

103^D CONGRESS
2^D SESSION

H. R. 4854

To amend the National Aquaculture Act of 1980 to promote the development of the aquaculture industry in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1994

Mr. STUDDS (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries and Agriculture

A BILL

To amend the National Aquaculture Act of 1980 to promote the development of the aquaculture industry in the United States, 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; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “National Aquaculture Development Act of 1994”.

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

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Definitions.

- Sec. 3. National aquaculture development plan.
- Sec. 4. National aquaculture information center.
- Sec. 5. Coordination with the aquaculture industry.
- Sec. 6. National strategy for private aquaculture.
- Sec. 7. Study, compendium, and recommendations regarding regulations and permit requirements.
- Sec. 8. Disaster assistance for aquaculture producers.
- Sec. 9. Aquaculture education.
- Sec. 10. Eligibility of aquaculture farmers for farm credit assistance.
- Sec. 11. International aquaculture information and data collection.
- Sec. 12. Aquaculture information network report.
- Sec. 13. Authorization of appropriations.
- Sec. 14. Stylistic consistency.

1 (c) REFERENCES TO NATIONAL AQUACULTURE ACT
2 OF 1980.—Except as otherwise expressly provided, when-
3 ever in this Act an amendment or repeal is expressed in
4 terms of an amendment to, or repeal of, a section or other
5 provision, the reference shall be considered to be made to
6 a section or other provision of the National Aquaculture
7 Act of 1980 (16 U.S.C. 2801 et seq.).

8 **SEC. 2. DEFINITIONS.**

9 Section 3 (16 U.S.C. 2802) is amended—

10 (1) in paragraph (1), by striking “the propaga-
11 tion” and all that follows through the period at the
12 end and inserting “the controlled cultivation of
13 aquatic plants and animals, except private ranching
14 of Pacific salmon for profit in States where such
15 ranching is prohibited by law.”;

16 (2) by redesignating paragraphs (7) through
17 (9) as paragraphs (8) through (10), respectively;
18 and

1 (3) by inserting before paragraph (8) (as rededesignated by paragraph (2) of this section) the following new paragraph:

2 “(7) The term ‘private aquaculture’ means aquaculture conducted by a person that is not a Federal, State, or local government agency.”.

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7 **SEC. 3. NATIONAL AQUACULTURE DEVELOPMENT PLAN.**

8 (a) AUTHORITIES OF FEDERAL DEPARTMENTS AND AGENCIES.—Section 4 (16 U.S.C. 2803) is amended—

9 (1) in subsection (b) in the matter preceding paragraph (1) by striking “plan” and inserting “Plan”;

10 (2) in subsection (b) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

11 (3) by inserting before paragraph (2) (as redesignated by paragraph (2) of this subsection) the following:

12 “(1) clearly outline and define the authorities of the Departments of Agriculture, Interior, and Commerce and other relevant Federal agencies, with respect to the development, promotion, and regulation (including environmental regulation) of all aquaculture in the United States;”.

1 (b) REVISION OF THE PLAN.—Section 4(d) (16
2 U.S.C. 2803(d)) is amended—

3 (1) by redesignating paragraphs (1), (2), and
4 (3) in order as subparagraphs (A), (B), and (C);

5 (2) by inserting “(1)” before “The Secretaries”;
6 and

7 (3) by adding at the end the following:

8 “(2) Within 2 years after the date of enactment of
9 the National Aquaculture Development Act of 1994, the
10 Secretaries shall update the Plan, incorporating in the
11 Plan the strategies developed under section 7(b) and giv-
12 ing particular attention to the requirements of subsection
13 (b)(1) of this section.”.

14 (c) ACCOMPLISHMENTS IN AQUACULTURE PRO-
15 GRAMS.—Not later than 1 year after the date of enact-
16 ment of this Act, the coordinating group established under
17 section 6(a) of the National Aquaculture Development Act
18 of 1980 (16 U.S.C. 2805(a)) shall submit to the Congress
19 a report evaluating the actions taken in accordance with
20 subsection (d) with respect to the National Aquaculture
21 Development Plan established under section 4(a) of that
22 Act (16 U.S.C. 2803(a)), and making recommendations
23 for updating and modifying the Plan.

