

rine and other water areas and on the management of such areas for aquaculture;

(5) include, where appropriate, programs to analyze, and formulate proposed resolutions of, the legal or regulatory constraints that may affect aquaculture; and

(6) include such other research and development, technical assistance, demonstration, extension education, and training programs as the Secretary deems necessary or appropriate to carry out this chapter.

In formulating the Plan, the Secretary shall, to the extent practicable, take into account any significant action that (i) has been, or is proposed to be, undertaken by any other Federal department or agency, any State agency, or any person, and (ii) may affect the implementation of the Plan.

### (c) Actions and implementation

The Plan shall specify—

(1) with respect to those actions that the Secretary determines should be undertaken, the period of time within which each such action should be completed, in order to implement the Plan; and

(2) with respect to each such action which of the Secretaries, acting individually, jointly, or collectively, has the responsibility for implementing the action.

The specifications of Secretarial responsibilities under paragraph (2) for implementing actions shall be determined on the basis of—

(A) the responsibilities conferred on the respective Secretaries by law or by any executive action having the effect of law (including, but not limited to, Reorganization Plan Numbered 4 of 1970);

(B) the experience, expertise, and other appropriate resources that the department of each such Secretary may have with respect to the action required under the activity concerned; and

(C) the concurrence of the Secretaries.

### (d) Revision of Plan

The Secretaries shall undertake periodic reviews of the operation and effectiveness of the Plan. If as a result of any such review, or the aquaculture assessment required under subsection (e), the Secretaries determine that—

(1) any aquatic species not currently identified in the Plan has significant potential for aquaculture;

(2) any action specified in the Plan is not being accomplished on a successful and timely basis; or

(3) any action specified in the Plan should be terminated because its objectives have been achieved or its projected benefits do not warrant further support;

the Secretaries shall appropriately amend the Plan.

### (e) Continuing aquaculture assessment

The Secretaries, through the coordinating group, shall undertake a continuing assessment of aquaculture in the United States for the purpose of maintaining, on a continuing basis—

(1) a complete profile of the aquacultural industry with respect to the incidence, size, and status of commercial aquacultural enterprises;

(2) the identification of the private and public institutions and organizations involved in aquacultural research, extension, credit, and market development;

(3) the identification of the various aquatic species being cultured and a description of the status of commercial development of each of those species;

(4) to the extent practicable, the identification of aquacultural production regions, species, and markets that have significant potential for development;

(5) a catalog describing all Federal programs and activities that directly or indirectly encourage, support, or assist aquaculture; and

(6) the identification of the economic, physical, legal, institutional, and social constraints that inhibit the development of aquaculture in the United States.

(Pub. L. 96-362, § 4, Sept. 26, 1980, 94 Stat. 1199; Pub. L. 96-561, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3300; Pub. L. 99-198, title XVII, § 1734, Dec. 23, 1985, 99 Stat. 1641; Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

#### REFERENCES IN TEXT

Reorganization Plan Numbered 4 of 1970, referred to in subsec. (c)(A), is Reorg. Plan No. 4 of 1970, 35 F.R. 15627, 84 Stat. 2090, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

1985—Subsec. (a)(2). Pub. L. 99-198, § 1734(1)(A), (B), substituted “Secretary” for “Secretaries” wherever appearing and inserted provisions requiring consultations with the Secretary of Commerce and the Secretary of the Interior.

Subsec. (a)(3). Pub. L. 99-198, § 1734(1)(C), struck out par. (3) which provided for the establishment of an advisory committee to assist in the initial development of the Plan.

Subsec. (b). Pub. L. 99-198, § 1734(2), inserted “to” after “determine” in par. (1), substituted “Secretary deems” for “Secretaries deem” in par. (6), and substituted “Secretary” for “Secretaries” in provisions following par. (6).

Subsec. (c)(1). Pub. L. 99-198, § 1734(3)(A), substituted “Secretary determines” for “Secretaries determine”.

Subsec. (c)(2)(C). Pub. L. 99-198, § 1734(3)(B)-(D), added subpar. (C).

1980—Subsec. (a)(2). Pub. L. 96-561 made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-561, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3300, provided that the amendment made by that section is effective 15 days after Dec. 22, 1980.

