

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.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Marine Aquaculture Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.

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

2 (a) FINDINGS.—Congress finds the following:

3 (1) There is increasing interest within the
4 United States in developing commercial marine
5 aquaculture, in order to provide nutritious, sustain-
6 able seafood for domestic consumption and export to
7 global markets.

8 (2) There is no Federal program in the United
9 States that specifically provides a comprehensive,
10 nationwide permitting system for, or management
11 of, marine aquaculture facilities in the exclusive eco-
12 nomic zone.

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

16 (4) Potential economic, environmental, and so-
17 cial benefits can be derived from marine aquaculture
18 technologies. To balance those benefits against con-
19 cerns about environmental and socioeconomic im-
20 pacts, additional research and development is needed
21 to adequately assess the potential for adverse im-
22 pacts on the environment and coastal communities,

1 to develop tools and practices for proper siting and
2 operation of marine aquaculture facilities, and to en-
3 sure that those impacts, if any, can be mitigated
4 through improvements of marine aquaculture tech-
5 nologies.

6 (5) The United States is the leading global net
7 importer of fish and fishery products, with over 90
8 percent of the seafood consumed in the United
9 States, by value, imported from other countries,
10 about 50 percent of which is derived from aqua-
11 culture. The United States, as a result, runs a sub-
12 stantial trade deficit in seafood.

13 (6) Increasing the overall effectiveness and pro-
14 ductivity of Federal aquaculture research, technology
15 transfer, and assistance programs is coordinated by
16 the Interagency Working Group on Aquaculture (re-
17 ferred to in this section as “IWGA” and formerly
18 known as the Joint Subcommittee on Aquaculture),
19 which was created by Congress in the National
20 Aquaculture Act of 1980 (Public Law 96–362). The
21 IWGA is chaired by the Department of Agriculture,
22 with vice-chairs from the Department of Commerce
23 and the Department of the Interior, and reports to
24 the Committee on Science of the National Science
25 and Technology Council. The IWGA addresses issues

1 of national scope and importance and may form na-
2 tional task forces or special projects to facilitate a
3 coordinated, systematic approach to addressing crit-
4 ical issues and needs.

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

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

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

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

14 (3) to support research and technology develop-
15 ment to further these goals;

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

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

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) COASTAL STATE.—Except as otherwise spe-
2 cifically provided, the term “coastal State” has the
3 meaning given the term “coastal state” in section
4 304(4) of the Coastal Zone Management Act of
5 1972 (16 U.S.C. 1453(4)).

6 (2) CULTURED SPECIES.—The term “cultured
7 species” means—

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

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

16 (3) EXCLUSIVE ECONOMIC ZONE.—

17 (A) IN GENERAL.—Unless otherwise speci-
18 fied by the President in the public interest in
19 a writing published in the Federal Register, the
20 term “exclusive economic zone” means a zone,
21 the outer boundary of which is 200 nautical
22 miles from the baseline from which the breadth
23 of the territorial sea is measured (except as es-
24 tablished by a maritime boundary treaty in
25 force or being provisionally applied by the

1 United States or, in the absence of such a trea-
2 ty, where the distance between the United
3 States and another country is less than 400
4 nautical miles, a line equidistant between the
5 United States and the other country).

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

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

16 (ii) in the case of Puerto Rico, a line
17 3 marine leagues from the coastline of
18 Puerto Rico;

19 (iii) in the case of American Samoa,
20 the Virgin Islands, and Guam, a line 3 ge-
21 ographic miles from the coastlines of
22 American Samoa, the Virgin Islands, or
23 Guam, respectively;

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

1 (I) the coastline of the Common-
2 wealth of the Northern Mariana Is-
3 lands, until the Commonwealth of the
4 Northern Mariana Islands is granted
5 authority by the United States to reg-
6 ulate all fishing to a line seaward of
7 its coastline; and

8 (II) upon the United States
9 grant of such authority, the line es-
10 tablished by such grant of authority;
11 or

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

15 (C) CONSTRUCTION.—Nothing in this defi-
16 nition may be construed to diminish the author-
17 ity of the Department of Defense, the Depart-
18 ment of the Interior, or any other Federal de-
19 partment or agency.

