

104TH CONGRESS
1ST SESSION

S. 1192

To promote marine aquaculture research and development and the development of an environmentally sound marine aquaculture industry.

IN THE SENATE OF THE UNITED STATES

AUGUST 11 (legislative day, JULY 10), 1995

Mr. KERRY (for himself, Mr. PELL, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To promote marine aquaculture research and development and the development of an environmentally sound marine aquaculture industry.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Aquaculture
5 Act of 1995”.

6 **SEC. 2. FINDINGS AND POLICY.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) The annual demand for seafood products is
9 expected to increase by 350 million pounds by the

1 year 2000 as a result of population growth alone.
2 This demand will be satisfied by a combination of
3 United States harvests, fresh water and marine
4 aquaculture, and imports.

5 (2) The marine fishery resources of the United
6 States coastal zone, territorial sea, and exclusive
7 economic zone are renewable, but finite. Sound fish-
8 ery management programs cannot guarantee that
9 the amount of marine fishery products available to
10 the Nation from United States waters will meet
11 consumer demand without supplementation from
12 marine aquaculture.

13 (3) Worldwide there has been a major increase
14 in marine aquaculture and many of these products
15 have been aggressively marketed in the United
16 States. Many of these programs are also heavily sub-
17 sidized by foreign governments.

18 (4) In some foreign nations marine aquaculture
19 has not been adequately controlled and, as a result,
20 there have been undesirable changes to the marine
21 ecosystem which have contributed to production fail-
22 ures from both artificial and natural stocks of fish.

23 (5) Within the United States private industry
24 has primarily invested in and developed land-based
25 aquaculture facilities, in part because these facilities

1 are located on privately owned land, and in part be-
2 cause the potential environmental problems associ-
3 ated within these facilities are generally easier to
4 control than those associated with marine facilities.
5 Land-based facilities have also benefited from some
6 of the traditional forms of economic assistance pro-
7 vided to farmers under programs administered by
8 the Department of Agriculture.

9 (6) Private industry has not taken an equiva-
10 lent initiative to invest in and develop marine aqua-
11 culture facilities within the United States, in part,
12 because our marine waters are not susceptible to pri-
13 vate ownership and because our marine waters also
14 support other public trust uses, including navigation,
15 fishing, recreation, and national defense. Addition-
16 ally, marine aquaculture facilities present several en-
17 vironmental challenges requiring specialized sci-
18 entific research and regulatory programs. Moreover,
19 the traditional forms of economic assistance provided
20 to fishermen under programs administered by the
21 Department of Commerce have not been as widely
22 available to marine aquaculture facilities because of
23 restrictions in authorizing legislation and funding
24 limitations.

1 (7) Further, incorporating environmental con-
2 cerns in the development of marine aquaculture will
3 enhance the prospects of an economically and envi-
4 ronmentally sustainable industry.

5 (8) There exist within the Department of Com-
6 merce a number of agencies and programs essential
7 to stimulate the private development of marine aqua-
8 culture facilities, rebuild depleted fishery resources
9 and protect the marine ecosystem. Among these are
10 programs of the National Marine Fisheries Service,
11 the National Sea Grant College Program, the Na-
12 tional Ocean Service, the National Institute of
13 Standards and Technology, the Economic Develop-
14 ment Administration, the Minority Business Devel-
15 opment Administration, and the International Trade
16 Administration.

17 (b) POLICY.—It is the policy of the United States—

18 (1) to encourage private enterprise to invest in
19 and to develop new employment opportunities in ma-
20 rine aquaculture facilities by restructuring existing
21 financial assistance programs and by safeguarding
22 investments in marine aquaculture facilities;

23 (2) to promote research and development in
24 marine aquaculture technology, marine biology, ma-
25 rine ecology, ocean engineering, economics, law, pub-

1 lic policy and other disciplines that will contribute to
2 the commercial success of new marine aquaculture
3 facilities while safeguarding the marine ecosystem;
4 and

5 (3) to ensure that the placement and operation
6 of any new marine aquaculture facility within a
7 State coastal zone, the territorial sea, or the United
8 States exclusive economic zone, is economically and
9 environmentally sound and does not pose unreason-
10 able constraints on other public trust uses of marine
11 waters, such as navigation, fishing, recreation, and
12 national defense.