## § 2804. Functions and powers of Secretaries

### (a) Mandatory functions

In implementing the Plan, the Secretaries shall—

(1) provide advisory, educational, and technical assistance (including training) with re-

spect to aquaculture to interested persons, and in providing such assistance, shall, to the maximum extent practicable, avoid duplication of similar assistance provided by other Federal departments and agencies and by State agencies;

(2) consult and cooperate with interested persons, Federal departments and agencies, State agencies, and regional fishery management councils established under section 1852 of this title;

(3) encourage the implementation of aquacultural technology in the rehabilitation and enhancement of publicly owned fish and shellfish stocks (including rehabilitation and enhancement by private nonprofit enterprises), and in the development of private commercial aquacultural enterprises; and

(4) prescribe such regulations as may be necessary to carry out the Plan.

**(b) Discretionary functions**

In implementing the Plan, the Secretaries may—

(1) for the purposes of assessing the biological, technical, and economic feasibility of any aquacultural system—

(A) conduct tests of the system, and, if necessary to demonstrate its feasibility, construct, operate, and maintain developmental aquaculture facilities for testing laboratory results, and

(B) conduct such other tests or analyses as may be necessary;

(2) develop methods to enhance seed stocks of aquatic species; and

(3) conduct such other tests or analyses or take such other actions as the Secretaries deem necessary or appropriate.

**(c) Information services**

(1) In addition to performing such other mandatory functions under this chapter—

(A) the Secretaries shall collect and analyze scientific, technical, legal, and economic information relating to aquaculture, including acreages, water use, production, marketing, culture techniques, and other relevant matters;

(B) the Secretary shall—

(i) establish, within the Department of Agriculture, a National Aquaculture Information Center that shall serve as a repository for the information generated under subparagraph (A) and other provisions of this chapter and shall, on a request basis, make that information available to the public,

(ii) arrange with foreign nations for the exchange of information relating to aquaculture and support a translation service, and

(iii) conduct a study of the extent to which the United States aquaculture industry has access to relevant Federal programs which assist the agricultural sector and report to Congress on the findings of such study by December 31, 1986;

(C) the Secretary of Commerce shall conduct a study, and report to Congress thereon by December 31, 1987, to determine whether existing capture fisheries could be adversely affected

by competition from products produced by commercial aquacultural enterprises and include in such study an assessment of any adverse effect, by species and by geographical region, on such fisheries and recommend measures to ameliorate any such effect; and

(D) the Secretary of the Interior, in consultation with the Secretary of Commerce, shall undertake a study, and report to Congress thereon by December 31, 1987, to identify exotic species introduced into the United States waters as a result of aquaculture activities, and to determine the potential benefits and impacts of the introduction of exotic species.

(2) Any production information submitted to the Secretaries under paragraph (1)(A) shall be confidential and may only be disclosed if required under court order. The Secretaries shall preserve such confidentiality. The Secretaries may release or make public any information in any aggregate or summary form that does not directly or indirectly disclose the identity, business transactions, or trade secrets of any person who submits such information.

**(d) Biennial report**

The Secretary, through the coordinating group and in consultation with the Secretary of Commerce and the Secretary of the Interior,<sup>1</sup> shall prepare on a biennial basis, and submit to Congress, a report on the status of aquaculture in the United States. Such report shall contain a description and evaluation of the actions undertaken with respect to the Plan during the reporting period, an explanation of any revisions made to the Plan during the reporting period, and such other comments and recommendations as the Secretary deems appropriate. The report required by this subsection shall be submitted to the Congress not later than February 1, 1988.

(Pub. L. 96-362, § 5, Sept. 26, 1980, 94 Stat. 1201; Pub. L. 96-561, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3300; Pub. L. 99-198, title XVII, § 1735, Dec. 23, 1985, 99 Stat. 1642; Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

1985—Subsec. (c)(1). Pub. L. 99-198, § 1735(1), amended par. (1) generally. Prior to amendment, par. (1) provided that in addition to performing such other required functions under this chapter, the Secretaries shall (A) establish and maintain an information service for the collection, analysis, and dissemination of scientific, technical, legal, and economic information relating to aquaculture; (B) conduct appropriate surveys, in coordination with other Federal departments and agencies, of public and private aquacultural activities being conducted in the United States for the purpose of acquiring information on acreages, water use, production, culture techniques, and other relevant matters; (C) arrange with foreign nations for the exchange of information relating to aquaculture and support a translation service; (D) conduct a continuing study to determine whether existing capture fisheries could be adversely affected by competition from products produced by commercial aquacultural enterprises and include in

<sup>1</sup> So in original.

such study (i) an assessment of any adverse effect, by species and by geographical region, on such fisheries, and (ii) recommended measures to ameliorate any such effect; and (E) report to Congress on the findings of the study conducted under subparagraph (D) in the biennial status report required under subsection (d) of this section.