20 (4) LESSEE.—The term “lessee” means any
21 party to a lease, right-of-use and easement, or right-
22 of-way, or an approved assignment thereof, issued
23 pursuant to the Outer Continental Shelf Lands Act
24 (43 U.S.C. 1331 et seq.).

1 (5) MARINE AQUACULTURE.—The term “ma-
2 rine aquaculture” means any activity involved in the
3 propagation, rearing, or attempted propagation or
4 rearing, of cultured species saltwater or brackish
5 water conditions in the exclusive economic zone,
6 State waters, coastal waters, estuaries, or land-based
7 facilities.

8 (6) OFFSHORE AQUACULTURE.—The term “off-
9 shore aquaculture” means any activities involved in
10 the propagation, rearing, or attempted propagation
11 or rearing, of cultured species in the exclusive eco-
12 nomic zone.

13 (7) OFFSHORE AQUACULTURE FACILITY.—The
14 term “offshore aquaculture facility” means—

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

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

19 (8) SECRETARY.—Except as otherwise specifi-
20 cally provided, the term “Secretary” means the Sec-
21 retary of Commerce, acting through the Under Sec-
22 retary of Commerce for Oceans and Atmosphere.

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

24 (a) OFFICE OF MARINE AQUACULTURE.—The Sec-
25 retary shall establish and provide resources to an Office

1 of Marine Aquaculture within the National Marine Fish-
2 eries Service at the National Oceanic and Atmospheric Ad-
3 ministration headquarters, including supporting aqua-
4 culture divisions in each of the National Oceanic and At-
5 mospheric Administration's regional fisheries offices.

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

8 (1) coordinate regulatory, scientific, outreach,
9 and international issues related to aquaculture with-
10 in the National Oceanic and Atmospheric Adminis-
11 tration;

12 (2) coordinate the National Oceanic and Atmos-
13 pheric Administration's aquaculture activities, in-
14 cluding the research and development grant program
15 under section 10, a collaboration with the Office of
16 Oceanic and Atmospheric Research and the National
17 Ocean Service;

18 (3) support existing aquaculture outreach, edu-
19 cation, extension services, and training efforts, such
20 as those from the National Sea Grant College Pro-
21 gram and the National Oceanic and Atmospheric
22 Administration Regional Aquaculture Coordinators;

23 (4) provide opportunities for engagement with
24 owners and operators of offshore aquaculture facili-
25 ties, fishery management councils, conservation or-

1 organizations, fisheries associations, State govern-
2 ments, and other interested stakeholders;

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

5 (6) organize through each regional fisheries of-
6 fice a network of regional experts, in coordination
7 with relevant organizations (including the National
8 Sea Grant College Program, the Department of Ag-
9 riculture Regional Aquaculture Centers, land-grant
10 universities, and the Cooperative Extension System
11 of the Department of Agriculture) to provide tech-
12 nical expertise and extension services on aqua-
13 culture; and

14 (7) administer at least 1 Administration Re-
15 gional Aquaculture Coordinator in each of the 6 Na-
16 tional Marine Fisheries regions, which shall be lo-
17 cated at a regional office in the respective region.

18 (c) AQUACULTURE SUBCOMMITTEE.—The Office of
19 Marine Aquaculture shall coordinate its activities with the
20 aquaculture advisory board of the Marine Fisheries Advi-
21 sory Committee. The Marine Fisheries Advisory Com-
22 mittee shall designate the “Aquaculture Subcommittee” as
23 a permanent, standing committee to serve as an external
24 board to advise the Secretary on aquaculture. The Aqua-

