

116TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

A BILL

To establish a regulatory system for sustainable offshore 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 “Advancing the Quality and Understanding of American
6 Aquaculture Act” or the “AQUAA Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

TITLE I—NATIONAL STANDARDS

Sec. 101. National standards for sustainable offshore aquaculture.

TITLE II—CORE ACTIVITIES

Sec. 201. Offshore aquaculture permits.

Sec. 202. Enterprise zones.

Sec. 203. Research and development grant program.

TITLE III—REFINEMENTS

Sec. 301. Protection of offshore aquaculture facilities.

Sec. 302. Recordkeeping and access to information.

Sec. 303. Marine feed standards.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Office of Aquaculture.

Sec. 402. Support for industry.

Sec. 403. Outreach and education.

Sec. 404. Administration.

Sec. 405. Report and permit terms.

Sec. 406. Federal coordination.

Sec. 407. Prohibited acts.

Sec. 408. Enforcement.

Sec. 409. Authorization of appropriations.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to support the development of a sustainable
4 offshore aquaculture industry in the United States
5 and enhance access to investment capital;

6 (2) to develop sustainable offshore aquaculture
7 as a tool to support sustainable marine fisheries and
8 ecosystem-based management;

9 (3) to simplify the Federal regulatory regime
10 for sustainable offshore aquaculture and safeguard
11 the marine environment, wild fish stocks, and our
12 coastal communities;

1 (4) to support research and technology develop-
2 ment to further these goals;

3 (5) to create new jobs, and support existing
4 jobs within the seafood industry of the United
5 States, including jobs for traditional fishing industry
6 partners; and

7 (6) to reduce the United States seafood trade
8 deficit by expanding the domestic supply of seafood
9 through the production of sustainable offshore aqua-
10 culture.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) **AQUACULTURE.**—The term “aquaculture”
14 means any activity involved in the propagation,
15 rearing, or attempted propagation or rearing, of cul-
16 tured species.

17 (2) **AQUACULTURE STAKEHOLDER.**—The term
18 “aquaculture stakeholder” means owners and opera-
19 tors of offshore aquaculture facilities, Regional Fish-
20 ery Management Councils, conservation organiza-
21 tions, fisheries associations, State, county, and Trib-
22 al governments, and other interested stakeholders.
23 The term also includes other Federal agencies that
24 have interests in aquaculture.

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

6 (4) CULTURED SPECIES.—The term “cultured
7 species” means any marine species propagated and
8 reared for offshore aquaculture. The term includes
9 marine species recruited from the wild and reared in
10 an aquaculture facility, regardless of such facility’s
11 location. The term excludes any member of the class
12 aves or mammalia.

13 (5) EXCLUSIVE ECONOMIC ZONE.—

14 (A) IN GENERAL.—Unless otherwise speci-
15 fied by the President in the public interest in
16 a writing published in the Federal Register, the
17 term “exclusive economic zone” means a zone,
18 the outer boundary of which is 200 nautical
19 miles from the baseline from which the breadth
20 of the territorial sea is measured (except as es-
21 tablished by a maritime boundary treaty in
22 force or being provisionally applied by the
23 United States or, in the absence of such a trea-
24 ty, where the distance between the United
25 States and another country is less than 400

1 nautical miles, a line equidistant between the
2 United States and the other country).

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

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

13 (ii) in the case of the Commonwealth
14 of Puerto Rico, a line 3 marine leagues
15 from the coastline of the Commonwealth of
16 Puerto Rico;

17 (iii) in the case of t, a line 3 geo-
18 graphic miles from the coastlines of Amer-
19 ican Samoa, the United States Virgin Is-
20 lands, or Guam, respectively;

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

23 (I) the coastline of the Common-
24 wealth of the Northern Mariana Is-
25 lands, until the Commonwealth of the

1 Northern Mariana Islands is granted
2 authority by the United States to reg-
3 ulate all fishing to a line seaward of
4 its coastline; and

5 (II) upon the United States
6 grant of such authority, the line es-
7 tablished by such grant of authority;

8 or

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

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

17 (6) HEALTHY TARGET STOCK.—The term
18 “healthy target stock” means a component of a fish-
19 ery targeted for harvest that is not overfished or ex-
20 perienicing overfishing and that is managed to
21 achieve a target not to exceed a level consistent with
22 maximum sustainable yield, taking into account any
23 relevant economic, social, or ecological factor.

24 (7) LESSEE.—The term “lessee” means any
25 party to a lease, right-of-use and easement, or right-

1 of-way, or an approved assignment thereof, issued
2 pursuant to the Outer Continental Shelf Lands Act
3 (43 U.S.C. 1331 et seq.).

4 (8) OFFSHORE AQUACULTURE.—The term “off-
5 shore aquaculture” means aquaculture conducted in
6 the exclusive economic zone.

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

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

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

13 (10) SECRETARY.—Except as otherwise specifi-
14 cally provided, the term “Secretary” means the Sec-
15 retary of Commerce, acting through the Under Sec-
16 retary of Commerce for Oceans and Atmosphere.

17 (11) SUSTAINABLY MANAGED FISHERY.—The
18 term “sustainably managed fishery” means a fishery
19 that is managed, under an institutional and oper-
20 ational framework with sufficient enforcement in
21 place by local authorities, in such a manner to main-
22 tain healthy target stocks, to protect marine eco-
23 system structure, productivity, function, and diver-
24 sity, and to minimize impacts to nontarget stocks.

1 **TITLE I—NATIONAL STANDARDS**

2 **SEC. 101. NATIONAL STANDARDS FOR SUSTAINABLE OFF-**
3 **SHORE AQUACULTURE.**

4 (a) IN GENERAL.—Any regulation promulgated to
5 implement this Act, any permit issued under this Act, and
6 any assessment or impact statement required by the Na-
7 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
8 et seq.) for activities proposed under this Act shall be con-
9 sistent with the following national standards for sustain-
10 able offshore aquaculture:

11 (1) Sustainable offshore aquaculture shall
12 strengthen coastal and marine ecosystems by reduc-
13 ing pressure on fisheries, enhancing essential fish
14 habitat, preserving water quality, or enhancing na-
15 tive stocks.

16 (2) Sustainable offshore aquaculture shall be
17 based on the best scientific information available.

18 (3) Sustainable offshore aquaculture shall avoid
19 harm to coastal and marine ecosystems, especially
20 with regard to habitat, water quality, disease,
21 escapements, and introducing nonnative species.

22 (4) Sustainable offshore aquaculture shall use
23 feeds from responsible agricultural practices, from
24 sustainably managed fisheries, or from fish har-

1 vested in accordance with an or fish produced by
2 sustainable aquaculture of an appropriate species.

3 (5) Sustainable offshore aquaculture shall be
4 conducted to minimize impacts, to the extent prac-
5 ticable, on other uses of the exclusive economic zone
6 by Federal and non-Federal entities.

7 (6) Sustainable offshore aquaculture shall take
8 into account the importance of fishery resources to
9 fishing communities by using economic and social
10 data that meet the requirements of paragraph (2),
11 in order to, to the extent practicable, minimize ad-
12 verse economic impacts on such communities.

13 (7) Sustainable offshore aquaculture manage-
14 ment measures shall, where practicable, minimize
15 costs and avoid unnecessary duplication.

16 (8) Sustainable offshore aquaculture manage-
17 ment measures shall, to the extent practicable, pro-
18 mote the safety of human life at sea.

19 (9) **【To be supplied.】**

20 (10) **【To be supplied.】**

21 (b) GUIDELINES.—The Secretary shall establish advi-
22 sory guidelines (which shall not have the force and effect
23 of law), based on the national standards, to assist in the
24 preparation of any application for a permit under this Act,
25 or assessment or impact statement required under the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
2 et seq.) for activities proposed under such Act.

3 **TITLE II—CORE ACTIVITIES**

4 **SEC. 201. OFFSHORE AQUACULTURE PERMITS.**

5 (a) IN GENERAL.—After the Secretary promulgates
6 final regulations under section 404(a), the Secretary may
7 issue an offshore aquaculture permit if the Secretary de-
8 termines that—

9 (1) the proposed offshore aquaculture facility,
10 type of aquaculture operation, and cultured species
11 are consistent with the purposes in section 2 and the
12 national standards for sustainable offshore aqua-
13 culture in section 101;

14 (2) the applicant is able to comply with this Act
15 and any terms and conditions prescribed under sec-
16 tion 404(a), is financially responsible, and will oper-
17 ate the offshore aquaculture facility using the best
18 practicable technology and maintain it in good work-
19 ing order; and

20 (3) issuance of the offshore aquaculture permit
21 is not prohibited under section 407.

