal agencies with permitting requirements applicable to offshore aquaculture facilities shall coordinate all permitting activities with the Office of Marine Aquaculture. Such coordination shall include the following:

(A) Coordinating permit requirements, permit application and review procedures, and monitoring and reporting requirements, and eliminating duplicative requirements.

(B) Aligning permit application and review timelines.

(C) Participating as a cooperating agency in the preparation of any environmental analysis or environmental impact statement required under the National Environmental Pol-

icy Act of 1969 (42 U.S.C. 4321 et seq.) for an offshore aquaculture facility or facilities.

(D) Contributing to the single request for public comment and the consolidated response to public comment prepared pursuant to subsection (c)(2).

(4) DELEGATION.—Unless otherwise prohibited, a Federal agency with regulatory authority for offshore aquaculture may delegate its authority to another Federal agency.

**SEC. 7. RESTRICTIONS ON OFFSHORE AQUACULTURE ACTIVITIES.**

(a) IN GENERAL.—Except as provided in subsection (c), no person may engage in offshore aquaculture except in accordance with an offshore aquaculture permit—

(1) issued under section 6; or

(2) issued under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) AREAS WITHOUT A COASTAL ZONE MANAGEMENT PLAN.—In the exclusive economic zone adjacent to a coastal state that does not have a Coastal Zone Management Plan, cultured species shall be consistent with State law.

(c) SAVINGS CLAUSE.—Nothing in this Act shall supersede permit applications in process on the date of enactment of this Act or permits that are in place on the date of enactment of this Act.

**SEC. 8. RECORDKEEPING AND ACCESS TO INFORMATION.**

(a) REGULATIONS.—The Secretary, after consultation with other interested Federal departments and agencies, shall prescribe by regulation—

(1) the records that a permit holder is required establish and maintain;

(2) the reports that a permit holder is required to make;

(3) the information that a permit holder is required to provide; and

(4) any other recordkeeping that a permit holder is required to satisfy, as necessary to carry out this Act.

(b) GOVERNMENT ACCESS.—A United States official, with an official responsibility for implementing and enforcing United States laws applicable to maritime fishing, shipping, or conservation, shall have reasonable access, at all times, to an offshore aquaculture facility for which a permit is issued under this Act (for the purpose of enforcing laws under the official's jurisdiction or otherwise carrying out the official's responsibilities). The official may

inspect, at reasonable times, records, files, papers, permits, processes, controls, and the offshore aquaculture facility and may test any feature of the offshore aquaculture facility. Each inspection shall be conducted with reasonable promptness. The permit holder shall receive timely notification, in writing, of the results of the inspection.

(c) REPORTING AND RECORDKEEPING FOR CERTAIN PRODUCTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate regulations that require domestic aquaculture producers of the species described in paragraph (2) or (3) of section 300.324(a) of title 50, Code of Federal Regulations that introduce such species into interstate commerce in the United States to report and keep records of the same information as required for imports of those species under the seafood import monitoring program, in a comparable manner as required under such program.

(2) INFORMATION COLLECTED.—The Secretary shall treat information collected pursuant to paragraph (1) as confidential and exempt from disclosure under section 552(b)(3) of title 5, United States Code, and shall not disclose such information, other than information that is comparable to the informa-

tion collected in accordance with section 401(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881(b)(1)).

**SEC. 9. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.**

(a) IN GENERAL.—The Secretary shall initiate and lead programmatic environmental impact statements (referred to in this section as ''EIS'') for areas of the exclusive economic zone determined by the Secretary to be highly favorable for marine aquaculture and likely compatible with other uses of such areas. Such EIS shall be compliant with the limitations described under section 7(b)(1)(B).

(b) DISTRIBUTION.—The programmatic EIS conducted by the Secretary need not cover the entirety of the exclusive economic zone, but the Secretary shall attempt to provide coverage of the programmatic EIS in each area of the exclusive economic zone, including the East Coast, Gulf Coast, West Coast, and other areas of the Atlantic and Pacific in the jurisdiction of the United States.

**SEC. 10. RESEARCH AND DEVELOPMENT GRANT PROGRAM.**

(a) IN GENERAL.—The Secretary shall establish, in consultation with applicable Federal agencies, coastal States, Tribal governments, regional fishery management councils, academic institutions, and interested stake-

1 holders, a research and development grant program to fur-
2 ther the purposes of this Act. In carrying out this sub-
3 section, the Secretary shall consider utilizing existing pro-
4 grams that leverage State and local partnerships and take
5 advantage of the extramural research community, includ-
6 ing the National Sea Grant College Program and the Na-
7 tional Oceanographic Partnership Program.