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

3 **SEC. 5. ADMINISTRATION.**

4 (a) NOAA AUTHORITY.—The National Oceanic and
5 Atmospheric Administration shall serve as the lead Fed-
6 eral agency for purposes of providing information on Fed-
7 eral permitting requirements for offshore aquaculture, ar-
8 ranging opportunities for prospective permit applicants to
9 discuss proposed projects with other Federal agencies with
10 Federal permit and review responsibilities prior to sub-
11 mittal of a permit application, and coordinating the effi-
12 cient application for permits and approvals required by
13 Federal agencies;

14 (b) REGULATIONS.—The Secretary shall—

15 (1) promulgate regulations, after consulting
16 with relevant Federal agencies, coastal States, Tribal
17 governments, and regional fishery management
18 councils established under section 302 of the Magnu-
19 son-Stevens Fishery Conservation and Management
20 Act (16 U.S.C. 1852), to implement this Act, includ-
21 ing—

22 (A) procedures to issue, modify, deny, re-
23 voke, or suspend an offshore aquaculture per-
24 mit;

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

6 (C) procedures to monitor and evaluate
7 permit compliance;

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

12 (E) procedures to consider public-private
13 partnerships;

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

17 (G) development of an offshore aqua-
18 culture permit that can be issued in accordance
19 with the requirements of section 6; and

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

22 (c) AGREEMENTS.—The Secretary may enter into
23 and perform such contracts, leases, or cooperative agree-
24 ments, and make and receive such grants or funds, as may
25 be necessary to carry out this Act.

1 (d) APPLICATION OF LAWS TO OFFSHORE AQUA-
2 CULTURE FACILITIES IN THE EXCLUSIVE ECONOMIC
3 ZONE.—The Constitution, laws, and treaties of the United
4 States shall apply to an offshore aquaculture facility lo-
5 cated in the exclusive economic zone for which an offshore
6 aquaculture permit was issued and to activities in the ex-
7 clusive economic zone connected, associated, or potentially
8 interfering with the use or operation of the offshore aqua-
9 culture facility in the same manner as if the offshore aqua-
10 culture facility were an area of exclusive Federal jurisdic-
11 tion located within a State.

12 (e) ASSURANCE OF ANIMAL HEALTH.—

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

18 (2) CRITERIA FOR PRACTICING VETERINARY
19 MEDICINE IN WATERS OUTSIDE STATE JURISDIC-
20 TION.—A veterinarian may practice veterinary medi-
21 cine in waters outside State jurisdiction if the veteri-
22 narian—

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

1 (B) holds a category II veterinary accredi-
2 tation from the Animal and Plant Health In-
3 spection Service that includes completion of
4 aquatic animal health modules of the Animal
5 and Plant Health Inspection Service; and

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

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

10 (a) IN GENERAL.—After the Secretary promulgates
11 final regulations under section 5(b)(1), the Secretary may
12 issue an offshore aquaculture permit if the Secretary de-
13 termines that—

14 (1) the applicant has demonstrated that the off-
15 shore aquaculture facility—

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

18 (B) will be operated in a manner that pre-
19 vents or minimizes adverse impacts on the ma-
20 rine environment;

21 (2) the construction and operation of the off-
22 shore aquaculture facility is consistent with national
23 policy goals and objectives, including sustainable and
24 healthy fisheries, maritime shipping, and environ-
25 mental quality; and

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

3 (b) AUTHORIZED ACTIVITIES.—An offshore aqua-
4 culture permit holder—

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

10 (2) may raise specified cultured species in a
11 specific offshore aquaculture facility within a speci-
12 fied area of the exclusive economic zone if the cul-
13 tured species is considered—

14 (A) native to the region where the aqua-
15 culture facility is located;

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

18 (C) sterile or otherwise not capable of pro-
19 ducing viable offspring; or

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

23 (c) PERMIT PROCEDURE.—

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

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

6 (B) the type of operation;

7 (C) the cultured species, or a range of spe-
8 cies, to be propagated or reared, or both, at the
9 offshore aquaculture facility;

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

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

17 (F) a facility decommissioning plan.