22 (b) AUTHORIZED ACTIVITIES.—An offshore aqua-
23 culture permit holder shall be authorized to conduct off-
24 shore aquaculture consistent with—

1 (1) this Act, including regulations promulgated
2 to carry out this Act;

3 (2) other applicable provisions of law, including
4 regulations; and

5 (3) any terms or conditions imposed by the Na-
6 tional Oceanic and Atmospheric Administration.

7 (c) PERMIT PROCEDURE.—

8 (1) APPLICATION.—An applicant for an off-
9 shore aquaculture permit shall submit an application
10 to the Secretary. The application shall specify—

11 (A) the proposed location of the offshore
12 aquaculture facility and the location of any on-
13 shore facilities;

14 (B) the type of aquaculture operations that
15 will be conducted at all facilities described in
16 subparagraph (A);

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

20 (D) the ways in which the permit holder
21 will comply with the national standards for sus-
22 tainable offshore aquaculture described in sec-
23 tion 101;

24 (E) plans to respond to—

25 (i) a natural disaster;

1 (ii) an escapement; and

2 (iii) disease; and

3 (F) such other design, construction, and
4 operational information as the Secretary may
5 require to ensure the integrity of the applicant's
6 operations and contingency planning;

7 (2) NOTICE.—Whenever the National Oceanic
8 and Atmospheric Administration receives an offshore
9 aquaculture permit application, the Secretary shall—

10 (A) provide notice and a copy of the appli-
11 cation to the Governor of every State or terri-
12 tory in the fisheries management region under
13 the Magnuson-Stevens Fishery Conservation
14 and Management Act (16 U.S.C. 1801 et seq.),
15 where the proposed offshore aquaculture facility
16 will be sited, and if the proposed site is within
17 100 miles of another such fisheries manage-
18 ment region, then the Secretary shall provide
19 the same notice to the governor of every State
20 and territory in that region, as well; and

21 (B) provide public notice and an oppor-
22 tunity for public comment for each offshore
23 aquaculture permit application.

24 (3) COMMENTS AND CONSULTATION.—The Sec-
25 retary shall take any comments submitted by Gov-

1 errors and the public into consideration, and shall
2 consult with interested parties as warranted before
3 making a final decision on the disposition of an off-
4 shore aquaculture permit application.

5 (4) DEADLINES FOR CONSIDERATION OF APPLI-
6 CATIONS FOR PERMITS.—Not later than 30 days
7 after the date on which the Secretary receives an
8 offshore aquaculture permit application, the Sec-
9 retary shall—

10 (A) notify the applicant that the applica-
11 tion is complete; or

12 (B) notify the applicant that information is
13 missing and specify any information that is re-
14 quired to be submitted for the application to be
15 complete.

16 (5) ISSUANCE OR DEFERRAL.—Not later than
17 90 days after the period for public comments on a
18 completed application has concluded, the Secretary
19 shall—

20 (A) issue the permit, if the application
21 complies with the national standards for sus-
22 tainable offshore aquaculture in section 101, re-
23 quirements under the National Environmental
24 Policy Act of 1969 (42 U.S.C. 4321 et seq.),
25 and other applicable law;

1 (B) defer the decision on the permit, if the
2 Secretary determines that the application can
3 be improved to meet the requirements of para-
4 graph (1), and provide to the applicant a notice
5 that specifies any steps that the applicant could
6 take for the permit to be issued; or

7 (C) deny the permit, if the Secretary deter-
8 mines that the application does not meet the re-
9 quirements of paragraph (1), or any other ap-
10 plicable law, and that these issues cannot be re-
11 mediated.

12 (6) EXTENSION OF REVIEW.—The Secretary
13 may extend the review period for an additional 90
14 days if the Secretary determines that further time is
15 needed to analyze the application. The Secretary
16 may further extend the review period beyond the ex-
17 tension provided in the preceding sentence if the
18 Secretary determines that the Department of Com-
19 merce needs more time to comply with applicable
20 Federal law, provided that the Secretary's deter-
21 mination states the specific actions the Department
22 must undertake, together with deadlines for com-
23 pleting such actions.

24 (d) PERMIT REQUIREMENTS.—

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

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

5 (B) a corporation, partnership, or other
6 entity that—

7 (i) is organized and existing under the
8 laws of a State or the United States; and

9 (ii) is not State-owned or majority-
10 controlled by a State-owned enterprise.

11 (2) TERMS AND CONDITIONS.—Subject to sub-
12 section (n), the Secretary shall—

13 (A) prescribe the terms and conditions that
14 apply to each offshore aquaculture permit to
15 achieve the national standards for sustainable
16 offshore aquaculture in section 101; and

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

20 (e) DURATION .—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), an offshore aquaculture permit shall have
23 an initial 15-year duration, and may be renewed
24 subject to the terms of this Act.

25 (2) EXCEPTIONS.—

1 (A) ENTERPRISE ZONE.—A permit issued
2 for offshore aquaculture to be conducted in an
3 enterprise zone as provided in section 202 shall
4 have an initial 25-year duration.

5 (B) OUTER CONTINENTAL SHELF.—The
6 Secretary shall develop the duration of an off-
7 shore aquaculture permit subject to subsection
8 (n)(1), in consultation with the Secretary of the
9 Interior, except that the permit shall expire not
10 later than the date that the lessee or the les-
11 see's operator submits, to the Secretary of the
12 Interior, a final application for the decommis-
13 sioning and removal of an existing facility upon
14 which an offshore aquaculture facility is lo-
15 cated.

16 (f) RENEWAL.—The Secretary may renew an offshore
17 aquaculture permit that has not been revoked for an addi-
18 tional 15- or 25-year period, as provided in subsection (e),
19 before the end of the original permit's duration, if—

20 (1) the permit or amended permit complies with
21 existing requirements;

22 (2) the permit holder has not been subject to
23 sanctions under section 408 or committed a prohib-
24 ited act under such section; and

1 (3) the permit has not been modified because of
2 emergency considerations.

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

6 (1) the permit holder commits a prohibited act
7 under section 408;

8 (2) the permit holder fails to begin offshore
9 aquaculture operations within 2 years from the date
10 the required Federal permits are obtained; or

11 (3) there is a interruption of offshore aqua-
12 culture operations of at least 2 years in duration
13 that is unrelated to best management practices.

14 (h) EXPIRATION OR REVOCATION.—Not later than 1
15 year after the expiration or revocation of an offshore aqua-
16 culture permit, a permit holder shall—

17 (1) remove all structures, gear, and other prop-
18 erty from the offshore aquaculture facility site; and

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

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

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

8 (j) FEES.—

9 (1) ESTABLISHMENT.—

10 (A) IN GENERAL.—The Secretary may es-
11 tablish, by regulation, application fees and an-
12 nual offshore aquaculture permit fees under
13 this section.

14 (B) DEPOSIT AND COLLECTION.—The fees
15 described in subparagraph (A) shall be depos-
16 ited as offsetting collections in the operations,
17 research, and facilities account of the National
18 Oceanic and Atmospheric Administration. Fees
19 may be collected and made available to the ex-
20 tent provided in advance in appropriation Acts.

21 (C) SETTING OF FEES.—The fees de-
22 scribed in subparagraph (A) shall—

23 (i) be set as an amount such that the
24 total revenue from such fees does not ex-
25 ceed the amount required to cover the

1 costs of management, data collection, anal-
2 ysis, inspection, and enforcement activities
3 related to permits under this section; and

4 (ii) provide adequate resources to
5 cover the costs of the inspections required
6 under section 302(f).

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

11 (3) GUARANTEES.—The Secretary shall require
12 a permit holder to post a bond or other form of fi-
13 nancial guarantee in an amount determined by the
14 Secretary, to be reasonable and commensurate with
15 the aquaculture operation and as sufficient to cover,
16 without duplication—

17 (A) any unpaid fees;

18 (B) the cost of removing an offshore aqua-
19 culture facility at the expiration or revocation of
20 an offshore aquaculture permit;

21 (C) the cost of site remediation for impacts
22 arising from authorized activities; or

23 (D) any other financial risks identified by
24 the Secretary.

1 (k) MAGNUSON-STEVEN'S FISHERY CONSERVATION
2 AND MANAGEMENT ACT.—Beginning on the effective date
3 of the final regulations promulgated under this section
4 404, the conduct of offshore aquaculture that is in accord-
5 ance with an offshore aquaculture permit issued under
6 this section shall not be considered fishing for purposes
7 of the Magnuson-Stevens Fishery Conservation and Man-
8 agement Act (16 U.S.C. 1801 et seq.).