24 **SEC. 4. NATIONAL AQUACULTURE INFORMATION CENTER.**

25 Section 5 (16 U.S.C. 2804) is amended—

1 (1) in subsection (c)(1)(A) by inserting “envi-
2 ronmental impacts,” after “culture techniques,”;

3 (2) in subsection (c)(1)(B)—

4 (A) by striking “Secretary shall—” and in-
5 serting “Secretary—”;

6 (B) by striking clause (i) and inserting the
7 following:

8 “(i) may establish, within the Department,
9 within the National Agricultural Library, a Na-
10 tional Aquaculture Information Center that
11 shall—

12 “(I) serve as a repository and clear-
13 ingshouse for the information collected
14 under subparagraph (A) and other provi-
15 sions of this Act;

16 “(II) carry out a program to notify
17 organizations, institutions, and individuals
18 known to be involved in aquaculture of the
19 existence of the Center and the kinds of in-
20 formation that the Center can make avail-
21 able to the public; and

22 “(III) make available, on request, in-
23 formation described in subclause (I) (in-
24 cluding information collected under sub-
25 section (e));”;

1 (C) in clause (ii)—

2 (i) by inserting “shall” before “ar-
3 range”; and

4 (ii) by striking the comma and insert-
5 ing a semicolon; and

6 (D) in clause (iii), by inserting “shall” be-
7 fore “conduct”; and

8 (3) in the first sentence of subsection (d), by
9 striking “Interior,,” and inserting “Interior,”.

10 **SEC. 5. COORDINATION WITH THE AQUACULTURE INDUS-**
11 **TRY.**

12 Section 6(b) (16 U.S.C. 2805(b)) is amended—

13 (1) in paragraph (5), by striking “and” at the
14 end;

15 (2) in paragraph (6), by striking the period at
16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(7) establish a working relationship with na-
19 tional organizations, commodity associations, and
20 professional societies representing aquaculture inter-
21 ests, in order to facilitate improved communication
22 and interaction among aquaculture producers, the
23 aquaculture community, the Federal Government,
24 and the coordinating group.”.

1 **SEC. 6. NATIONAL STRATEGY FOR PRIVATE AQUACULTURE.**

2 The Act (16 U.S.C. 2801 et seq.) is amended—

3 (1) by redesignating sections 7 through 11 as
4 sections 9 through 13, respectively; and

5 (2) by inserting after section 6 the following
6 new section:

7 **“SEC. 7. NATIONAL STRATEGY FOR PRIVATE AQUA-**
8 **CULTURE.**

9 “(a) IN GENERAL.—The Secretaries, in coordination
10 with other agencies, as appropriate, shall develop and im-
11 plement a national strategy for private aquaculture in ac-
12 cordance with this section. The national strategy shall in-
13 corporate the department strategies developed under sub-
14 section (b).

15 “(b) DEPARTMENT AQUACULTURE STRATEGIES.—

16 “(1) IN GENERAL.—The Secretaries shall each
17 develop and implement an Aquaculture Strategy for
18 their respective department to support the develop-
19 ment of private aquaculture in the United States.

20 “(2) ELEMENTS OF STRATEGIES.—The strategy
21 under paragraph (1) for each department shall—

22 “(A) incorporate individual department
23 programs and regulations related to aqua-
24 culture, including—

25 “(i) in the case of the Department of
26 Agriculture, programs and regulations re-

1 lated to livestock, crops, products, and
2 commodities;

3 “(ii) in the case of the Department of
4 the Interior, programs and regulations re-
5 lated to fish health, nonindigenous species,
6 fisheries management, hatcheries, fisheries
7 enhancement, and environmental protec-
8 tion; and

9 “(iii) in the case of the Department of
10 Commerce, programs and regulations relat-
11 ed to fisheries research and management,
12 fisheries enhancement, technology transfer,
13 environmental protection, and seafood safe-
14 ty and quality; and

15 “(B) include means for effective coordina-
16 tion and implementation of aquaculture activi-
17 ties within and among the agencies of the de-
18 partments and between the departments.

