

(6) recommend to the Federal Council specific actions on issues, problems, plans, and programs in aquaculture.

(c) Reports

The coordinating group shall regularly report to the Chairman of the Federal Council on the coordinating group's activities and on recommendations concerning Federal policies and programs related to aquaculture.

(d) Federal consistency

Each Federal department and agency that has functions or responsibilities with respect to aquaculture or has jurisdiction over any activity that affects, or that may affect, the achievement of the purpose and policy of this chapter, shall, in consultation with the coordinating group and to the maximum extent practicable, perform such function, responsibility, or activity in a manner that is consistent with the purpose and policy of this chapter.

(e) Functions if Federal Council terminated

If at any time after September 26, 1980, the functions of the Federal Council are by executive action terminated or transferred to an agency other than the Office of Science and Technology Policy, the coordinating group shall carry out its purpose under the direction of the Director. In that event, the recommendations of the coordinating group referred to in subsection (b)(6) of this section and the reports required under subsection (c) of this section shall be made to the Director.

(Pub. L. 96-362, §6, Sept. 26, 1980, 94 Stat. 1203; Pub. L. 99-198, title XVII, §1736, Dec. 23, 1985, 99 Stat. 1643.)

REFERENCES IN TEXT

Executive Order 12039, dated February 24, 1978, referred to in subsec. (a), is Ex. Ord. No. 12039, Feb. 24, 1978, 43 F.R. 8095, which is set out as a note under section 6601 of Title 42, The Public Health and Welfare.

AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99-198, §1736(1), inserted “, who shall be the permanent chairman of the coordinating group”.

Subsecs. (c) to (f). Pub. L. 99-198, §1736(2)-(4), struck out subsec. (c) which provided that each of the Secretaries or their designees, on such rotating basis as determined by the Director, shall serve as the chairman of the coordinating group, with the term of office of the chairman set at two years, redesignated subsecs. (d) to (f) as (c) to (e), respectively, and in subsec. (e), as redesignated, substituted “subsection (c) of this section” for “subsection (d) of this section”.

§ 2806. Contracts and grants

(a) In general

The Secretaries may each carry out any action that such Secretary is responsible for implementing under the Plan through grants to, or contracts with, any person, any other Federal department or agency, any State agency, or any regional commission.

(b) Terms and conditions

Any contract entered into, or any grant made, under subsection (a) of this section shall contain such terms and conditions as the Secretary concerned shall by regulation prescribe as being

necessary or appropriate to protect the interests of the United States. No contract may be entered into, and no grant may be made under subsection (a) of this section, for any purpose that is in violation of any applicable State or local law.

(c) Limitation

The amount of any grant made under subsection (a) of this section may not exceed an amount equal to one-half the estimated cost of the project for which the grant is made.

(d) Audit

Each recipient of a grant or contract under this section shall make available to the Secretary concerned and to the Comptroller General of the United States, for purposes of audit and examination, any book, document, paper, or record that is pertinent to the funds received under such grant or contract.

(Pub. L. 96-362, §7, Sept. 26, 1980, 94 Stat. 1204.)

§ 2807. Capital requirements for aquaculture

(a) Capital requirements study

The Secretaries, through the coordinating group, shall conduct within twelve months after September 26, 1980, a study of the capital requirements of the United States aquaculture industry. The study shall—

(1) document and analyze any capital constraints that affect the development of aquaculture in the United States; and

(2) evaluate the role that appropriate Federal financial assistance does or could play in filling gaps in the normal credit market with respect to aquaculture.

The study will identify the capital needs of the United States aquaculture industry, with emphasis on the needs that are not being filled either in normal credit channels or through government programs for direct loans, loan guarantees, disaster loans, and insurance. Upon its completion, the Secretaries shall submit the results of the study to Congress.

(b) Capital requirements plan

Based on the results of the Capital Requirements Study conducted under subsection (a) of this section, and within six months of the completion of the study, the Secretaries shall formulate a plan for acting on the study's findings. The plan shall include: (1) those Federal actions, if any, found to be necessary to meet financial needs unmet through normal credit channels and existing Federal programs; and (2) recommendations, if any, for legislative actions. Upon completion, the plan shall be submitted to Congress.

(Pub. L. 96-362, §8, Sept. 26, 1980, 94 Stat. 1204.)

§ 2808. Regulatory constraints on aquaculture

(a) Regulatory constraints study

The Secretaries, through the coordinating group, shall conduct, within twelve months after September 26, 1980, a study of the State and Federal regulatory restrictions to aquaculture development in the United States. The study shall—

(1) include a literature review and a descriptive list identifying the parameters of the issue;

(2) identify and list relevant current and pending Federal regulations restricting the development of commercial aquaculture operations;

(3) identify and list relevant current State regulations restricting the development of commercial aquaculture operations in five States selected randomly in five separate geographic regions of the United States;

(4) conduct case studies of ten commercial aquaculture operations in the United States representing a wide range of marine and fresh water species to determine the practical effects of regulatory restrictions on aquaculture; and

(5) develop a flow-chart time line using the information obtained by means of paragraphs (1) through (4) to identify those regulations and restrictions that could have the most detrimental effect in establishing commercial aquaculture operations in the United States.