9 (l) COMPATIBILITY WITH OTHER USES.—Each Fed-
10 eral agency implementing this section, person subject to
11 this section, and coastal State seeking to review a permit
12 application under this section shall comply with the appli-
13 cable provisions of the Coastal Zone Management Act of
14 1972 (16 U.S.C. 1451 et seq.), including regulations pro-
15 mulgated to carry out such Act.

16 (m) STATUTORY CONSTRUCTION.—An offshore aqua-
17 culture permit issued under this section shall not super-
18 sede or substitute for any other authorization required
19 under Federal or State laws.

20 (n) ACTIONS AFFECTING THE OUTER CONTINENTAL
21 SHELF.—

22 (1) NOTIFICATION OF SECRETARY OF THE IN-
23 TERIOR.—The Secretary shall notify the Secretary
24 of the Interior for each application for an offshore

1 aquaculture permit that is located on the outer con-
2 tinental shelf.

3 (2) PRIOR CONSENT REQUIRED.—An offshore
4 aquaculture facility may not be located on a lease,
5 right-of-use and easement, or right of way author-
6 ized or permitted under the Outer Continental Shelf
7 Lands Act (43 U.S.C. 1331 et seq.) without the
8 prior consent of any lessee and other owner of oper-
9 ating interest.

10 (3) COMPLIANCE REVIEW.—The Secretary of
11 the Interior shall review each agreement between a
12 prospective offshore aquaculture operator and a les-
13 see. The Secretary of the Interior shall approve such
14 agreement if it is consistent with the Federal lease
15 terms, Department of the Interior regulations, and
16 the Secretary of the Interior's role in the protection
17 of the marine environment, property, and human life
18 or health. An agreement under this subsection
19 shall—

20 (A) be part of the information reviewed
21 under paragraph (4); and

22 (B) not be subject to a separate Coastal
23 Zone Management Act of 1972 (16 U.S.C.
24 1451 et seq.) review.

1 change under section 307(c)(3)(B) of
2 the Coastal Zone Management Act of
3 1972 (16 U.S.C. 1456(c)(3)(B)); and

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

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

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

17 (B) STATE REVIEW UNDER SECTION
18 307(C)(3)(B) OF THE COASTAL ZONE MANAGE-
19 MENT ACT OF 1972.—To the extent that a
20 coastal State is not authorized by section
21 307(c)(3)(A) of the Coastal Zone Management
22 Act of 1972 (16 U.S.C. 1456(c)(3)(A)) to re-
23 view an offshore aquaculture permit application
24 submitted under this Act, then a modification
25 or change to a lessee's approved plan shall be

1 subject to coastal State review under section
2 307(c)(3)(B) of such Act if a consistency cer-
3 tification for the modification or change is re-
4 quired under applicable Federal regulations.

5 (C) DEFINITIONS.—In this paragraph:

6 (i) LESSEE’S APPROVED PLAN.—The
7 term “lessee’s approved plan” includes a
8 document for which a consistency certifi-
9 cation is required under applicable Federal
10 regulations, such as a change to the ap-
11 proved plan for decommissioning a facility.

12 (ii) OFFSHORE AQUACULTURE PERMIT
13 APPLICANT.—The term “offshore aqua-
14 culture permit applicant” means an appli-
15 cant for an offshore aquaculture permit
16 under this section that—

17 (I) will locate the proposed facil-
18 ity in an area that would require con-
19 sent from the lessee as described in
20 paragraph (2); and

21 (II) is required to submit a con-
22 sistency certification for its aqua-
23 culture application under section
24 307(c)(3)(A) of the Coastal Zone

1 Management Act of 1972 (16 U.S.C.
2 1456(e)(3)(A)) to the coastal State.

3 (iii) OFFSHORE AQUACULTURE PER-
4 MIT APPLICATION.—The term “offshore
5 aquaculture permit application” means an
6 application for an offshore aquaculture
7 permit under this section that will locate
8 the proposed facility in an area that would
9 require consent from the lessee as de-
10 scribed in paragraph (2).

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

25 (6) ADDITIONAL AUTHORITY.—

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

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

5 (ii) require and enforce any additional
6 terms or conditions that the Secretary of
7 the Interior considers necessary to ensure
8 the compatibility of aquaculture operations
9 with activities for which permits, author-
10 izations, leases, negotiated agreements,
11 right-of-way, or right-of-use and easement
12 were issued under the Outer Continental
13 Shelf Lands Act (43 U.S.C. 1331 et seq.);

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

20 (iv) require and enforce any additional
21 terms or conditions that the Secretary of
22 the Interior considers necessary—

23 (I) to protect the marine environ-
24 ment, property, or human life or
25 health; and

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

6 (v) enforce all requirements contained
7 in the regulations, lease terms and condi-
8 tions, and orders under the Outer Conti-
9 nental Shelf Lands Act (43 U.S.C. 1331 et
10 seq.).

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

16 (o) ASSURANCE OF ANIMAL HEALTH.—

17 (1) IN GENERAL.—Nothing in this section shall
18 affect the authority of the Secretary of Agriculture
19 to—

20 (A) carry out the Animal Health Protec-
21 tion Act (7 U.S.C. 8301 et seq.) with respect to
22 cultured species in the exclusive economic zone;
23 or

1 (B) operate as the lead Federal agency for
2 providing animal health oversight for cultured
3 species in the exclusive economic zone.

4 (2) CRITERIA FOR PRACTICING VETERINARY
5 MEDICINE IN WATERS OUTSIDE STATE JURISDIC-
6 TION.—A veterinarian may practice veterinary medi-
7 cine in waters outside State jurisdiction if the veteri-
8 narian—

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

11 (B) holds a category II veterinary accredi-
12 tation from the Animal and Plant Health In-
13 spection Service that includes completion of
14 aquatic animal health modules of the Animal
15 and Plant Health Inspection Service; and

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

19 **SEC. 202. ENTERPRISE ZONES.**

20 (a) IN GENERAL.—

21 (1) DEVELOPMENT.—The Secretary shall de-
22 velop, consistent with this section, enterprise zones
23 for sustainable offshore aquaculture.

24 (2) CONSULTATION WITH STATES AND TERRI-
25 TORIES.—The Secretary shall provide notice to the

1 Governor of every State or territory in the fisheries
2 management region under the Magnuson-Stevens
3 Fishery Conservation and Management Act (16
4 U.S.C. 1801 et seq.), where an enterprise zone may
5 be sited. If the proposed site is within 100 miles of
6 another such fisheries management region, then the
7 Secretary shall provide the same notice to the Gov-
8 ernor of every State and territory in that region as
9 well. Governors may submit comments to the Sec-
10 retary, and the Secretary shall consult with inter-
11 ested Governors in the development of enterprise
12 zones under this section.

13 (3) REGIONAL SITING WORKSHOPS.—The Sec-
14 retary shall, in each geographical region covered by
15 a Regional Fishery Management Council under the
16 Magnuson-Stevens Fishery Conservation and Man-
17 agement Act (16 U.S.C. 1801 et seq.), conduct in-
18 formal workshops as necessary or advisable to solicit
19 public feedback on potential sites for enterprise
20 zones for sustainable offshore aquaculture.

21 (4) PRELIMINARY DETERMINATION.—Based on
22 public feedback under paragraph (3), the Secretary
23 shall make a preliminary determination of areas of
24 the exclusive economic zone that may be highly fa-

1 vorable for offshore aquaculture and likely compat-
2 ible with other uses of such areas.

3 (5) PILOT PROJECTS.—In order to test the via-
4 bility of sustainable offshore aquaculture in an en-
5 terprise zone, the Secretary may support demonstra-
6 tion projects in each enterprise zone as warranted
7 and consistent with the national standards for sus-
8 tainable offshore aquaculture in section 101. Such
9 demonstration projects shall comply with this Act
10 and all applicable Federal law.

11 (6) PROGRAMMATIC ENVIRONMENTAL IMPACT
12 STATEMENTS.—If the Secretary determines that fur-
13 ther sustainable offshore aquaculture is viable in a
14 particular region, the Secretary shall consider and
15 implement the most efficient process under the Na-
16 tional Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.), including programmatic environmental
18 impact statements, to facilitate further sustainable
19 offshore aquaculture, in accordance with the fol-
20 lowing:

21 (A) Such programmatic environmental im-
22 pact statements need not cover the entirety of
23 the exclusive economic zone, but the Secretary
24 shall attempt to provide coverage in each area
25 of the exclusive economic zone, including the

1 East Coast, Gulf Coast, West Coast, and other
2 areas of the Atlantic and Pacific in the jurisdic-
3 tion of the United States.