18 (2) NOTICE.—The Secretary shall provide pub-
19 lic notice and an opportunity for public comment for
20 each offshore aquaculture permit application. To the
21 extent practicable, the public notice for each permit
22 application shall fulfill the public notice requirement
23 for all Federal agencies under all applicable provi-
24 sions of law, and the response to public comment

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

3 (3) DETERMINATION.—The Secretary shall de-
4 termine whether an application is complete within
5 30 days of receiving the required documents. Not
6 later than 120 days after the Secretary determines
7 that an application is complete and that the appli-
8 cant has satisfied applicable statutory and regu-
9 latory requirements, the Secretary shall issue the
10 permit.

11 (d) PERMIT REQUIREMENTS.—

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

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

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

19 (2) TERMS AND CONDITIONS.—Subject to sub-
20 section (m), the Secretary shall—

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

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

1 (e) DURATION.—

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

5 (2) EXCEPTIONS.—

6 (A) The Secretary shall develop the dura-
7 tion of an offshore aquaculture permit for a
8 project involving pilot-scale testing or farm-
9 scale research on aquaculture science and tech-
10 nologies.

11 (B) The Secretary shall develop the dura-
12 tion of an offshore aquaculture permit subject
13 to subsection (m)(1), in consultation with the
14 Secretary of the Interior, except that the permit
15 shall expire not later than the date that the les-
16 see or the lessee's operator submits, to the Sec-
17 retary of the Interior, a final application for the
18 decommissioning and removal of an existing fa-
19 cility upon which an offshore aquaculture facil-
20 ity is located.

21 (f) RENEWAL.—An offshore aquaculture permit hold-
22 er may renew a permit before the end of the duration pro-
23 vided that the permit or amended permit complies with
24 existing requirements.

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

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

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

11 (3) the permit holder fails to meet the stand-
12 ards of the aquaculture permit.

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

16 (1) remove all structures, gear, and other prop-
17 erty from the site; and

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

20 (i) EMERGENCY DETERMINATION.—If the Secretary
21 determines that an emergency exists that poses a signifi-
22 cant risk to the safety of humans, to the marine environ-
23 ment, to cultured species, to a marine species, or to the
24 security of the United States and that requires suspen-
25 sion, modification, or revocation of an offshore aqua-

1 culture permit, the Secretary may suspend, modify, or re-
2 voke the permit for such time as the Secretary determines
3 is necessary to address the emergency. The Secretary shall
4 afford the permit holder a prompt post-suspension, post-
5 modification, or post-revocation opportunity to be heard
6 regarding the suspension, modification, or revocation.

7 (j) FEES.—

8 (1) ESTABLISHMENT.—The Secretary may es-
9 tablish, by regulation, application fees and annual
10 permit fees. The fees shall be deposited as offsetting
11 collections in the Operations, Research, and Facili-
12 ties account. Fees may be collected and made avail-
13 able to the extent provided in advance in appropria-
14 tion Acts. Such fees shall be set as an amount such
15 that the total revenue from such fees does not ex-
16 ceed the amount required to cover the costs of man-
17 agement, data collection, analysis, and enforcement
18 activities related to permits under this section.

19 (2) WAIVERS.—The Secretary may waive, in
20 whole or in part, any fee under this section if an off-
21 shore aquaculture facility is used primarily for re-
22 search.

23 (3) GUARANTEES.—The Secretary shall require
24 a permit holder to post a bond or other form of fi-
25 nancial guarantee in an amount determined by the

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

4 (A) any unpaid fees;

5 (B) the cost of removing an offshore aqua-
6 culture facility at the expiration or termination
7 of an offshore aquaculture permit; and

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

10 (k) COMPATIBILITY WITH OTHER USES.—

11 (1) IN GENERAL.—Before issuing an offshore
12 aquaculture permit under this section, the Secretary
13 shall consult with applicable Federal agencies, coast-
14 al States, and regional fishery management councils
15 to ensure that the proposed offshore aquaculture is
16 compatible with the use of the exclusive economic
17 zone for navigation, fishing, resource protection,
18 recreation, national defense (including military read-
19 iness), mineral and energy exploration and develop-
20 ment, transportation, and other activities within the
21 exclusive economic zone.