Upon completion of the study, the Secretaries shall submit its results to Congress.

(b) Regulatory constraints plan

Based on the results of the Regulatory Constraints Study conducted under subsection (a) of this section, and within six months of the study's completion, the Secretaries shall formulate a plan for acting on the study's findings. The plan will contain specific steps the Federal Government can take to remove unnecessarily burdensome regulatory barriers to the initiation and operation of commercial aquaculture ventures. Upon its completion, the Secretaries shall submit the plan to Congress.

(Pub. L. 96-362, § 9, Sept. 26, 1980, 94 Stat. 1205.)

§ 2809. Authorizations for appropriations

For purposes of carrying out the provisions of this chapter, there are authorized to be appropriated—

(1) to the Department of Agriculture, \$1,000,000 for each of fiscal years 1991 through 2012;

(2) to the Department of Commerce, \$1,000,000 for each of fiscal years 1991 through 2012; and

(3) to the Department of¹ Interior, \$1,000,000 for each of fiscal years 1991 through 2012.

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

(Pub. L. 96-362, § 10, Sept. 26, 1980, 94 Stat. 1205; Pub. L. 98-623, title IV, § 402, Nov. 8, 1984, 98 Stat. 3407; Pub. L. 99-198, title XVII, § 1737, Dec. 23, 1985, 99 Stat. 1643; Pub. L. 101-624, title XVI, § 1614(d), Nov. 28, 1990, 104 Stat. 3728; Pub. L. 105-185, title III, § 301(i), June 23, 1998, 112 Stat. 563; Pub. L. 107-171, title VII, § 7139, May 13, 2002, 116 Stat. 436; Pub. L. 110-234, title VII, § 7414, May 22, 2008, 122 Stat. 1256; Pub. L. 110-246, § 4(a), title VII, § 7414, June 18, 2008, 122 Stat. 1664, 2017.)

¹ So in original. Probably should be "of the".

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Pars. (1) to (3). Pub. L. 110-246, § 7414, substituted "2012" for "2007".

2002—Pars. (1) to (3). Pub. L. 107-171 substituted "2007" for "2002".

1998—Pars. (1) to (3). Pub. L. 105-185 substituted "fiscal years 1991 through 2002" for "the fiscal years 1991, 1992, and 1993".

1990—Pars. (1) to (3). Pub. L. 101-624 amended pars. (1) to (3) generally. Prior to amendment, pars. (1) to (3) read as follows:

"(1) to the Department of Agriculture, \$2,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988;

"(2) to the Department of Commerce, \$2,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988; and

"(3) to the Department of the Interior, \$1,000,000 for each of fiscal years 1984 and 1985, and \$1,000,000 for each of fiscal years 1986, 1987, and 1988."

1985—Pars. (1) to (3). Pub. L. 99-198 inserted provisions authorizing appropriations of \$1,000,000 for each of fiscal years 1986, 1987, and 1988.

1984—Pars. (1), (2). Pub. L. 98-623 substituted provisions authorizing appropriations of \$2,000,000 for each of fiscal years 1984 and 1985 for provisions which had authorized appropriations of \$7,000,000 for fiscal year 1981, \$10,000,000 for fiscal year 1982, and \$12,000,000 for fiscal year 1983.

Par. (3). Pub. L. 98-623 substituted provisions authorizing appropriations of \$1,000,000 for each of fiscal years 1984 and 1985 for provisions which had authorized appropriations of \$3,000,000 for fiscal year 1981, \$4,000,000 for fiscal year 1982, and \$5,000,000 for fiscal year 1983.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

§ 2810. Disclaimer

Nothing in this chapter shall be construed to amend, repeal, or otherwise modify the authority of any Federal officer, department, or agency to perform any function, responsibility, or activity authorized under any other provision of law.

(Pub. L. 96-362, § 11, Sept. 26, 1980, 94 Stat. 1206.)

CHAPTER 49—FISH AND WILDLIFE CONSERVATION

Sec. 2901.	Congressional findings and declaration of purpose.
2902.	Definitions.
2903.	Conservation plans.
2904.	Approval of conservation plans and certain nongame fish and wildlife conservation actions.
2905.	Reimbursement of State cost for developing, revising, and implementing conservation plans and implementing certain nongame fish and wildlife conservation actions.
2906.	Terms and conditions of reimbursement.
2907.	Allocation of funds for administration and reimbursement of States.
2908.	Other Federal assistance and actions.
2909.	Disclaimers.