19 “(3) IMPLEMENTATION.—Within one year after
20 the date of enactment of the National Aquaculture
21 Development Act of 1994, the Secretaries shall sub-
22 mit the strategies required by this subsection to the
23 Congress and to the coordinating group.

24 “(c) PRIVATE AQUACULTURE STRATEGY COORDINA-
25 TION.—

1 “(1) RESPONSIBILITY.—The coordinating group
2 shall coordinate strategies, policies, and programs
3 for private aquaculture, including—

4 “(A) the coordination of interagency
5 functions and activities relating to private
6 aquaculture; and

7 “(B) the establishment of procedures
8 for the coordination of functions, and con-
9 sultation, with the coordinating group.

10 “(2) RESOLUTION OF INTERAGENCY CON-
11 FLICT.—The coordinating group shall endeavor to
12 resolve any interagency conflict in the development,
13 coordination, or implementation of the national
14 strategy developed under subsection (a).

15 “(d) TREATMENT OF AQUACULTURE BY DEPART-
16 MENT OF AGRICULTURE.—

17 “(1) IN GENERAL.—The Secretary shall, for
18 purposes of all programs of the Department of Agri-
19 culture, treat private aquaculture as a form of agri-
20 culture.

21 “(2) AFFECT ON OTHER AGENCIES.—Para-
22 graph (1) shall not be construed to amend, repeal,
23 or otherwise modify the authority of any other Fed-
24 eral agency to perform any function, responsibility,

1 or activity authorized under any other provision of
2 law.”.

3 **SEC. 7. STUDY, COMPENDIUM, AND RECOMMENDATIONS**
4 **REGARDING REGULATIONS AND PERMIT RE-**
5 **QUIREMENTS.**

6 Section 11 (as redesignated by section 6(1) of this
7 Act) is amended to read as follows:

8 **“SEC. 11. STUDY, COMPENDIUM, AND RECOMMENDATIONS**
9 **REGARDING REGULATIONS AND PERMIT RE-**
10 **QUIREMENTS.**

11 “(a) STUDY.—Within one year after the date of en-
12 actment of the National Aquaculture Development Act of
13 1994, the Secretaries, through the coordinating group and
14 incorporating any previous work that has been done by
15 the coordinating group and others, shall conduct a study
16 of Federal and State regulations and permits applicable
17 to the United States aquaculture industry. The study
18 shall—

19 “(1) include a compilation of all Federal and
20 State regulations and permit requirements applicable
21 to marine and fresh water aquaculture operations;

22 “(2) include a specific compilation of all Fed-
23 eral and State regulations affecting the interstate
24 transport of aquaculture products; and

1 “(3) identify any duplicative or conflicting regu-
2 lations.

3 “(b) COMPENDIUM.—

4 “(1) IN GENERAL.—Upon completion of the
5 study under subsection (a), the coordinating group
6 shall publish a compendium of all Federal and State
7 regulations and permit requirements applicable to
8 marine and fresh water aquaculture operations in
9 the United States. The compendium shall specifically
10 identify, but shall not be limited to, those Federal
11 and State regulations affecting interstate movement
12 of aquaculture products.

13 “(2) FORMAT.—The compendium under para-
14 graph (1) shall be published in a format that can be
15 made easily available to the aquaculture industry.

16 “(3) UPDATE.—The coordinating group shall
17 periodically update the compendium as necessary.