13 **SEC. 3. DEFINITIONS.**

14 For the purposes of this Act:

15 (1) DIRECTOR.—The term “Director” means
16 the Director of the National Sea Grant College Pro-
17 gram.

18 (2) OFFSHORE MARINE AQUACULTURE FACIL-
19 ITY.—

20 (A) The term “offshore marine aqua-
21 culture facility” means any facility which is lo-
22 cated in whole or in part in the United States
23 exclusive economic zone, the purpose of which is
24 to raise, breed, grow, or hold in a living state
25 any marine or estuarine organism.

1 (B) Any vessel or other floating craft that
 2 forms all or part of an offshore marine aqua-
 3 culture facility, or any vessel or other floating
 4 craft that discharges any material into an off-
 5 shore marine aquaculture facility, shall not be
 6 deemed to be a “vessel or other floating craft”
 7 under section 502(12)(B) of the Clean Water
 8 Act (33 U.S.C. 1362 et al.). Any discharge of
 9 material directly into the waters of the facility
 10 or from the facility into the surrounding waters
 11 shall be considered a point source subject to
 12 that Act.

13 (3) SECRETARY.—The term “Secretary” means
 14 the Secretary of Commerce, acting through the
 15 Under Secretary of Commerce for Oceans and At-
 16 mosphere.

17 **SEC. 4. MARINE AQUACULTURE RESEARCH AND DEVELOP-**
 18 **MENT PROGRAM.**

19 The National Sea Grant College Program Act (33
 20 U.S.C. 1121 et seq.) is amended by inserting after section
 21 206 the following:

22 “MARINE AQUACULTURE RESEARCH AND DEVELOPMENT
 23 PROGRAM

24 “SEC. 206A. (a) COASTAL AND MARINE AQUA-
 25 CULTURE RESEARCH AND DEVELOPMENT PROGRAM.—
 26 The National Sea Grant College Program provided for

1 under section 204 shall include a national marine aqua-
2 culture research and development program under which
3 the Secretary, acting through the Director, shall make
4 grants and enter into contracts in accordance with this
5 section, and engage in other activities authorized under
6 this Act, to further research, development, education and
7 technology transfer in coastal and marine aquaculture and
8 accelerate the development and growth of a sustainable
9 marine aquaculture industry.

10 “(b) PROGRAM SCOPE.—The marine aquaculture re-
11 search and development program shall include research,
12 development, education and technology transfer programs
13 that address, but are not limited to, the following:

14 “(1) Fundamental biological knowledge needed
15 for domesticating candidate species;

16 “(2) Environmentally safe technologies, meth-
17 ods and systems for culturing marine species in the
18 coastal environment, encouraging sustainable aqua-
19 culture practices, and remediating environmental
20 problems;

21 “(3) Aquaculture technologies that are compat-
22 ible with other uses of the sea;

23 “(4) Application of marine biotechnology to ma-
24 rine aquaculture;

1 “(5) Methods for addressing and resolving con-
2 flicts between marine aquaculture and other compet-
3 ing users of the marine environment;

4 “(6) Comparative studies of State practices re-
5 garding the regulation and promotion of marine
6 aquaculture so as to identify and resolve interstate
7 conflicts and issues;

8 “(7) Education programs to foster understand-
9 ing and awareness of the environmental and policy
10 implications of aquaculture and marine aquaculture
11 development, including the role of aquaculture in
12 meeting consumer demand for seafood, and the role
13 of aquaculture in rebuilding depleted fish stocks; and

14 “(8) Development of pilot projects for offshore
15 aquaculture facilities.

