115TH CONGRESS
2D Session

S.

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

CONSIDERED

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. 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 na-
tional task forces or special projects to facilitate a
coordinated, systematic approach to addressing crit-
ical issues and needs.

(7) As affirmed by Congress in the National
Aquaculture Act of 1980 (Public Law 96–362), ma-
rine 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 develop-
ment 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
6

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-
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 submission 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.

(e) 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 de-
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 appli-
cant has satisfied applicable statutory and regu-
laratory requirements, the Secretary shall issue the
permit.

(d) PERMIT REQUIREMENTS.—

(1) IN GENERAL.—An offshore aquaculture per-
mit 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 sub-
section (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 re-
voke 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 es-
tablish, by regulation, application fees and annual
permit fees. The fees shall be deposited as offsetting
collections in the Operations, Research, and Facili-
ties account. Fees may be collected and made avail-
able to the extent provided in advance in appropri-
tion Acts. Such fees shall be set as an amount such
that the total revenue from such fees does not ex-
ceed the amount required to cover the costs of man-
agement, 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 off-
shore aquaculture facility is used primarily for re-
search.

(3) Guarantees.—The Secretary shall require
a permit holder to post a bond or other form of fi-
nancial 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 aqua-
culture 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, coast-
al 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 read-
iness), mineral and energy exploration and develop-
ment, 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 sec-
tion 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 Fish-
ery Conservation and Management Act (16 U.S.C.
1801 et seq.). The Secretary shall ensure, to the ex-
tent practicable, that offshore aquaculture does not
interfere with conservation and management meas-
ures under such Act and minimizes any potential
losses of fishing access.

(l) STATUTORY CONSTRUCTION.—An offshore aqua-
culture 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 INTE-
RIOR.—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 aqua-
culture 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 MANAGE-
MENT 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 ap-
proved plan shall be subject to coastal State re-
view under section 307(e)(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 ap-
pllicable Federal regulations, such as a change
to the approved plan for decommissioning a fa-
cility.

(5) Joint and Several Liability.—For off-
shore 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 fa-
cility is located during the term of the offshore
aquaculture permit shall be jointly and severally lia-
ble for the removal of any construction or modifica-
tion related to the offshore aquaculture operations if
a bond or other form of financial guarantee under
subsection (j)(3) for aquaculture operations is insuf-
ficient 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.).
27

(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.).

(ii) 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 sub-
section (c)(2).

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

SEC. 7. RESTRICTIONS ON OFFSHORE AQUACULTURE AC-
TIVITIES.

(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 Manage-
ment Plan.—In the exclusive economic zone adjacent to
a coastal state that does not have a Coastal Zone Manage-
ment Plan, cultured species shall be consistent with State
law.
(c) Savings Clause.—Nothing in this Act shall supersedes 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 to 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, per-

mits, processes, controls, and the offshore aquaculture fa-
cility and may test any feature of the offshore aquaculture fa-
cility. Each inspection shall be conducted with reason-
able 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 infor-

mation 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 para-

graph (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 STATE-
MENT.

(a) In General.—The Secretary shall initiate and
lead programmatic environmental impact statements (re-
ferred to in this section as “EIS”) for areas of the exclu-
sive economic zone determined by the Secretary to be
highly favorable for marine aquaculture and likely compat-
ible with other uses of such areas. Such EIS shall be com-
pliant with the limitations described under section
7(b)(1)(B).

(b) Distribution.—The programmatic EIS con-
ducted 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-
holders, a research and development grant program to further the purposes of this Act. In carrying out this subsection, the Secretary shall consider utilizing existing programs that leverage State and local partnerships and take advantage of the extramural research community, including the National Sea Grant College Program and the National Oceanographic Partnership Program.

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

(1) to improve the understanding and application of larviculture for improving larval survival and breeding practices for cultured species and species of future interest for marine aquaculture;

(2) to advance the understanding and application of genetics research with respect to cultured species and potential interactions with wild stocks;

(3) to advance research into cultured species disease and management, mitigation, and prevention of disease, including efforts to support the development of comprehensive fish health management tools, including access to safe and effective vaccines, therapeutants, and therapies;

(4) to develop cost-effective alternative feeds to 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 socio-economic 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 jurisdic-
tion 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.