4 (B) Nothing in this section shall be con-
5 strued to change, alter, or supersede the re-
6 quirements of the National Environmental Pol-
7 icy Act of 1969 (42 U.S.C. 4321 et seq.).

8 (b) SPATIAL DATA.—To support the implementation
9 of subsection (a), the National Oceanic and Atmospheric
10 Administration shall collect and curate spatial data rel-
11 evant to aquaculture, and make such data publicly avail-
12 able.

13 (c) EFFECTS OF DESIGNATION.—The enterprise
14 zones established under this section shall—

15 (1) offer a streamlined path forward for permit-
16 ting aquaculture facilities;

17 (2) provide the ability to conduct research on
18 the individual and cumulative impacts of such oper-
19 ating facilities; and

20 (3) determine best practices for inclusion in the
21 reports established in section 405.

22 **SEC. 203. RESEARCH AND DEVELOPMENT GRANT PRO-**
23 **GRAM.**

24 (a) IN GENERAL.—The Secretary shall establish, in
25 consultation with applicable Federal agencies, coastal

1 States, Tribal governments, Regional Fishery Manage-
2 ment Councils, academic institutions, and interested
3 stakeholders, a research and development grant program
4 to further the purposes of this Act. In carrying out this
5 subsection, the Secretary shall consider using existing pro-
6 grams that leverage State and local partnerships and take
7 advantage of the extramural research community, includ-
8 ing the under the Saltonstall-Kennedy Act (15 U.S.C.
9 713c-3), the National Sea Grant College Program under
10 the National Sea Grant College Program Act (33 U.S.C.
11 1121 et seq.), the National Oceanographic Partnership
12 Program under section 8931 of title 10, United States
13 Code, and consortium of institutions.

14 (b) COMPONENTS.—The research and development
15 grant program described in subsection (a) shall award
16 competitive, peer-reviewed grants to fund research and ex-
17 tension services—

18 (1) to create innovative design and engineering
19 solutions to common obstacles within the aqua-
20 culture industry;

21 (2) to enable the transition of innovative aqua-
22 culture technologies, including technologies focused
23 on the commercialization of high-value marine spe-
24 cies, from laboratory studies to commercial use;

1 (3) to evaluate the role of genetics in relation
2 to brood stock production, disease management, and
3 interactions between cultured species and wild
4 stocks;

5 (4) to advance research into the management,
6 mitigation, and prevention of cultured species dis-
7 eases;

8 (5) to develop cost-effective feeds to optimize
9 the use of wild fish, fish oil, plants, and sources of
10 protein and lipids in aquaculture feeds and maintain
11 the human health benefits of cultured seafood;

12 (6) to improve techniques for monitoring, as-
13 sessing, and addressing environmental impacts of
14 aquaculture and develop and evaluate methodologies
15 to prevent, minimize, and mitigate potential adverse
16 environmental impacts;

17 (7) to evaluate the potential for aquaculture to
18 serve as a tool for environmental management, in-
19 cluding connections to water quality, watershed
20 management, and fishery conservation and manage-
21 ment;

22 (8) to evaluate the potential impact of offshore
23 aquaculture on the economies of coastal commu-
24 nities, particularly those dependent on traditional
25 fishery resources;

1 (9) to identify barriers to entry in the offshore
2 aquaculture industry and propose solutions to over-
3 come them;

4 (10) to study the traditional aquaculture meth-
5 ods and practices of Native Americans, Alaska Na-
6 tives, and Native Hawaiians to evaluate economic,
7 environmental, and sociological impacts; and

8 (11) to investigate other priority issues identi-
9 fied by the Secretary.

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

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

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

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

5 **TITLE III—REFINEMENTS**

6 **SEC. 301. PROTECTION OF OFFSHORE AQUACULTURE FA-** 7 **CILITIES.**

8 (a) IN GENERAL.—The Secretary may promulgate
9 regulations that the Secretary determines are reasonable
10 and necessary to protect an offshore aquaculture facility.
11 When appropriate, the Secretary shall request the Sec-
12 retary of the department in which the Coast Guard is op-
13 erating to establish a navigational safety zone around an
14 offshore aquaculture facility.

15 (b) NAVIGATIONAL SAFETY ZONE.—The Secretary of
16 the department in which the Coast Guard is operating—

17 (1) shall consult with the Secretary of the Inte-
18 rior before designating a navigational safety zone
19 around an offshore aquaculture facility;

20 (2) after consultation with the Secretary, the
21 Secretary of State, and the Secretary of Defense,
22 may designate a zone of appropriate size around
23 (and including) an offshore aquaculture facility for
24 the purpose of navigational safety; and

1 (3) may define, by regulation, permissible ac-
2 tivities within a navigational safety zone.

3 (c) LIMITATIONS.—No installation, structure, or use
4 will be allowed in a navigational safety zone that is incom-
5 patible with the operation of the offshore aquaculture fa-
6 cility.

7 **SEC. 302. RECORDKEEPING AND ACCESS TO INFORMATION.**

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

11 (1) the records that an offshore aquaculture
12 permit holder is required to establish and maintain;

13 (2) the reports that an offshore aquaculture
14 permit holder is required to make;

15 (3) the information that an offshore aqua-
16 culture permit holder is required to provide, which
17 shall include—

18 (A) data regarding escape events;

19 (B) the prevalence of disease in the off-
20 shore aquaculture facility, including a descrip-
21 tion of veterinary services provided for treat-
22 ment; and

23 (C) other information, as the Secretary
24 may require; and

1 (4) any other recordkeeping that an offshore
2 aquaculture permit holder is required to satisfy, as
3 necessary to carry out this Act.

4 (b) REGULATORY CONSISTENCY.—The regulations
5 under subsection (a) may not amend, contradict, or dupli-
6 cate regulations under any other Federal law.

7 (c) RECORD KEEPING.—An offshore aquaculture per-
8 mit holder shall—

9 (1) comply with the recordkeeping regulations
10 under subsection (a); and

11 (2) submit such reports, and make such records
12 and information available as the Secretary may re-
13 quest.

14 (d) PUBLIC ACCESS.—The Secretary shall make re-
15 ports and other information received under this Act avail-
16 able to the public unless the Secretary determines it is
17 necessary to withhold disclosure to protect confidential
18 business information and sensitive personal information.
19 The Secretary shall establish procedures to protect con-
20 fidential business information and sensitive personal infor-
21 mation from being disclosed.

22 (e) GOVERNMENT ACCESS.—Any Federal Govern-
23 ment official with an official responsibility for imple-
24 menting and enforcing Federal law applicable to maritime
25 fishing, shipping, or conservation, shall have reasonable

1 access, at all times, to an offshore aquaculture facility for
2 which a permit is issued under this Act for the purpose
3 of enforcing the Federal law under the official's jurisdic-
4 tion or otherwise carrying out the official's responsibilities.
5 Such an official may inspect, at reasonable times, records,
6 files, papers, permits, processes, controls, and the offshore
7 aquaculture facility and may test any feature of the off-
8 shore aquaculture facility. Each inspection shall be con-
9 ducted with reasonable promptness. The permit holder
10 shall receive timely notification, in writing, of the results
11 of the inspection.

12 (f) INSPECTION.—

13 (1) FREQUENCY.—The Secretary shall con-
14 duct—

15 (A) an annual inspection of offshore aqua-
16 culture facilities for which a permit is issued
17 under this Act for the first 5 years after
18 issuance of the permit; and

19 (B) a biennial inspection of such facilities
20 thereafter.

21 (2) NOTICE.—The Secretary shall provide rea-
22 sonable notice prior to site inspections at offshore
23 aquaculture facilities pursuant to paragraph (1).

24 (3) FACILITIES LOCATED ON THE OUTER CON-
25 TINENTAL SHELF.—The Secretary of the Interior, or

1 a designee of such Secretary, is authorized with in-
2 spection authority under this section for offshore
3 aquaculture facilities located on the outer conti-
4 nental shelf.

5 **SEC. 303. MARINE FEED STANDARDS.**

6 The Secretary shall require that any fisheries-derived
7 marine feed ingredients (both first use and trimmings)
8 used at offshore aquaculture facilities in the exclusive eco-
9 nomic zone—

10 (1) are sourced from a sustainably managed
11 fishery;

12 (2) employ traceability sufficient to credibly
13 demonstrate the ingredients were sourced from a
14 sustainably managed fishery; and

15 (3) are harvested and produced without convict,
16 forced, or indentured labor.