16 “(c) SEA GRANT MARINE ADVISORY SERVICES.—
17 The National Sea Grant College Program shall maintain,
18 within the Marine Advisory Service, the capability to
19 transfer relevant technologies and information to the ma-
20 rine aquaculture industry. Particular emphasis shall be
21 given to the matters referred to in subsection (b) (1)
22 through (8).

23 “(d) ADMINISTRATION.—In carrying out the marine
24 aquaculture research and development program, the Di-
25 rector shall—

1 “(1) coordinate and administer the relevant ac-
2 tivities of the Sea Grant College and any advisory
3 committee and review panel established under sub-
4 section (f);

5 “(2) consult with the directors of State Sea
6 Grant programs and other organizations with inter-
7 ests in aquaculture to identify program priorities
8 and needs and, to the extent possible, undertake col-
9 laborative efforts, and use this information to iden-
10 tify priorities for marine aquaculture research and
11 planning;

12 “(3) provide general oversight to ensure that
13 the marine aquaculture research and development
14 program produces the highest quality research, edu-
15 cation and technology transfer and leads to opportu-
16 nities for business development and jobs creation.

17 “(e) GRANTS AND CONTRACTS.—

18 “(1) IN GENERAL.—The Director, subject to
19 the availability of appropriations, shall award grants
20 and contracts in accordance with procedures, re-
21 quirements, and restrictions under section 205 (c)
22 and (d) for aquaculture research, education, tech-
23 nology transfer, and advisory proposals based on a
24 competitive review of—

1 “(A) their respective scientific, technical,
2 and educational merits; and

3 “(B) their likelihood of producing informa-
4 tion and technology which lead to the growth
5 and development of a sustainable marine aqua-
6 culture industry.

7 “(2) FUNDING.—Grants made and contracts
8 entered into under this section shall be funded with
9 amounts available from appropriations made pursu-
10 ant to the authorization provided for under section
11 212(c), except that if the project under a grant or
12 contract was considered and approved, in whole or
13 in part, under grant or contract authority provided
14 for under section 205 (a) or (b) or section 3 of the
15 Sea Grant Program Improvement Act of 1976, the
16 grant or contract shall be funded from amounts
17 available to carry out that section.

18 “(f) MARINE AQUACULTURE ADVISORY AND REVIEW
19 PANELS.—

20 “(1) ESTABLISHMENT.—The Director may es-
21 tablish such advisory committees and review panels
22 as necessary to carry out this section, (or utilize any
23 such existing committee that satisfies the require-
24 ments of this subsection).

1 “(2) MEMBERSHIP.—Members of advisory com-
2 mittees and review panels should be selected to have
3 the professional expertise necessary to review grants
4 received, and in general, should include representa-
5 tives of relevant disciplines and professions such as
6 fisheries scientists, environmental scientists, and
7 representatives of the marine aquaculture and cap-
8 ture fishing industries.

9 “(3) ACCESS TO EVALUATIONS OF GRANTS AND
10 CONTRACTS.—The Director shall provide to each ad-
11 visory committee and review panel established under
12 this subsection copies of appropriate grant and con-
13 tract application evaluations prepared by directors of
14 Sea Grant Colleges under section (e)(2)(A).

15 “(g) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) GRANTS AND CONTRACTS.—There is au-
17 thorized to be appropriated to carry out this section
18 (other than for administration)—

19 “(A) \$5,000,000 for each of fiscal years
20 1995 and 1996; and

21 “(B) \$7,000,000 for each of fiscal years
22 1997 and 1998.

23 “(2) ADMINISTRATION.—There is authorized to
24 be appropriated for the administration of this sec-
25 tion—

1 “(A) \$100,000 for each of fiscal years
2 1995 and 1996; and

3 “(B) \$120,000 for each of fiscal years
4 1997 and 1998.”.

