

formation 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 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.

Statutory Notes and Related Subsidiaries

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 execu-

tive 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) and the reports required under subsection (c) 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.)

Editorial Notes

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)” for “subsection (d)”.

§ 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) 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), 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) 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), 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),