17 **TITLE IV—ADMINISTRATIVE**
18 **PROVISIONS**

19 **SEC. 401. OFFICE OF AQUACULTURE.**

20 (a) OFFICE OF AQUACULTURE, HEADQUARTERS.—

21 The Secretary shall establish and provide resources for an
22 Office of Aquaculture within the National Marine Fish-
23 eries Service at the National Oceanic and Atmospheric Ad-
24 ministration headquarters.

1 (b) OFFICE OF AQUACULTURE, REGIONAL PRES-
2 ENCE.—The Secretary shall establish and provide re-
3 sources for the Office of Aquaculture to have a presence
4 in each of the regional fisheries offices of the National
5 Oceanic and Atmospheric Administration. Such presence
6 shall, at a minimum, be sufficient to fulfill the duties
7 under subsection (c), but may be increased to the extent
8 warranted by the activity and interest of aquaculture
9 stakeholders in the region.

10 (c) DUTIES.—The Office of Aquaculture shall—

11 (1) implement this Act;

12 (2) administer the research and development
13 grant program under section 203;

14 (3) coordinate regulatory, scientific, outreach,
15 and international issues related to aquaculture with-
16 in the National Oceanic and Atmospheric Adminis-
17 tration;

18 (4) conduct aquaculture outreach, education,
19 extension services, and training efforts;

20 (5) engage with aquaculture stakeholders and,
21 from time to time, convene conferences for aqua-
22 culture stakeholders to exchange information and
23 ideas;

24 (6) maintain aquaculture divisions in each of
25 the regional fisheries offices of the National Oceanic

1 and Atmospheric Administration, including at least
2 one Administration Regional Aquaculture Coordi-
3 nator in each such office.

4 (d) AQUACULTURE SUBCOMMITTEE.—The Marine
5 Fisheries Advisory Committee shall designate the “Aqua-
6 culture Subcommittee” as a permanent, standing sub-
7 committee to serve as an external board to advise the Sec-
8 retary on aquaculture. The Aquaculture Subcommittee
9 shall coordinate with the National Sea Grant Advisory
10 Board, as appropriate.

11 (e) COORDINATION.—The Office of Aquaculture shall
12 coordinate its activities with the Aquaculture Sub-
13 committee,

14 (f) BUDGET PRESENTATION.—The National Oceanic
15 and Atmospheric Administration shall transmit its budget
16 request for the Office of Aquaculture as a separate line
17 with the National Marine Fisheries Service.

18 **SEC. 402. SUPPORT FOR INDUSTRY.**

19 (a) IN GENERAL.—The Secretary shall support the
20 development of sustainable offshore aquaculture, con-
21 sistent with this Act and other applicable Federal law.

22 (b) MARKETING AND PROMOTION GRANTS.—The
23 Secretary shall, in consultation with industry, establish
24 and administer a grant program to support the sale of
25 cultured species domestically and internationally.

1 (c) WORKFORCE DEVELOPMENT.—The Secretary
2 shall, in consultation with industry and academic institu-
3 tions, develop and manage a grant program to support the
4 education and training of individuals with the skills need-
5 ed to manage and operate aquaculture facilities.

6 (d) REGIONAL NETWORKS.—The Secretary shall or-
7 ganize through each regional fisheries office of the Na-
8 tional Oceanic and Atmospheric Administration a network
9 of regional experts and Federal agency contacts, in coordi-
10 nation with relevant organizations (including the National
11 Sea Grant College Program under the National Sea Grant
12 College Program Act (33 U.S.C. 1121 et seq.), the De-
13 partment of Agriculture Regional Aquaculture Centers,
14 land-grant universities, and the Cooperative Extension
15 System of the Department of Agriculture) to provide tech-
16 nical expertise and extension services on offshore aqua-
17 culture and information on Federal permit requirements.

18 (e) AQUACULTURE DATABASE.—The Secretary shall
19 establish and maintain within the Office of Aquaculture
20 an aquaculture database. The aquaculture database shall
21 include information on research, technologies, monitoring
22 techniques, best practices, and advisory board rec-
23 ommendations. The Secretary shall make the aquaculture
24 database available in a manner that safeguards confiden-
25 tial business information. The inclusion of information in

1 the database under this subsection shall not be considered
2 to be publication for purposes of subsection (a) or (b) of
3 section 102 of title 35, United States Code.

4 **SEC. 403. OUTREACH AND EDUCATION.**

5 The Secretary shall conduct outreach on sustainable
6 offshore aquaculture to promote understanding, science-
7 based decisionmaking, and commercial adoption. The Sec-
8 retary shall use appropriate means to engage—

- 9 (1) the general public;
- 10 (2) community leaders;
- 11 (3) governmental officials;
- 12 (4) the business community;
- 13 (5) the academic community; and
- 14 (6) the nonprofit sector.

15 **SEC. 404. ADMINISTRATION.**

16 (a) REGULATIONS.—The Secretary—

- 17 (1) shall initiate a rulemaking process, not later
18 than 1 year after the date of enactment of this Act,
19 after consulting with relevant Federal agencies,
20 coastal States, Indian tribal governments within the
21 meaning of such term in Executive Order 13175 (65
22 Fed. Reg. 67249), the Commonwealth of Puerto
23 Rico, American Samoa, the United States Virgin Is-
24 lands, Guam, the Commonwealth of the Northern
25 Mariana Islands, and Regional Fishery Management

1 Councils as established under section 302 of the
2 Magnuson-Stevens Fishery Conservation and Man-
3 agement Act (16 U.S.C. 1852), to implement this
4 Act, including—

5 (A) procedures to issue, modify, deny, re-
6 voke, or suspend an offshore aquaculture per-
7 mit in accordance with this Act;

8 (B) procedures to coordinate the offshore
9 aquaculture permitting process, with similar or
10 complementary activities administered by other
11 Federal agencies, Tribal governments, and
12 coastal States;

13 (C) procedures to monitor and evaluate
14 permit compliance to verify and confirm compli-
15 ance with the requirements of this Act;

16 (D) procedures to transfer an offshore
17 aquaculture permit from an original permit
18 holder to a person that meets the requirements
19 under section 201;

20 (E) procedures to minimize, as much as
21 practicable, conflicts with existing uses in the
22 exclusive economic zone;

23 (F) procedures to consider public-private
24 partnerships; and

1 (G) standards for determining what types
2 of feed may be employed in an offshore aqua-
3 culture facility in accordance with the require-
4 ments of section 304;

5 (2) shall promulgate such additional regulations
6 as are necessary and appropriate to carry out this
7 Act; and

8 (3) may amend a regulation, at any time, and
9 the amended regulation shall apply, as of its effec-
10 tive date, to each offshore aquaculture permit issued
11 under this Act, regardless of the date the permit was
12 issued.

13 (b) AGREEMENTS.—The Secretary may enter into
14 and perform such contracts, leases, or cooperative agree-
15 ments, and make and receive such grants or funds, as may
16 be necessary to carry out this Act.

17 (c) USE OF CONTRIBUTED GOVERNMENTAL RE-
18 SOURCES.—For enforcement under this Act, the Secretary
19 may use, with consent and with or without reimbursement,
20 the land, services, equipment, personnel, and facilities of—

21 (1) any department, agency, or instrumentality
22 of the United States;

23 (2) any State, local government, Indian Tribal
24 government, Territory, or possession (or any polit-
25 ical subdivision thereof);

1 (3) any foreign government; or

2 (4) international organization.

3 (d) AUTHORITY TO USE GRANT FUNDS.—

4 (1) IN GENERAL.—Except as provided under
5 paragraph (2), the Secretary may apply for, accept,
6 and obligate research grant funding from any Fed-
7 eral source operating a competitive grant program if
8 the funding furthers the purposes of this Act.

9 (2) EXCEPTION.—The Secretary may not apply
10 for, accept, or obligate any research grant funding
11 under paragraph (1) if the granting agency lacks au-
12 thority to grant funds to Federal agencies or for any
13 purpose, or subject to any condition, that is prohib-
14 ited by law or regulation.

15 (3) MATCHING GRANT FUNDS.—Appropriated
16 funds may be used to satisfy a requirement to match
17 grant funds with recipient agency funds, except that
18 no grant may be accepted that requires a commit-
19 ment in advance of appropriations.

20 (4) ACCOUNTS.—Funds received from a grant
21 shall be deposited in the National Oceanic and At-
22 mospheric Administration account that serves to ac-
23 complish the purpose for which the grant was
24 awarded.