8 (b) COMPONENTS.—The research and development
9 grant program shall award competitive, peer-reviewed
10 grants to fund research and extension services—

11 (1) to improve the understanding and applica-
12 tion of larviculture for improving larval survival and
13 breeding practices for cultured species and species of
14 future interest for marine aquaculture;

15 (2) to advance the understanding and applica-
16 tion of genetics research with respect to cultured
17 species and potential interactions with wild stocks;

18 (3) to advance research into cultured species
19 disease and management, mitigation, and prevention
20 of disease, including efforts to support the develop-
21 ment of comprehensive fish health management
22 tools, including access to safe and effective vaccines,
23 therapeutants, and therapies;

24 (4) to develop cost-effective alternative feeds to
25 optimize the use of wild fish, fish oil, plants, and al-

ternative sources of protein and lipids in marine aquaculture feeds and maintain the human health benefits of cultured seafood;

(5) to improve techniques for monitoring, assessing, and addressing environmental and socioeconomic effects;

(6) to develop and evaluate methodologies to prevent, minimize, and mitigate potential adverse ecosystem and socioeconomic impacts of marine aquaculture, including methods for avoiding interactions with living marine resources;

(7) to conduct research to document and increase the potential positive effects of marine aquaculture;

(8) to transition innovative aquaculture technologies from laboratory studies to commercial and restoration projects that create new, and support existing, jobs in coastal communities, produce healthful locally-sourced seafood, revitalize working waterfronts, support traditional fishing communities, and restore depleted species and habitat;

(9) to advance engineering solutions for marine aquaculture, to develop new technologies, to design engineering innovations to reduce the potential for environmental impacts of marine aquaculture facili-

ties, and to refine existing aquaculture cultivation practices;

(10) to monitor and assess the effects of environmental changes on marine aquaculture, and develop adaptation strategies;

(11) to enhance and develop seafood marketing programs for aquaculture species in order to promote trade; and

(12) to investigate other priority issues identified by the Secretary.

(c) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The Secretary shall—

(1) coordinate aquaculture research and development grants within the Department of Commerce and with other Federal programs that provide grant funding for purposes similar to those under subsection (b), such as grants administered by the National Sea Grant College Program and the National Institute of Standards and Technology; and

(2) coordinate the research and development grant program established in this section with the interagency aquaculture coordinating group established under section 6 of the National Aquaculture Act of 1980 (16 U.S.C. 2805) and with the research

and development conducted through the Cooperative Extension System of the Department of Agriculture.

(d) COOPERATIVE RESEARCH AGREEMENT.—To carry out this section, the Secretary may enter into a cooperative agreement with a State, institution of higher education, or other private institution or research center.

**SEC. 11. ENFORCEMENT.**

(a) PROHIBITED ACTS.—It is unlawful for any person—

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

(2) to refuse to permit any officer authorized to enforce the provisions of this Act (as provided for in subsection (b)) to board a fishing vessel or access an offshore aquaculture facility subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act or any regulation or permit referred to in paragraph (1);

(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this subsection;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this Act or any regulation or permit referred to in paragraph (1);

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

(7) to knowingly and willfully submit to the Secretary or the Governor of a State false information regarding any matter that the Secretary or Governor is considering in the course of carrying out this Act; or

(8) to steal or attempt to steal or to negligently and without authorization remove, damage, or tamper with—

(A) aquaculture gear owned by another person, which is located in the exclusive economic zone, or

(B) fish contained in such fishing gear.

(b) ENFORCEMENT.—

(1) RESPONSIBILITY.—The provisions of this Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard

is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency, in the performance of such duties.

(2) POWERS OF AUTHORIZED OFFICERS.—Any officer who is authorized by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under paragraph (1) to enforce the provisions of this Act may—

(A) with or without a warrant or other process—

(i) arrest any person, if such officer has reasonable cause to believe that such person has committed an act prohibited by subsection (a);

(ii) board, and search or inspect, any offshore aquaculture facility that is subject to the provisions of this Act;

(iii) seize any aquaculture gear used, or with respect to which it reasonably ap-

pears that such gear was used or employed in, the violation of any provision of this Act;

(iv) seize any fish (wherever found) taken or retained in violation of any provision of this Act; and

(v) seize any other evidence related to any violation of any provision of this Act;

(B) execute any warrant or other process issued by any court of competent jurisdiction; and

(C) exercise any other lawful authority.

(3) ISSUANCE OF CITATIONS.—If any officer authorized to enforce the provisions of this Act (as provided for in this subsection) finds that an offshore aquaculture facility is operating or has been operated in violation of any provision of this Act, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such facility in lieu of proceeding under paragraph (2). If a permit has been issued pursuant to this Act for such facility, such officer shall note the issuance of any citation under this subsection, including the

date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this paragraph.

(4) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act. In the case of Guam or any possession of the United States in the Pacific Ocean, the appropriate court is the United States District Court for the District of Guam, except that in the case of American Samoa, the appropriate court is the United States District Court for the District of Hawaii, and except that in the case of the Northern Mariana Islands, the appropriate court is the United States District Court for the District of the Northern Mariana Islands. Any such court may, at any time—

(A) enter restraining orders or prohibitions;

(B) issue warrants, process in rem, or other process;

(C) prescribe and accept satisfactory bonds or other security; and

(D) take such other actions as are in the interest of justice.

(c) TREATMENT OF OFFSHORE AQUACULTURE FACILITIES AS MARINE RESOURCES.—For purposes of section 311(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(b)(2)), an offshore aquaculture facility shall be considered a marine resource, and, for purposes of section 311(e) of such Act, this Act shall be considered a marine resource law enforced by the Secretary of Commerce.

**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for the purpose of carrying out this Act—

(1) $60,000,000 for fiscal year 2018;

(2) $65,000,000 for fiscal year 2019;

(3) $70,000,000 for fiscal year 2020;

(4) $75,000,000 for fiscal year 2021; and

(5) $80,000,000 for fiscal year 2022.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in expending amounts appropriated under subsection (a), the Secretary should—

(1) prioritize the programmatic environmental impact statement program under section 9; and

(2) designate not less than 40 percent of the amounts appropriated for each fiscal year to the research and development grants under section 10.