5 **SEC. 5. AQUACULTURE IN THE COASTAL ZONE.**

6 The Coastal Zone Management Act of 1972 is
7 amended—

8 (1) by adding at the end of section 306A(b) (16
9 U.S.C. 1455a(b)) the following:

10 “(4) The development of a coordinated process
11 among State agencies and between the State and
12 Federal Government, to regulate and issue permits
13 for aquaculture and marine aquaculture facilities in
14 the coastal zone.”; and

15 (2) by adding at the end of section 309(a) (16
16 U.S.C. 1456b(a)) the following:

17 “(9) Adoption of procedures and policies to fa-
18 cilitate and evaluate the siting of public and private
19 marine aquaculture facilities in the coastal zone
20 which will assist States in formulating, administer-
21 ing, and implementing strategic plans for marine
22 aquaculture.”.

23 **SEC. 6. OFFSHORE MARINE AQUACULTURE PERMITTING.**

24 (a) OWNERSHIP, CONSTRUCTION, AND OPERATION
25 OF OFFSHORE MARINE AQUACULTURE FACILITIES.—

1 Notwithstanding subsection (n) of this section, no person
2 may own, construct, or operate an offshore marine aqua-
3 culture facility except as authorized by a permit issued
4 under this section.

5 (b) PERMIT ISSUANCE AND TERM.—

6 (1) IN GENERAL.—The Secretary may issue,
7 amend, renew, or transfer in accordance with this
8 section permits which authorize the ownership, con-
9 struction, or operation of an offshore marine aqua-
10 culture facility.

11 (2) TERM.—The term for a permit under this
12 section shall not exceed 10 years and may be re-
13 newed after such time.

14 (3) OWNERSHIP.—Whereas a facility's physical
15 structure, the organisms stocked therein, and any
16 business interests in an offshore marine aquaculture
17 facility can be privately owned by the permittee, the
18 area of ocean used by a marine aquaculture facility
19 remains in public ownership, with only a revocable
20 use permit being granted to the permittee.

21 (c) PERMIT PREREQUISITES.—The Secretary may
22 not issue, amend, renew, or transfer a permit to a person
23 under this section unless—

24 (1)(A) each of the officials referred to in sub-
25 section (e)(1) has certified to the Secretary that the

1 activities to be conducted under the permit would
2 comply with laws administered by the official; or

3 (B) the permit establishes the conditions trans-
4 mitted under subsection (e)(3)(A) by each of those
5 officials that does not make that certification and
6 each of the remainder of those officials makes that
7 certification;

8 (2) the Secretary determines that—

9 (A) construction and operation of a facility
10 under the permit will comply with the environ-
11 mental standards established by the Secretary
12 under subsection (k) and will not significantly
13 interfere with other public trust uses of the
14 ocean, including recreational and commercial
15 fishing, navigation, conservation, and aesthetic
16 enjoyment;

17 (B) the site for the facility will not inter-
18 fere with facilities previously permitted under
19 this section or any other Federal law; and

20 (C) the person, upon revocation or surren-
21 der of the permit, will properly dispose of or re-
22 move the facility as directed by the Secretary;
23 and

1 (3) the person provides the Secretary with a
2 bond or other assurances to pay for all costs associ-
3 ated with removal of the facility.

4 (d) PUBLIC NOTICE AND COMMENT PERIOD.—

5 (1) NOTICE.—The Secretary shall publish in
6 the Federal Register—

7 (A) notice of receipt of each application for
8 a permit under this section; and

9 (B) notice of issuance of each permit is-
10 sued, amended, renewed, or transferred under
11 this section.

12 (2) PUBLIC COMMENT.—The Secretary shall
13 provide a 60 day comment period regarding each ap-
14 plication received by the Secretary for the issuance,
15 amendment, renewal, or transfer of a permit under
16 this section.