22 (2) MAGNUSON-STEVENSON FISHERY CONSERVA-
23 TION AND MANAGEMENT ACT.—After the effective
24 date of the final regulations promulgated under sec-
25 tion 5(b)(1), the conduct of offshore aquaculture

1 that is in accordance with an offshore aquaculture
2 permit issued under this Act shall not be considered
3 fishing for purposes of the Magnuson-Stevens Fish-
4 ery Conservation and Management Act (16 U.S.C.
5 1801 et seq.). The Secretary shall ensure, to the ex-
6 tent practicable, that offshore aquaculture does not
7 interfere with conservation and management meas-
8 ures under such Act and minimizes any potential
9 losses of fishing access.

10 (l) STATUTORY CONSTRUCTION.—An offshore aqua-
11 culture permit issued under this Act shall not supersede
12 or substitute for any other authorization required under
13 Federal or State laws (including regulations).

14 (m) ACTIONS AFFECTING THE OUTER CONTINENTAL
15 SHELF.—

16 (1) NOTIFICATION OF SECRETARY OF INTE-
17 RIOR.—The Secretary shall notify the Secretary of
18 the Interior for each offshore aquaculture permit
19 that is located—

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

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

4 (2) PRIOR CONSENT REQUIRED.—Offshore
5 aquaculture may not be located on a facility de-
6 scribed in paragraph (1)(A) without the prior con-
7 sent of the lessee.

8 (3) COMPLIANCE REVIEW.—The Secretary of
9 the Interior shall review and approve each agree-
10 ment between a prospective offshore aquaculture op-
11 erator and a lessee described in paragraph (1)(A).
12 The Secretary of the Interior shall ensure that the
13 agreement is consistent with the Federal lease
14 terms, Department of the Interior regulations, and
15 the Secretary of the Interior’s role in the protection
16 of the marine environment, property, and human life
17 or health. An agreement under this subsection
18 shall—

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

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

24 (4) COORDINATED COASTAL ZONE MANAGE-
25 MENT ACT REVIEW.—

1 (A) STATE REVIEW UNDER SECTION
2 307(c)(3)(A) OF THE COASTAL ZONE MANAGE-
3 MENT ACT OF 1972.—

4 (i) IN GENERAL.—A coastal State’s
5 review under the Coastal Zone Manage-
6 ment Act of 1972 (16 U.S.C. 1451 et seq.)
7 shall include any modification or change to
8 a lessee’s approved plan that results from,
9 or is necessary for, the issuance of an off-
10 shore aquaculture permit if the State si-
11 multaneously receives—

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

14 (II) the offshore aquaculture per-
15 mit applicant’s consistency certifi-
16 cation.

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

23 (I) a lessee shall not be required
24 to submit a separate consistency cer-
25 tification for the modification or

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

4 (II) the coastal State's concur-
5 rence (or presumed concurrence) or
6 objection to the consistency certifi-
7 cation for the offshore aquaculture
8 permit under section 307(c)(3)(A) of
9 such Act shall apply both—

10 (aa) to the offshore aqua-
11 culture permit; and

12 (bb) to any related modifica-
13 tion or change to a lessee's plan
14 approved under the Outer Conti-
15 nental Shelf Lands Act (43
16 U.S.C. 1331 et seq.).

17 (B) STATE REVIEW UNDER SECTION
18 307(C)(3)(B) OF THE COASTAL ZONE MANAGE-
19 MENT ACT OF 1972.—To the extent that a
20 coastal State is not authorized by section
21 307(c)(3)(A) of the Coastal Zone Management
22 Act of 1972 to review an offshore aquaculture
23 permit application submitted under this Act,
24 then a modification or change to a lessee's ap-
25 proved plan shall be subject to coastal State re-

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

5 (C) LESSEE'S APPROVED PLAN DE-
6 FINED.—In this paragraph, the term “lessee’s
7 approved plan” includes a document for which
8 a consistency certification is required under ap-
9 plicable Federal regulations, such as a change
10 to the approved plan for decommissioning a fa-
11 cility.