Subsec. (c)(2). Pub. L. 99-198, §1735(1), amended par. (2) generally, substituting “The Secretaries shall preserve such confidentiality” for “The Secretaries shall prescribe such procedures as may be necessary to preserve such confidentiality”.

Subsec. (d). Pub. L. 99-198, §1735(2), substituted “Secretary” for “Secretaries” wherever appearing; inserted “and in consultation with the Secretary of Commerce and the Secretary of the Interior,” after “the coordinating group” in first sentence; struck out “under section 2803(d) of this title” after “revisions made to the Plan”, and substituted “Such” for “Each such”, substituted “deems appropriate” for “deem appropriate” in second sentence; and substituted “The report required by this subsection shall be submitted to the Congress not later than February 1, 1988” for “The first report required under this subsection shall be submitted to Congress by September 30, 1981”.

1980—Subsec. (a)(2). Pub. L. 96-561 made technical amendment to reference in original act which appears in text as reference to section 1852 of this title.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-561, title II, §238(b), Dec. 22, 1980, 94 Stat. 3300, provided that the amendment made by that section is effective 15 days after Dec. 22, 1980.

#### COLLECTION OF FEES FOR TRIPLOID GRASS CARP CERTIFICATION INSPECTIONS

Pub. L. 104-40, §1, Nov. 1, 1995, 109 Stat. 350, provided: “(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Fish and Wildlife Service (referred to in this section as the ‘Director’), may charge reasonable fees for expenses to the Federal Government for triploid grass carp certification inspections requested by a person who owns or operates an aquaculture facility.

“(b) AVAILABILITY.—All fees collected under subsection (a) shall be available to the Director until expended, without further appropriations.

“(c) USE.—The Director shall use all fees collected under subsection (a) to carry out the activities referred to in subsection (a).”

### § 2805. Coordination of national activities regarding aquaculture

#### (a) Establishment

There is established within the Office of Science and Technology Policy an interagency aquaculture coordinating group that shall, subject to subsection (f), operate as a Joint Subcommittee on Aquaculture of the Federal Coordinating Council on Science, Engineering, and Technology (hereinafter in this section referred to as the “Federal Council”) established by Executive Order 12039, dated February 24, 1978. The coordinating group shall be composed of the following members or their designees:

- (1) The Secretary of Agriculture, who shall be the permanent chairman of the coordinating group.
- (2) The Secretary of Commerce.
- (3) The Secretary of the Interior.

(4) The Secretary of Energy.

(5) The Secretary of Health and Human Services.

(6) The Administrator of the Environmental Protection Agency.

(7) The Chief of Engineers.

(8) The Administrator of the Small Business Administration.

(9) The Administrator of the Agency for International Development.

(10) The Chairman of the Tennessee Valley Authority.

(11) The Director of the National Science Foundation.

(12) The Governor of the Farm Credit Administration.

(13) The heads of such other Federal agencies as are deemed appropriate by the Director of the Office of Science and Technology Policy (hereinafter in this section referred to as the “Director”), after consultation with the coordinating group.

#### (b) Purpose and functions

The purpose of the coordinating group is to increase the overall effectiveness and productivity of Federal aquaculture research, transfer, and assistance programs. In fulfilling this purpose the coordinating group shall—

(1) review the national needs for aquaculture research, transfer, and assistance;

(2) assess the effectiveness and adequacy of Federal efforts to meet those national needs;

(3) undertake planning, coordination, and communication among Federal agencies engaged in the science, engineering, and technology of aquaculture;

(4) collect, compile, and disseminate information on aquaculture;

(5) encourage joint programs among Federal agencies in areas of mutual interest; and

(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