17 (e) AGENCY NOTICE AND COMMENT.—

18 (1) TRANSMISSION OF COPIES OF APPLICA-
19 TIONS.—Not later than 30 days after receiving an
20 application for a permit under this section, the Sec-
21 retary shall forward a copy of this application to—

22 (A) the Secretary of the agency in which
23 the Coast Guard is located;

24 (B) the Administrator of the Environ-
25 mental Protection Agency;

1 (C) the Secretary of the Interior;

2 (D) the Chairman of the Regional Fishery
3 Management Council under the Magnuson
4 Fishery Conservation and Management Act (16
5 U.S.C. 1801 et seq.) having authority over wa-
6 ters in which would occur the activities for
7 which the permit is sought, or having authority
8 over fish stocks which could be ecologically ef-
9 fected by construction or operation of such fa-
10 cility;

11 (E) the Secretary of Defense; and

12 (F) the Governor of each State—

13 (i) adjacent to the location specified
14 by the permit or which would be eco-
15 logically affected by permit activities; and

16 (ii) which has an approved coastal
17 zone management program under the
18 Coastal Zone Management Act of 1972 (16
19 U.S.C. 1451 et seq.).

20 (2) CERTIFICATION OF COMPLIANCE.—Subject
21 to paragraph (4), not later than 90 days after re-
22 ceiving a copy of a permit application transmitted
23 under paragraph (1), the official shall certify to the
24 Secretary whether or not the activities to be con-

1 ducted under the permit would comply with the laws
2 administered by the official.

3 (3) TRANSMITTAL OF REASONS FOR NON-
4 COMPLIANCE AND PERMIT CONDITIONS.—If an offi-
5 cial certifies under paragraph (1) that activities to
6 be conducted under a permit is sought would not
7 comply with a law—

8 (A) the official shall transmit to the Sec-
9 retary the reasons for that noncompliance and
10 any permit conditions that would ensure compli-
11 ance; and

12 (B) the Secretary shall establish those con-
13 ditions in any permit for the activity issued
14 under this subsection.

15 (4) EXTENSION OF TIME FOR CERTIFI-
16 CATION.—An official may request, in writing, that
17 the Secretary extend by not more than 30 days the
18 period for making certifications under paragraph
19 (2). The Secretary may grant the extension for good
20 cause shown.

21 (f) PERMIT REVOCATION OR SURRENDER.—

22 (1) REVOCATION.—The Secretary may revoke
23 any permit issued under this section if the permittee
24 is found to be in substantial violation of any term

1 of the permit, this section, or any regulation promul-
2 gated pursuant to this section.

3 (2) SURRENDER.—A permittee may surrender a
4 permit under this section to the Secretary at any
5 time, subject to any safeguards or conditions estab-
6 lished by the Secretary.

7 (g) PERMIT RENEWAL AND TRANSFER.—A permit
8 under this section may be renewed or transferred in ac-
9 cordance with the procedures and requirements applicable
10 to the issuance of a new permit. The term of a permit,
11 upon renewal, shall not exceed 10 years.

12 (h) FEES.—The Secretary may assess permit fees not
13 to exceed the cost of administering the program author-
14 ized by this section.

15 (i) CIVIL PENALTY.—The Secretary may assess a
16 civil penalty of not more than \$100,000 for each violation
17 of a permit under this section.

18 (j) PROMULGATION OF REGULATIONS.—The Sec-
19 retary shall promulgate regulations as necessary to carry
20 out this section.

21 (k) ENVIRONMENTAL STANDARDS.—

22 (1) ESTABLISHMENT.—Within 2 years after the
23 date of enactment of this Act, the Secretary shall
24 issue regulations which establish minimum environ-
25 mental standards with respect to offshore marine

1 aquaculture facilities. Such standards shall be de-
2 signed to minimize the potential for adverse impacts
3 on the marine environment from such facilities and
4 shall include—

5 (A) safeguards to conserve genetic re-
6 sources, including methods to minimize genetic
7 mixing of cultured stocks and natural marine
8 stocks;

9 (B) safeguards to prevent or minimize eco-
10 logical or economic harm to marine ecosystems
11 by intentional or unintentional introductions of
12 nonindigenous marine aquaculture species;

13 (C) safeguards to prevent or minimize
14 transmission of disease to wild stocks;

15 (D) safeguards to maintain applicable Fed-
16 eral water quality standards;

17 (E) safeguards to ensure that any efforts
18 to control predation on cultivated stocks are en-
19 vironmentally and ecologically sound; and

20 (F) other applicable measures to protect
21 the marine environment.