12 (5) JOINT AND SEVERAL LIABILITY.—For off-
13 shore aquaculture located on a facility described in
14 paragraph (1)(A), a permit holder and each party
15 that is or was a lessee of the lease on which the fa-
16 cility is located during the term of the offshore
17 aquaculture permit shall be jointly and severally lia-
18 ble for the removal of any construction or modifica-
19 tion related to the offshore aquaculture operations if
20 a bond or other form of financial guarantee under
21 subsection (j)(3) for aquaculture operations is insuf-
22 ficient to cover those obligations. This paragraph
23 shall not affect any obligation to decommission the
24 facility under the Outer Continental Shelf Lands Act
25 (43 U.S.C. 1331 et seq.).

1 (6) ADDITIONAL AUTHORITY.—

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

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

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

9 (I) to protect the marine environ-
10 ment, property, or human life or
11 health; and

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

17 (iii) issue an order to an offshore
18 aquaculture permit holder to take any ac-
19 tion the Secretary of the Interior considers
20 necessary to ensure safe operations on the
21 facility, and to protect the marine environ-
22 ment, property, or human life or health;
23 and

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

1 tions, and orders under the Outer Conti-
2 nental Shelf Lands Act (43 U.S.C. 1331 et
3 seq.).

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

9 (n) PERMITTING HARMONIZATION.—

10 (1) IN GENERAL.—In promulgating the regula-
11 tions required to implement this Act, the Secretary
12 shall, to the maximum extent practicable, minimize
13 duplication and harmonize timelines and require-
14 ments with other required Federal permits. Efforts
15 under this subsection shall include coordinating
16 timelines for permit application and review processes
17 (including public notice and comment periods) and
18 aligning information requests and reporting require-
19 ments for permit applicants and permit holders.

20 (2) ENVIRONMENTAL ANALYSIS.—The National
21 Oceanic and Atmospheric Administration, through
22 the Office of Marine Aquaculture and associated di-
23 visions, shall be responsible for coordinating any en-
24 vironmental analysis or environmental impact state-
25 ment required under the National Environmental

1 Policy Act of 1969 (42 U.S.C. 4321 et seq.) by serv-
2 ing as the lead Federal agency for a single consoli-
3 dated environmental review for all applicable Federal
4 permits for an offshore aquaculture facility or group
5 of facilities, with input from other Federal agencies
6 as cooperating agencies under such Act.

7 (3) COORDINATION OF PERMITTING ACTIVITI-
8 TIES.—To the extent practicable under this Act and
9 all other applicable laws and regulations, Federal
10 agencies with permitting requirements applicable to
11 offshore aquaculture facilities shall coordinate all
12 permitting activities with the Office of Marine Aqua-
13 culture. Such coordination shall include the fol-
14 lowing:

15 (A) Coordinating permit requirements, per-
16 mit application and review procedures, and
17 monitoring and reporting requirements, and
18 eliminating duplicative requirements.

19 (B) Aligning permit application and review
20 timelines.

21 (C) Participating as a cooperating agency
22 in the preparation of any environmental anal-
23 ysis or environmental impact statement re-
24 quired under the National Environmental Pol-

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

3 (D) Contributing to the single request for
4 public comment and the consolidated response
5 to public comment prepared pursuant to sub-
6 section (c)(2).

7 (4) DELEGATION.—Unless otherwise prohibited,
8 a Federal agency with regulatory authority for off-
9 shore aquaculture may delegate its authority to an-
10 other Federal agency.

11 **SEC. 7. RESTRICTIONS ON OFFSHORE AQUACULTURE AC-**
12 **TIVITIES.**

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

16 (1) issued under section 6; or

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

20 (b) AREAS WITHOUT A COASTAL ZONE MANAGE-
21 MENT PLAN.—In the exclusive economic zone adjacent to
22 a coastal state that does not have a Coastal Zone Manage-
23 ment Plan, cultured species shall be consistent with State
24 law.