18 “(c) FRAMEWORK FOR REGULATION AND PERMIT-
19 TING.—Based upon the results of the study required by
20 subsection (a), the coordinating group shall develop and
21 recommend to the Secretaries and the Congress a coordi-
22 nated regulatory and permitting framework for aqua-
23 culture operations that would result in more coordinated
24 and consistent regulations among States, between States
25 and the Federal Government, and among Federal agen-

1 cies. In developing the framework, the coordinating group
2 shall—

3 “(1) consider States that have already devel-
4 oped coordinated regulatory and permitting proc-
5 esses;

6 “(2) ensure that the framework would not com-
7 promise or diminish the environmental protections
8 and fishery management programs provided by exist-
9 ing Federal and State laws, regulations, and permits
10 that apply to aquaculture; and

11 “(3) identify changes that could be made in
12 current State and Federal regulations to achieve
13 such consistency and coordination.”.

14 **SEC. 8. DISASTER ASSISTANCE FOR AQUACULTURE PRO-**
15 **DUCERS.**

16 (a) IN GENERAL.—Section 2244 of the Food, Agri-
17 culture, Conservation, and Trade Act of 1990 (7 U.S.C.
18 1421 note) is amended—

19 “(1) in subsection (a)(1)(A)(ii), by inserting “,
20 if applicable,” after “subsection (d)(2) for such
21 crop”; and

22 (2) in subsection (d)(1), by inserting “and
23 aquatic species,” after “was not available for crop
24 year 1990,”.

1 (b) LIMITATION.—The amendments made by sub-
2 section (a) shall apply only to the extent appropriations
3 are made available after the date of enactment of this Act
4 to carry out the amendments.

5 **SEC. 9. AQUACULTURE EDUCATION.**

6 The Act (16 U.S.C. 2801 et seq.) is further amended
7 by inserting after section 7 (as added by section 6 of this
8 Act) the following new section:

9 **“SEC. 8. AQUACULTURE EDUCATION.**

10 “(a) AUTHORIZATION OF PROGRAM.—The Secretary,
11 in coordination with the Secretary of Commerce and the
12 Secretary of the Interior, may establish a program to ex-
13 pand and improve aquaculture instruction and curriculum
14 in secondary schools and postsecondary vocational institu-
15 tions.

16 “(b) GRANTS AND CURRICULUM.—In carrying out
17 subsection (a), the Secretary may, subject to the availabil-
18 ity of appropriations—

19 “(1) make grants to—

20 “(A) establish and maintain aquaculture
21 learning centers in secondary schools and post-
22 secondary vocational institutions;

23 “(B) promote aquaculture technology
24 transfer; and

1 “(C) educate consumers and the public
2 concerning the benefits of aquaculture; and

3 “(2) develop curriculum and supporting mate-
4 rials on aquaculture farming, field test the content
5 of the curriculum, and supply training to educators
6 at secondary schools and postsecondary vocational
7 institutions on the aquaculture curriculum and ma-
8 terials developed.

9 “(c) PRIORITY FOR GRANTS.—In awarding grants
10 under subsection (b)(1), the Secretary shall give priority
11 to grants for—

12 “(1) proposed aquaculture learning centers that
13 can gain access to—

14 “(A) a commercial aquaculture farm;

15 “(B) a regional aquaculture center estab-
16 lished by the Secretary under section 1475(d)
17 of the National Agricultural Research, Exten-
18 sion, and Teaching Policy of 1977 (7 U.S.C.
19 3322(d));

20 “(C) an aquaculture research or dem-
21 onstration facility; or

22 “(D) a similar venture that would afford
23 students the opportunity to experience aqua-
24 culture research and development or commer-
25 cialization;

1 “(2) such centers that can achieve outreach to
2 minority audiences or students in inner-city schools;

3 “(3) such centers that can foster awareness of
4 aquaculture among consumers and the general pub-
5 lic;

6 “(4) such centers that can serve as an aqua-
7 culture education facility for visiting students par-
8 ticipating in a field trip or a similar educational ex-
9 perience for inservice training; and

10 “(5) such centers that can obtain assistance
11 from non-Federal sources.

12 “(d) LIMITATION.—A person may not receive a grant
13 under this section for any particular project for more than
14 5 fiscal years.