22 (2) INCLUSION OF PERMIT TERMS.—The stand-
23 ards established under paragraph (1) shall be treat-
24 ed as part of the terms of each permit issued under
25 this section.

1 (3) REVIEW.—The Secretary shall periodically
2 review the standards established under paragraph
3 (1) and revise the standards based on significant
4 new information including results of the pilot
5 project.

6 (l) CUMULATIVE EFFECTS.—The Secretary shall re-
7 port to Congress 5 years after the enactment of this Act
8 on all permits issued under this Act, including the cumu-
9 lative effects of all permitted facilities on public trust uses
10 of the ocean.

11 (m) OFFSHORE MARINE AQUACULTURE PILOT PRO-
12 GRAMS.—

13 (1) IN GENERAL.—The Secretary in cooperation
14 with other Federal and State agencies, acting
15 through the National Sea Grant College Program, is
16 authorized to conduct, to make grants for, or to con-
17 tract for, projects to demonstrate sustainable ap-
18 proaches to development, installation, or operation of
19 offshore marine aquaculture facilities. Such projects
20 shall take into consideration any environmental
21 guidelines developed by the Secretary, and shall, to
22 the maximum extent practicable, meet the require-
23 ments of permits issued under this section.

1 (2) TERM.—Any pilot project authorized pursu-
2 ant to this subsection shall be for a term not to ex-
3 ceed two years, and may be renewed after such time.

4 (3) PURPOSE.—Such projects shall demonstrate
5 the technological and economic feasibility of various
6 marine aquaculture technologies which will contrib-
7 ute substantially to the development of a sustainable
8 marine aquaculture industry.

9 (4) ECOSYSTEM SAFEGUARDS.—The Secretary,
10 in selecting projects under this subsection, shall be
11 satisfied that any project authorized will not ad-
12 versely affect the marine environment, and shall be
13 designed to prevent or minimize ecological or eco-
14 nomic harm to marine ecosystems by intentional or
15 unintentional introductions of nonindigenous marine
16 aquaculture species.

17 (5) CONTENTS OF PUBLIC ANNOUNCEMENTS.—
18 The Secretary shall make a public announcement
19 concerning—

20 (A) the title, purpose, intended completion
21 date, identity of the grantee or contractor, and
22 proposed cost of any grant or contract with a
23 private or non-Federal agency for any research,
24 demonstration, pilot project, study, or report
25 under this subsection; and

1 (B) the results, findings, data, or rec-
2 ommendations made or reported as a result of
3 such activities.

4 (6) TIME.—A public announcement required by
5 paragraph (5)(A) shall be made within 30 days after
6 making a grant or contract, and a public announce-
7 ment required by paragraph (5)(B) shall be made
8 within 90 days after the receipt of such results.

9 (7) PUBLICATION OF SUMMARIES OF RESULTS;
10 SUBMISSION TO APPROPRIATE CONGRESSIONAL COM-
11 MITTEES.—The Secretary shall publish summaries
12 of the results of activities carried out pursuant to
13 this subsection not later than 90 days after the com-
14 pletion thereof. The Secretary shall submit to the
15 Senate Committee on Commerce, Science, and
16 Transportation copies of all such summaries.

17 **SEC. 7. MODEL ENVIRONMENTAL GUIDELINES.**

18 (a) MODEL ENVIRONMENTAL GUIDELINES.—

19 (1) Within two years after the date of enact-
20 ment of this Act, the Secretary in consultation with
21 other appropriate Federal and State agencies, shall
22 develop and establish model environmental guidelines
23 with respect to marine aquaculture facilities located
24 within State waters.