1 (e) RESERVATION OF AUTHORITY.—Nothing in this
2 Act shall be construed to displace, supersede, or limit the
3 jurisdiction, responsibilities, or rights of any Federal or
4 State agency, or Indian Tribe or Alaska Native organiza-
5 tion, under any Federal law or treaty.

6 **SEC. 405. REPORT AND PERMIT TERMS.**

7 (a) REPORT.—Not later than 5 years after the date
8 of enactment of this Act, the Secretary shall issue a report
9 to the Chairman and Ranking Member of the Committee
10 on Commerce, Science, and Transportation of the Senate
11 and the Committee on Natural Resources of the House
12 of Representatives regarding implementation of this Act.

13 The report shall include—

14 (1) the number of offshore aquaculture permits
15 applied for, granted, denied, and retired, together
16 with a brief description of the circumstances of each;

17 (2) any and all enforcement actions undertaken,
18 and the disposition of each;

19 (3) the number of enterprise zones established
20 under section 202, together with a brief description
21 of the circumstances of each;

22 (4) results from any grants awarded under this
23 Act;

1 (5) the Secretary's assessment of the state of
2 aquaculture and offshore aquaculture in the United
3 States;

4 (6) the Secretary's assessment of United States
5 aquaculture and offshore aquaculture in comparison
6 to aquaculture in other nations; and

7 (7) the Secretary's recommendations to improve
8 United States aquaculture and offshore aquaculture.

9 (b) DETERMINATION REGARDING PERMITS.—In ad-
10 dition to the requirements of subsection (a), the Secretary
11 may make the following determinations regarding permit
12 terms for offshore aquaculture:

13 (1) The effect of shortening or lengthening per-
14 mit terms on the risk of harm to the environment.

15 (2) The effect of shortening or lengthening per-
16 mit terms on industry's access to capital markets.

17 (3) Whether a change to the permit terms es-
18 tablished in this Act is warranted.

19 (c) RULEMAKING AUTHORIZED.—Upon a determina-
20 tion by the Secretary that a change to permit terms estab-
21 lished under this Act is warranted, the Chairman and
22 Ranking Member of the Committee on Commerce,
23 Science, and Transportation of the Senate and the Com-
24 mittee on Natural Resources of the House of Representa-
25 tives may object. If the Secretary receives no such objec-

1 tion within 60 days of such determination, the Secretary
2 is authorized to extend the terms of offshore aquaculture
3 permits as follows:

4 (1) An offshore aquaculture permit term under
5 section 201(e)(1) may be extended to a maximum of
6 15 years.

7 (2) An offshore aquaculture permit term under
8 section 201(e)(2)(A) may be extended to a maximum
9 of 25 years.

10 **SEC. 406. FEDERAL COORDINATION.**

11 (a) IN GENERAL.—The Secretary of Commerce shall
12 coordinate with the Department of the Interior, the De-
13 partment of Agriculture, the Environmental Protection
14 Agency, the Army Corps of Engineers, and the depart-
15 ment in which the U.S. Coast Guard is operating to sim-
16 plify the Federal regulatory regime for sustainable off-
17 shore aquaculture and safeguarding the marine environ-
18 ment, wild fish stocks, and coastal communities. The Sec-
19 retaries of the Interior, Agriculture, and the department
20 in which the U.S. Coast Guard is operating, the Adminis-
21 trator of the Environmental Protection Agency, and the
22 Chief of Engineers shall cooperate with the Secretary of
23 Commerce to implement this section.

24 (b) UNIFIED PERMITTING AND REVIEW PROCESS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretaries of
3 Commerce, Interior, Agriculture, and the depart-
4 ment in which the U.S. Coast Guard is operating,
5 the Administrator of the Environmental Protection
6 Agency, and the Chief of Engineers shall, through
7 the Secretary of Commerce, initiate a rulemaking for
8 a unified permit application, public notice, public
9 comment, and Federal agency comment period for
10 all permits administered by such agency heads relat-
11 ing to offshore aquaculture.

12 (2) OUTREACH.—The Secretary of Commerce,
13 through the National Oceanic and Atmospheric Ad-
14 ministration, shall serve as the lead Federal agency
15 for purposes of providing information on Federal
16 permitting requirements for aquaculture in Federal
17 waters.

18 (3) INFORMAL REVIEW AND COMPATIBILITY
19 ANALYSIS.—The Secretary of Commerce, acting
20 through the National Oceanic and Atmospheric Ad-
21 ministration, shall convene representatives of the
22 Department of the Interior, the Department of Agri-
23 culture, the Environmental Protection Agency, the
24 Army Corps of Engineers, and the Department in
25 which the U.S. Coast Guard is operating to provide

1 prospective permit applicants an opportunity for in-
2 formal consultation with Federal agencies. The Sec-
3 retary of Commerce may invite representatives from
4 other Federal agencies as necessary or advisable.
5 Nothing in this subsection shall preclude an appli-
6 cant or a prospective applicant from contacting Fed-
7 eral agencies directly.

8 (4) ENVIRONMENTAL ANALYSIS.—To the extent
9 allowable under the National Environmental Policy
10 Act of 1969 (42 U.S.C. 4321 et seq.), any environ-
11 mental analysis or environmental impact statement
12 required under such Act for offshore aquaculture ac-
13 tivities shall be conducted through a single, consoli-
14 dated environmental review and the National Oce-
15 anic and Atmospheric Administration, through the
16 Office of Aquaculture and associated divisions, shall
17 serve as the lead Federal agency.

18 (5) COORDINATION OF PERMIT REVIEWS.—To
19 the extent practicable under this Act and all other
20 applicable laws and regulations, Federal agencies
21 with permitting requirements applicable to offshore
22 aquaculture facilities shall coordinate their review
23 processes in order to provide a timely responses to
24 applicants.

1 **SEC. 407. PROHIBITED ACTS.**

2 It is unlawful for any person—

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

5 (2) to refuse to permit any officer authorized to
6 enforce the provisions of this Act (in accordance
7 with section 408) to access an offshore aquaculture
8 facility, associated onshore facility, vessel, or other
9 conveyance, subject to such person's control, for pur-
10 poses of conducting any search or inspection in con-
11 nection with the enforcement of this Act;

12 (3) to assault, resist, oppose, impede, intimi-
13 date, or interfere with any such authorized officer in
14 the conduct of any search or inspection described in
15 paragraph (2);

16 (4) to resist a lawful arrest for any act prohib-
17 ited by this section;

18 (5) to ship, transport, offer for sale, sell, pur-
19 chase, import, export, or have custody, control, or
20 possession of, any fish produced, taken, retained, or
21 possessed in violation of this Act;

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

1 (7) to make or submit to the Secretary or the
2 Governor of a State false information regarding any
3 matter that the Secretary or Governor is considering
4 in the course of carrying out this Act; or

5 (8) without authorization, to remove, damage,
6 or tamper with or attempt to remove, damage, or
7 tamper with—

8 (A) an offshore aquaculture facility owned
9 by another person, which is located in the exclu-
10 sive economic zone, including any component
11 thereof; or

12 (B) cultured species contained in such fa-
13 cility or component thereof.

14 **SEC. 408. ENFORCEMENT.**

15 (a) **RESPONSIBILITY.**—The provisions of this Act
16 shall be enforced by the Secretary and the Secretary of
17 the department in which the Coast Guard is operating.
18 In enforcing this Act, such Secretaries may by agreement
19 utilize, on a reimbursable or nonreimbursable basis, the
20 personnel, services, equipment (including aircraft and ves-
21 sels), and facilities of any other Federal agency, including
22 all elements of the Department of Defense, or of any State
23 agency. Such Secretaries shall, and the head of any Fed-
24 eral or State agency that has entered into an agreement
25 with either such Secretary under this section may (if the

1 agreement so provides), authorize officers to enforce the
2 provisions of this Act or any regulation promulgated under
3 this Act.