15 “(e) DEFINITIONS.—As used in this section:

16 “(1) POSTSECONDARY VOCATIONAL INSTITU-
17 TION.—The term ‘postsecondary vocational institu-
18 tion’ has the same meaning given the term by sec-
19 tion 481(c) of the Higher Education Act of 1965
20 (20 U.S.C. 1088(c)), except that the term only in-
21 cludes an institution that awards an associate degree
22 but does not award a bachelor’s degree.

23 “(2) SECONDARY SCHOOL.—The term ‘second-
24 ary school’ has the same meaning given the term by

1 section 1471(21) of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 2891(21)).”.

3 **SEC. 10. ELIGIBILITY OF AQUACULTURE FARMERS FOR**
4 **FARM CREDIT ASSISTANCE.**

5 (a) IN GENERAL.—Section 343 of the Consolidated
6 Farm and Rural Development Act (7 U.S.C. 1991) is
7 amended by striking “fish farming” each place it appears
8 in paragraphs (1) and (2) and inserting “aquaculture (as
9 the term is defined in section 3(1) of the National Aqua-
10 culture Act of 1980 (16 U.S.C. 2802(1)))”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall become effective on October 1, 1994.

13 **SEC. 11. INTERNATIONAL AQUACULTURE INFORMATION**
14 **AND DATA COLLECTION.**

15 Section 502 of the Agricultural Trade Act of 1978
16 (7 U.S.C. 5692) is amended by adding at the end the fol-
17 lowing:

18 “(d) INTERNATIONAL AQUACULTURE INFORMATION
19 AND DATA COLLECTION.—

20 “(1) IN GENERAL.—The Secretary may estab-
21 lish and carry out a program of data collection, data
22 analysis, and dissemination of information to provide
23 continuing and timely economic and environmental
24 information concerning international aquaculture
25 production.

1 “(2) CONSULTATION.—In carrying out para-
2 graph (1), the Secretary shall consult with the co-
3 ordinating group established under section 6(a) of
4 the National Aquaculture Act of 1980 (16 U.S.C.
5 2805(a)), and representatives of the United States
6 aquaculture industry, concerning means of effec-
7 tively providing data described in paragraph (1) to
8 the coordinating group and the aquaculture indus-
9 try.”.

10 **SEC. 12. AQUACULTURE INFORMATION NETWORK REPORT.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Secretary of Agriculture shall report to
13 the Congress on the feasibility of expanding current infor-
14 mation systems at regional aquaculture centers estab-
15 lished under section 1475(d) of the National Agricultural
16 Research, Extension, and Teaching Policy Act of 1977 (7
17 U.S.C. 3322(d)), universities, research institutions, and
18 the National Agricultural Library, to permit an on-line
19 link between those entities for the sharing of data, publica-
20 tions, and technical assistance information involving aqua-
21 culture.

22 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 12 (as redesignated by section 6(1) of this
24 Act) is amended to read as follows:

1 **“SEC. 12. AUTHORIZATIONS OF APPROPRIATIONS.**

2 “For purposes of carrying out the provisions of this
3 Act, there are authorized to be appropriated—

4 “(1) to the Department of Agriculture,
5 \$1,000,000 for each of the fiscal years 1994, 1995,
6 and 1996;

7 “(2) to the Department of Commerce,
8 \$1,000,000 for each of the fiscal years 1994, 1995,
9 and 1996;

10 “(3) to the Department of the Interior,
11 \$1,000,000 for each of the fiscal years 1994, 1995,
12 and 1996; and

13 “(4) to the coordinating group for conducting
14 the study required by section 11(a) and for other
15 functions \$1,000,000 for each of the fiscal years
16 1994, 1995, and 1996.

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

19 **SEC. 14. STYLISTIC CONSISTENCY.**

20 The National Aquaculture Act of 1980 (16 U.S.C.
21 2801 et seq.) is amended so that the section designation
22 and section heading of each section of the Act is in the
23 form and typeface of the section designation and heading
24 of this section.

○