1 (c) SAVINGS CLAUSE.—Nothing in this Act shall su-
2 persede permit applications in process on the date of en-
3 actment of this Act or permits that are in place on the
4 date of enactment of this Act.

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

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

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

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

13 (3) the information that a permit holder is re-
14 quired to provide; and

15 (4) any other recordkeeping that a permit hold-
16 er is required to satisfy, as necessary to carry out
17 this Act.

18 (b) GOVERNMENT ACCESS.—A United States official,
19 with an official responsibility for implementing and enforce-
20 ing United States laws applicable to maritime fishing,
21 shipping, or conservation, shall have reasonable access, at
22 all times, to an offshore aquaculture facility for which a
23 permit is issued under this Act (for the purpose of enforce-
24 ing laws under the official’s jurisdiction or otherwise car-
25 rying out the official’s responsibilities). The official may

1 inspect, at reasonable times, records, files, papers, per-
2 mits, processes, controls, and the offshore aquaculture fa-
3 cility and may test any feature of the offshore aquaculture
4 facility. Each inspection shall be conducted with reason-
5 able promptness. The permit holder shall receive timely
6 notification, in writing, of the results of the inspection.

7 (c) REPORTING AND RECORDKEEPING FOR CERTAIN
8 PRODUCTS.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of enactment of this Act, the Secretary
11 shall promulgate regulations that require domestic
12 aquaculture producers of the species described in
13 paragraph (2) or (3) of section 300.324(a) of title
14 50, Code of Federal Regulations that introduce such
15 species into interstate commerce in the United
16 States to report and keep records of the same infor-
17 mation as required for imports of those species
18 under the seafood import monitoring program, in a
19 comparable manner as required under such program.

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

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-

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

4 (5) to improve techniques for monitoring, as-
5 sessing, and addressing environmental and socio-
6 economic effects;

7 (6) to develop and evaluate methodologies to
8 prevent, minimize, and mitigate potential adverse
9 ecosystem and socioeconomic impacts of marine
10 aquaculture, including methods for avoiding inter-
11 actions with living marine resources;

12 (7) to conduct research to document and in-
13 crease the potential positive effects of marine aqua-
14 culture;

15 (8) to transition innovative aquaculture tech-
16 nologies from laboratory studies to commercial and
17 restoration projects that create new, and support ex-
18 isting, jobs in coastal communities, produce health-
19 ful locally-sourced seafood, revitalize working water-
20 fronts, support traditional fishing communities, and
21 restore depleted species and habitat;

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

1 ties, and to refine existing aquaculture cultivation
2 practices;

3 (10) to monitor and assess the effects of envi-
4 ronmental changes on marine aquaculture, and de-
5 velop adaptation strategies;

6 (11) to enhance and develop seafood marketing
7 programs for aquaculture species in order to pro-
8 mote trade; and

9 (12) to investigate other priority issues identi-
10 fied by the Secretary.

11 (c) COORDINATION WITH OTHER FEDERAL PRO-
12 GRAMS.—The Secretary shall—

13 (1) coordinate aquaculture research and devel-
14 opment grants within the Department of Commerce
15 and with other Federal programs that provide grant
16 funding for purposes similar to those under sub-
17 section (b), such as grants administered by the Na-
18 tional Sea Grant College Program and the National
19 Institute of Standards and Technology; and

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

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

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

7 **SEC. 11. ENFORCEMENT.**

8 (a) PROHIBITED ACTS.—It is unlawful for any per-
9 son—

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

12 (2) to refuse to permit any officer authorized to
13 enforce the provisions of this Act (as provided for in
14 subsection (b)) to board a fishing vessel or access an
15 offshore aquaculture facility subject to such person's
16 control for purposes of conducting any search or in-
17 spection in connection with the enforcement of this
18 Act or any regulation or permit referred to in para-
19 graph (1);

20 (3) to forcibly assault, resist, oppose, impede,
21 intimidate, or interfere with any such authorized of-
22 ficer in the conduct of any search or inspection de-
23 scribed in paragraph (2);