4 (b) POWERS OF AUTHORIZED OFFICERS.—Any offi-
5 cer who is authorized under subsection (a) to enforce the
6 provisions of this Act may, with or without a warrant or
7 other process, as authorized by law—

8 (1) arrest any person, if the officer has reason-
9 able cause to believe that such person has committed
10 an act prohibited by section 407;

11 (2) board, search or inspect, any offshore aqua-
12 culture facility, associated onshore facility, vessel, or
13 other conveyance (including its gear, furniture, ap-
14 purtenances, stores, records, and cargo) which is
15 subject to the provisions of this Act;

16 (3) seize any vessel, or other conveyance (to-
17 gether with its gear, furniture, appurtenances,
18 stores, records, and cargo) used or employed in, or
19 with respect to which it reasonably appears that
20 such vessel was used or employed in, the violation of
21 any provision of this Act;

22 (4) seize any fish (wherever found) taken, pro-
23 duced, imported, exported, transported, sold, re-
24 ceived, acquired, or purchased in any manner, in

1 connection with or as a result of the violation of any
2 provision of this Act;

3 (5) seize any evidence related to any violation
4 of any provision of this Act;

5 (6) detain any fish or fish product to determine
6 compliance with this Act;

7 (7) search and seize, in accordance with any
8 guidelines which may be issued by the Attorney Gen-
9 eral;

10 (8) access, directly or indirectly, for enforce-
11 ment purposes any data or information required to
12 be provided under this Act or regulations promul-
13 gated under this Act, including data from vessel or
14 facility monitoring systems, automatic identification
15 systems, long-range identification and tracking sys-
16 tems, or any similar system;

17 (9) execute and serve any subpoena, arrest war-
18 rant, search warrant issued in accordance with Rule
19 41 of the Federal Rules of Criminal Procedure, or
20 other warrant or civil or criminal process issued by
21 any officer or court of competent jurisdiction; and

22 (10) exercise any other lawful authority.

23 (c) ISSUANCE OF CITATIONS.—If any authorized offi-
24 cer finds that a person, offshore aquaculture facility, asso-
25 ciated onshore facility, vessel, or other conveyance is en-

1 gaging or has been engaged in the violation of any provi-
2 sion of this Act, such officer may issue a citation to the
3 owner or operator of such vessel in lieu of proceeding
4 under subsections (f), (g), or (h). If a permit has been
5 issued pursuant to this Act for such facility or conveyance,
6 such officer shall note the issuance of any citation under
7 this subsection, including the date thereof and the reason
8 therefor, on the permit. The Secretary shall maintain a
9 record of all citations issued pursuant to this subsection.

10 (d) SUBPOENAS.—For the purposes of conducting
11 any investigation or hearing under this Act, or any other
12 marine resource law enforced by the Secretary, the Sec-
13 retary may issue subpoenas for the attendance and testi-
14 mony of witnesses and the production of relevant papers,
15 photographs, records, books, and documents in any form,
16 including those in electronic, optical or magnetic form, and
17 may administer oaths. Witnesses summoned shall be paid
18 the same fees and mileage that are paid to witnesses in
19 the courts of the United States. In case of contempt or
20 refusal to obey a subpoena served upon any person pursu-
21 ant to this subsection, the district court of the United
22 States for any district in which such person is found, re-
23 sides, or transacts business, upon application by the
24 United States and after notice to such person, shall have
25 jurisdiction to issue an order requiring such person to ap-

1 pear and give testimony before the Secretary or to appear
2 and produce documents before the Secretary, or both, and
3 any failure to obey such order of the court may be pun-
4 ished by such court as a contempt thereof.

5 (e) DISTRICT COURT JURISDICTION.—The several
6 district courts of the United States shall have jurisdiction
7 over any actions arising under this Act. For purposes of
8 this section, for Hawaii or any possession of the United
9 States in the Pacific Ocean, the appropriate court is the
10 United States District Court for the District of Hawaii,
11 except that in the case of Guam and Wake Island, the
12 appropriate court is the United States District Court for
13 the District of Guam, and in the case of the Northern
14 Mariana Islands, the appropriate court is the United
15 States District Court for the District of the Northern
16 Mariana Islands. Each violation shall be a separate of-
17 fense and the offense shall be deemed to have been com-
18 mitted not only in the district where the violation first oc-
19 curred, but also in any other district as authorized by law.
20 Any offenses not committed in any district are subject to
21 the venue provisions of section 3238 of title 18, United
22 States Code.

23 (f) CIVIL ENFORCEMENT.—

24 (1) CIVIL ADMINISTRATIVE PENALTIES.—

1 (A) IN GENERAL.—Any person who is
2 found by the Secretary, after notice and oppor-
3 tunity for a hearing in accordance with section
4 554 of title 5, United States Code, to have com-
5 mitted an act prohibited by section 407 shall be
6 liable to the United States for a civil penalty.
7 The amount of the civil penalty shall not exceed
8 \$200,000 for each violation. Each day of a con-
9 tinuing violation shall constitute a separate of-
10 fense. The amount of such civil penalty shall be
11 assessed by the Secretary, by written notice. In
12 determining the amount of such penalty, the
13 Secretary shall take into account the nature,
14 circumstances, extent, and gravity of the pro-
15 hibited acts committed and, with respect to the
16 violator, the degree of culpability, any history of
17 prior offenses, and such other matters as jus-
18 tice may require. In assessing such penalty the
19 Secretary may also consider any information
20 provided by the violator relating to the ability
21 of the violator to pay, provided that the infor-
22 mation is served on the Secretary at least 30
23 days prior to an administrative hearing.

24 (B) COMPROMISE OR OTHER ACTION BY
25 SECRETARY.—The Secretary may compromise,

1 modify, or remit, with or without conditions,
2 any civil administrative penalty which is or may
3 be imposed under this subsection and that has
4 not been referred to the Attorney General for
5 further enforcement action.

6 (2) IN REM JURISDICTION.—An offshore aqua-
7 culture facility, associated onshore facility, vessel, or
8 other conveyance (including its gear, furniture, ap-
9 purtenances, stores, records, and cargo) used in the
10 commission of an act prohibited by section 407 shall
11 be liable in rem for any civil penalty assessed for
12 such violation under this section and may be pro-
13 ceeded against in any district court of the United
14 States having jurisdiction thereof.

15 (3) COLLECTION OF ADMINISTRATIVE PEN-
16 ALTIES.—If any person fails to pay an assessment
17 of a civil penalty under paragraph (1) after it has
18 become a final and unappealable order, the Sec-
19 retary shall refer the matter to the Attorney Gen-
20 eral, who shall recover the amount assessed (plus in-
21 terest at current prevailing rates from the date of
22 the final order) in any appropriate district court of
23 the United States. In such action, the validity and
24 appropriateness of the final order imposing the civil
25 penalty shall not be subject to review. Any person

1 who fails to pay, on a timely basis, the amount of
2 an assessment of a civil penalty shall be required to
3 pay, in addition to such amount and interest, attor-
4 ney's fees and costs for collection proceedings and a
5 quarterly nonpayment penalty for each quarter dur-
6 ing which such failure to pay persists. Such non-
7 payment penalty shall be in an amount equal to 20
8 percent of the aggregate amount of such person's
9 penalties and nonpayment penalties that are unpaid
10 as of the beginning of such quarter.

11 (4) PERMIT SANCTIONS.—

12 (A) IN GENERAL.—With respect to any
13 case in which an offshore aquaculture facility,
14 associated onshore facility, vessel, or other con-
15 veyance was used in the commission of an act
16 prohibited under section 407, the owner or op-
17 erator of an offshore aquaculture facility, asso-
18 ciated onshore facility, vessel, or other convey-
19 ance, (or any other person who has been issued
20 or has applied for a permit under this Act), has
21 acted in violation of section 407, or any civil
22 penalty, criminal fine, or amount in settlement
23 of a civil forfeiture imposed under this Act on
24 a person, offshore aquaculture facility, associ-
25 ated onshore facility, vessel, or other convey-

1 ance that has been issued or has applied for a
2 permit under this Act has not been paid and is
3 overdue, the Secretary may—

4 (i) revoke any permit issued with re-
5 spect to such person, offshore aquaculture
6 facility, associated onshore facility, vessel,
7 other conveyance, with or without preju-
8 dice to the issuance of subsequent permits;

9 (ii) suspend such permit for a period
10 of time considered by the Secretary to be
11 appropriate;

12 (iii) deny such permit; or

13 (iv) impose additional conditions and
14 restrictions on such permit.

15 (B) CONSIDERATIONS.—In imposing a
16 sanction under this paragraph, the Secretary
17 shall take into account the nature, cir-
18 cumstances, extent, and gravity of the prohib-
19 ited acts for which the sanction is imposed and,
20 with respect to the violator, the degree of culpa-
21 bility, any history of prior offenses, and such
22 other matters as justice may require.

23 (C) EFFECT OF TRANSFER OF OWNER-
24 SHIP.—Transfer of ownership of an offshore
25 aquaculture facility, associated onshore facility,

1 vessel, or other conveyance, by sale or other-
2 wise, shall not extinguish any permit sanction
3 that is in effect or is pending at the time of
4 transfer of ownership. Before executing the
5 transfer of ownership of a facility or convey-
6 ance, by sale or otherwise, the owner shall dis-
7 close in writing to the prospective transferee the
8 existence of any permit sanction that will be in
9 effect or pending with respect to the facility or
10 conveyance at the time of the transfer.