1 (2) In order to carry out this section, the Sec-
2 retary shall seek advice from representatives of rel-
3 evant disciplines and professions such as fisheries
4 scientists, environmental scientists, and representa-
5 tives of the marine aquaculture and capture fishing
6 industries, and may utilize any Marine Aquaculture
7 Advisory and Review Panels established under sec-
8 tion 206A(f) of the National Sea Grant College Pro-
9 gram Act.

10 (3) The Secretary shall provide public notice in
11 the Federal Register and allow for a 90 day com-
12 ment period before finalizing its model guidelines.

13 (4) The guidelines should include best manage-
14 ment practices to minimize the potential for damage
15 to the marine ecosystem from marine aquaculture
16 facilities, including, but not limited to—

17 (A) conserving genetic resources, including
18 methods to minimize genetic mixing of cultured
19 stocks with natural marine stocks;

20 (B) preventing or minimizing ecological or
21 economic harm to marine ecosystems by inten-
22 tional or unintentional introductions of
23 nonindigenous marine aquaculture species;

1 (C) maintaining applicable Federal and
2 State water quality standards by marine aqua-
3 culture facilities;

4 (D) minimizing “visual pollution” and
5 other interference with public trust uses of the
6 ocean from marine aquaculture facilities; and

7 (E) ensuring that any efforts to control
8 predation on cultivated stocks are environ-
9 mentally and ecologically sound.

10 (5) The Secretary shall also develop a program
11 to promote voluntary compliance by the marine
12 aquaculture industry with the guidelines.

13 (b) STATE AQUACULTURE MANAGEMENT.—Upon
14 completion of environmental guidelines, the Secretary
15 shall submit the environmental guidelines to State coastal
16 zone management agencies, and other Federal and State
17 agencies with a role in aquaculture, marine aquaculture
18 or other coastal and marine resources. These State agen-
19 cies shall review the environmental guidelines for marine
20 aquaculture operations and consider incorporating them
21 into State aquaculture programs or permitting processes
22 where applicable.

23 **SEC. 8. ECONOMIC DEVELOPMENT.**

24 (a) COMPREHENSIVE REPORT.—The Secretary shall
25 review all programs administered by the Department of

1 Commerce through the National Oceanic Atmospheric Ad-
2 ministration, the National Institute of Standards and
3 Technology, the Economic Development Administration,
4 the Minority Business Development Administration, and
5 the International Trade Administration that pertain to the
6 seafood industry. Within two years after the date of enact-
7 ment of this Act, the Secretary shall report to Congress
8 how the Department of Commerce programs have been
9 employed to stimulate the development of commercial ma-
10 rine aquaculture facilities within the United States or the
11 exclusive economic zone. The report shall include rec-
12 ommendations for changes in any Federal law or adminis-
13 trative procedure that, in the judgment of the Secretary,
14 constitutes an unreasonable impediment to the growth of
15 a commercially and environmentally sound marine aqua-
16 culture facility.

17 (b) ECONOMIC ASSISTANCE.—The Secretary shall
18 make the financial assistance programs of the Department
19 of Commerce fully available to qualified applicants seeking
20 to construct marine aquaculture facilities in a State coast-
21 al zone or the United States exclusive economic zone. The
22 programs shall include, but not be limited to, the Capital
23 Construction Fund Program, the Fisheries Obligation
24 Guarantee Program, the Saltonstall-Kennedy Grant Pro-
25 gram, the Marine Fisheries Initiative Grant Program, and

1 the programs of the Economic Development Administra-
2 tion. To the extent such projects are economically sound,
3 the Secretary shall grant priority to applicants from those
4 regions of the United States where marine fishery con-
5 servation requirements have led to reduced employment in
6 the commercial or recreational fishing industry.

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