24 (4) to resist a lawful arrest for any act prohib-
25 ited by this subsection;

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

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

10 (7) to knowingly and willfully submit to the
11 Secretary or the Governor of a State false informa-
12 tion regarding any matter that the Secretary or Gov-
13 ernor is considering in the course of carrying out
14 this Act; or

15 (8) to steal or attempt to steal or to negligently
16 and without authorization remove, damage, or tam-
17 per with—

18 (A) aquaculture gear owned by another
19 person, which is located in the exclusive eco-
20 nomic zone, or

21 (B) fish contained in such fishing gear.

22 (b) ENFORCEMENT.—

23 (1) RESPONSIBILITY.—The provisions of this
24 Act shall be enforced by the Secretary and the Sec-
25 retary of the department in which the Coast Guard

1 is operating. Such Secretaries may, by agreement,
2 on a reimbursable basis or otherwise, utilize the per-
3 sonnel, services, equipment (including aircraft and
4 vessels), and facilities of any other Federal agency,
5 including all elements of the Department of Defense,
6 and of any State agency, in the performance of such
7 duties.

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

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

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

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

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

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

4 (iv) seize any fish (wherever found)
5 taken or retained in violation of any provi-
6 sion of this Act; and

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

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

12 (C) exercise any other lawful authority.

13 (3) ISSUANCE OF CITATIONS.—If any officer
14 authorized to enforce the provisions of this Act (as
15 provided for in this subsection) finds that an off-
16 shore aquaculture facility is operating or has been
17 operated in violation of any provision of this Act,
18 such officer may, in accordance with regulations
19 issued jointly by the Secretary and the Secretary of
20 the department in which the Coast Guard is oper-
21 ating, issue a citation to the owner or operator of
22 such facility in lieu of proceeding under paragraph
23 (2). If a permit has been issued pursuant to this Act
24 for such facility, such officer shall note the issuance
25 of any citation under this subsection, including the

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

4 (4) JURISDICTION OF COURTS.—The district
5 courts of the United States shall have exclusive ju-
6 risdiction over any case or controversy arising under
7 the provisions of this Act. In the case of Guam or
8 any possession of the United States in the Pacific
9 Ocean, the appropriate court is the United States
10 District Court for the District of Guam, except that
11 in the case of American Samoa, the appropriate
12 court is the United States District Court for the
13 District of Hawaii, and except that in the case of
14 the Northern Mariana Islands, the appropriate court
15 is the United States District Court for the District
16 of the Northern Mariana Islands. Any such court
17 may, at any time—

18 (A) enter restraining orders or prohibi-
19 tions;

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

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

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

1 (c) TREATMENT OF OFFSHORE AQUACULTURE FA-
2 CILITIES AS MARINE RESOURCES.—For purposes of sec-
3 tion 311(b)(2) of the Magnuson-Stevens Fishery Con-
4 servation and Management Act (16 U.S.C. 1861(b)(2)),
5 an offshore aquaculture facility shall be considered a ma-
6 rine resource, and, for purposes of section 311(e) of such
7 Act, this Act shall be considered a marine resource law
8 enforced by the Secretary of Commerce.

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

10 (a) IN GENERAL.—There are authorized to be appro-
11 priated to the Secretary for the purpose of carrying out
12 this Act—

- 13 (1) \$60,000,000 for fiscal year 2018;
- 14 (2) \$65,000,000 for fiscal year 2019;
- 15 (3) \$70,000,000 for fiscal year 2020;
- 16 (4) \$75,000,000 for fiscal year 2021; and
- 17 (5) \$80,000,000 for fiscal year 2022.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that, in expending amounts appropriated under sub-
20 section (a), the Secretary should—

- 21 (1) prioritize the programmatic environmental
22 impact statement program under section 9; and
- 23 (2) designate not less than 40 percent of the
24 amounts appropriated for each fiscal year to the re-
25 search and development grants under section 10.