11 (D) PAYMENT OF PENALTY OR FINE.—In
12 the case of any permit that is suspended under
13 this paragraph for nonpayment of a civil pen-
14 alty or criminal fine, the Secretary shall rein-
15 state the permit upon payment of the penalty
16 or fine and interest thereon at the prevailing
17 rate.

18 (E) HEARING.—No sanction shall be im-
19 posed under this paragraph unless there has
20 been a prior opportunity for a hearing on the
21 facts underlying the violation for which the
22 sanction is imposed, either in conjunction with
23 a civil penalty proceeding under this section or
24 otherwise.

1 (5) REVIEW OF CIVIL PENALTY.—Any person
2 against whom a civil penalty is assessed under this
3 subsection or against whom a permit sanction is im-
4 posed under this subsection (other than a permit
5 suspension for nonpayment of penalty or fine) may
6 obtain review thereof in the United States district
7 court for the appropriate district by filing a com-
8 plaint against the Secretary in such court within 30
9 days from the date of such order that constitutes a
10 final agency action. The Secretary shall promptly
11 file in such court a certified copy of the record upon
12 which such violation was found or such penalty im-
13 posed, as provided in section 2112 of title 28,
14 United States Code. The findings and order of the
15 Secretary shall be set aside by such court if they are
16 not found to be supported by substantial evidence,
17 as provided in section 706(2) of title 5, United
18 States Code.

19 (6) INJUNCTIVE RELIEF.—Upon the request of
20 the Secretary, the Attorney General of the United
21 States may commence a civil action for appropriate
22 relief, including a permanent or temporary injunc-
23 tion, for any violation of this Act (including regula-
24 tions).

25 (g) FORFEITURE.—

1 (1) CRIMINAL FORFEITURE.—

2 (A) IN GENERAL.—A person who is con-
3 victed of an offense in violation of this Act shall
4 forfeit to the United States—

5 (i) any property, real or personal, con-
6 stituting or traceable to the gross proceeds
7 taken, obtained, or retained, in connection
8 with or as a result of the offense, includ-
9 ing, without limitation, any fish (or the
10 fair market value thereof); and

11 (ii) any property, real or personal,
12 used or intended to be used, in any man-
13 ner, to commit or facilitate the commission
14 of the offense, including, without limita-
15 tion, any vessel (including the vessel's
16 equipment, stores, catch and cargo), vehi-
17 cle, aircraft, or other means of transpor-
18 tation.

19 (B) APPLICABILITY OF CONTROLLED SUB-
20 STANCES ACT.—Pursuant to section 2461(e) of
21 title 28, United States Code, the provisions of
22 section 413 of the Controlled Substances Act
23 (21 U.S.C. 853) other than subsection (d)
24 thereof shall apply to criminal forfeitures under
25 this section.

1 (2) CIVIL FORFEITURE.—

2 (A) IN GENERAL.—The property set forth
3 below shall be subject to administrative or judi-
4 cial forfeiture to the United States in accord-
5 ance with the provisions of chapter 46 of title
6 18, United States Code, and no property right
7 shall exist in it:

8 (i) Any property, real or personal,
9 constituting or traceable to the gross pro-
10 ceeds taken, obtained, or retained, in con-
11 nection with or as a result of a violation of
12 this Act, including, without limitation, any
13 fish (or the fair market value thereof).

14 (ii) Any property, real or personal,
15 used or intended to be used, in any man-
16 ner, to commit or facilitate the commission
17 of a violation of this Act, including, with-
18 out limitation, any vessel (including the
19 vessel's equipment, stores, catch and
20 cargo), vehicle, aircraft, or other means of
21 transportation.

22 (B) APPLICATION OF THE CUSTOMS
23 LAWS.—All provisions of law relating to seizure,
24 summary judgment, and forfeiture and con-
25 demnation for violation of the customs laws, the

1 disposition of the property forfeited or con-
2 demned or the proceeds from the sale thereof,
3 the remission or mitigation of such forfeitures,
4 and the compromise of claims shall apply to sei-
5 zures and forfeitures incurred, or alleged to
6 have been incurred, under the provisions of this
7 Act, insofar as applicable and not inconsistent
8 with the provisions hereof. For seizures and for-
9 feitures of property under this section by the
10 Secretary, such duties as are imposed upon the
11 customs officer or any other person with respect
12 to the seizure and forfeiture of property under
13 the customs law may be performed by such offi-
14 cers as are designated by the Secretary or,
15 upon request of the Secretary, by any other
16 agency that has authority to manage and dis-
17 pose of seized property.

18 (C) PRESUMPTION.—For the purposes of
19 this section there is a rebuttable presumption
20 that all fish, or components thereof, found in an
21 offshore aquaculture facility or on board a ves-
22 sel a vessel or other conveyance that is used or
23 seized in connection with a violation of this Act
24 were produced, taken, obtained, transported, or
25 retained in violation of this Act.

1 (h) CRIMINAL ENFORCEMENT.—

2 (1) IMPRISONMENT.—Any person (other than a
3 foreign government agency, or entity wholly owned
4 and controlled by a foreign government) who know-
5 ingly commits any act prohibited under section 407
6 shall be imprisoned for not more than 5 years or
7 fined not more than \$500,000 for individuals or
8 \$1,000,000 for an organization, or both, except that,
9 if in the commission of any such offense the indi-
10 vidual uses a dangerous weapon, engages in conduct
11 that causes bodily injury to any officer authorized to
12 enforce the provisions of this Act, or places any such
13 officer in fear of imminent bodily injury, the max-
14 imum term of imprisonment is not more than 10
15 years.

16 (2) FINE AND IMPRISONMENT.—Any person
17 (other than a foreign government agency, or entity
18 wholly owned and controlled by a foreign govern-
19 ment) who violates a provision under section 407
20 and who, in the exercise of due care should know
21 that such person's conduct violates such provision,
22 shall be fined under title 18, United States Code, or
23 imprisoned not more than one year, or both.

24 (i) JOINT ENFORCEMENT AGREEMENTS.—

1 (1) IN GENERAL.—The Governor of an eligible
2 State may apply to the Secretary for execution of a
3 joint enforcement agreement with the Secretary that
4 will authorize the deputization and funding of State
5 law enforcement officers with marine law enforce-
6 ment responsibilities to perform duties of the Sec-
7 retary relating to law enforcement provisions under
8 this title or any other marine resource law enforced
9 by the Secretary. Upon receiving an application
10 meeting the requirements of this subsection, the Sec-
11 retary may enter into a joint enforcement agreement
12 with the requesting State.

13 (2) ELIGIBLE STATE.—A State is eligible to
14 participate in the cooperative enforcement agree-
15 ments under this section if it is in, or bordering on,
16 the Atlantic Ocean (including the Caribbean Sea),
17 the Pacific Ocean, the Arctic Ocean, the Gulf of
18 Mexico, Long Island Sound, or 1 or more of the
19 Great Lakes.

20 (3) REQUIREMENTS.—Joint enforcement agree-
21 ments executed under paragraph (1)—

22 (A) shall be consistent with the purposes
23 and intent of this section to the extent applica-
24 ble to the regulated activities;

1 (B) may include specifications for joint
2 management responsibilities as provided by the
3 first section of Public Law 91–412 (15 U.S.C.
4 1525); and

5 (C) shall provide for confidentiality of data
6 and information submitted to the State under
7 this Act.

8 (4) ALLOCATION OF FUNDS.—The Secretary
9 shall include in each joint enforcement agreement an
10 allocation of funds to assist in management of the
11 agreement. The allocation shall be fairly distributed
12 among all eligible States participating in cooperative
13 enforcement agreements under this subsection, based
14 upon consideration of Federal marine enforcement
15 needs, the specific marine conservation enforcement
16 needs of each participating eligible State, and the
17 capacity of the State to undertake the marine en-
18 forcement mission and assist with enforcement
19 needs. The agreement may provide for amounts to
20 be withheld by the Secretary for the cost of any
21 technical or other assistance provided to the State
22 by the Secretary under the agreement.

23 **SEC. 409. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated to the Sec-
25 retary for the purpose of carrying out this Act—

- 1 (1) \$60,000,000 for fiscal year 2020;
- 2 (2) \$65,000,000 for fiscal year 2021;
- 3 (3) \$70,000,000 for fiscal year 2022;
- 4 (4) \$75,000,000 for fiscal year 2023; and
- 5 (5) \$80,000,000 for fiscal year 2024.