

118TH CONGRESS
1ST SESSION

S. _____

To amend the Department of Agriculture Reorganization Act of 1994 to establish the Office of Aquaculture, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend the Department of Agriculture Reorganization Act of 1994 to establish the Office of Aquaculture, 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.**

4 This Act may be cited as the “Sustaining Healthy
5 Ecosystems, Livelihoods, and Local Seafood Act” or the
6 “SHELLS Act”.

7 **SEC. 2. OFFICE OF AQUACULTURE.**

8 (a) IN GENERAL.—Subtitle A of the Department of
9 Agriculture Reorganization Act of 1994 is amended by in-
10 serting after section 216 (7 U.S.C. 6916) the following:

1 **“SEC. 217. OFFICE OF AQUACULTURE.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) AQUACULTURE.—The term ‘aquaculture’
4 has the meaning given the term in section 3 of the
5 National Aquaculture Act of 1980 (16 U.S.C. 2802).

6 “(2) COMMITTEE.—The term ‘Committee’
7 means the Aquaculture Advisory Committee estab-
8 lished under subsection (c)(1).

9 “(3) DIRECTOR.—The term ‘Director’ means
10 the Director of the Office appointed under sub-
11 section (b)(2).

12 “(4) INDIAN TRIBE.—The term ‘Indian Tribe’
13 has the meaning given the term in section 4 of the
14 Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 5304).

16 “(5) NATIVE HAWAIIAN ORGANIZATION.—The
17 term ‘Native Hawaiian organization’ has the mean-
18 ing given the term in section 3 of the NATIVE Act
19 (25 U.S.C. 4352).

20 “(6) OFFICE.—The term ‘Office’ means the Of-
21 fice of Aquaculture established under subsection
22 (b)(1).

23 “(7) TRIBAL ORGANIZATION.—The term ‘Tribal
24 organization’ has the meaning given the term in sec-
25 tion 4 of the Indian Self-Determination and Edu-
26 cation Assistance Act (25 U.S.C. 5304).

1 “(b) OFFICE.—

2 “(1) IN GENERAL.—The Secretary shall estab-
3 lish in the Department an Office of Aquaculture.

4 “(2) DIRECTOR.—The Secretary shall appoint a
5 senior official to serve as the Director of the Office.

6 “(3) MISSION.—The mission of the Office, in
7 coordination with any other relevant Federal agency,
8 shall be to encourage and promote aquaculture oper-
9 ations that promote United States food security and
10 limit adverse environmental effects, including—

11 “(A) shellfish cultivation (including oys-
12 ters, clams, and mussels);

13 “(B) micro- and macro-algae cultivation;

14 “(C) aquaculture production within land-
15 based systems; and

16 “(D) other forms of aquaculture produc-
17 tion, as determined by the Secretary, in con-
18 sultation with the Secretary of Commerce and
19 the heads of other Federal agencies, as applica-
20 ble.

21 “(4) RESPONSIBILITIES.—The Director shall be
22 responsible for engaging in activities to carry out the
23 mission of the Office described in paragraph (3), in-
24 cluding by—

1 “(A) overseeing programs of the Depart-
2 ment to develop and advance aquaculture best
3 practices, using the best available science, in
4 consultation with agricultural producers and in-
5 dustry partners;

6 “(B) providing technical assistance on best
7 practices to aquaculture farmers and busi-
8 nesses, including for shellfish, algae, and land-
9 based aquaculture systems, using the best avail-
10 able science;

11 “(C) advising the Secretary with respect to
12 aquaculture practices and programs;

13 “(D) coordinating with the agencies and
14 officials of the Department to update and en-
15 sure support for aquaculture in relevant pro-
16 grams;

17 “(E) engaging in stakeholder relations and
18 developing external partnerships relating to
19 aquaculture practices and programs;

20 “(F) identifying common State and munic-
21 ipal best practices for navigating local policies
22 relating to aquaculture practices;

23 “(G) overseeing extension and outreach ef-
24 forts to support aquaculture producers and
25 businesses;

1 “(H) collaborating and coordinating with
2 other Federal agencies, including the National
3 Oceanic and Atmospheric Administration, the
4 United States Fish and Wildlife Service, the
5 Environmental Protection Agency, and the Of-
6 fice of Science and Technology Policy, with re-
7 spect to aquaculture practices;

8 “(I) convening a working group with rel-
9 evant officials of the Department to coordinate
10 programs and share knowledge;

11 “(J) representing the Department on the
12 Subcommittee on Aquaculture of the National
13 Science and Technology Council;

14 “(K) gathering and issuing aquaculture
15 production data, in coordination with the Na-
16 tional Oceanic and Atmospheric Administration
17 and other relevant Federal agencies;

18 “(L) applying existing programs for risk
19 mitigation as applicable to aquaculture, includ-
20 ing insurance and purchasing programs; and

21 “(M) promoting aquaculture practices that
22 provide environmental, economic, and social
23 benefits.

24 “(c) AQUACULTURE ADVISORY COMMITTEE.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of the SHELLS Act, the
3 Secretary shall establish an Aquaculture Advisory
4 Committee to advise the Secretary on—

5 “(A) the development of policies and out-
6 reach relating to sustainable aquaculture prac-
7 tices;

8 “(B) the history, use, and preservation of
9 Indigenous and traditional aquaculture prac-
10 tices and ecological knowledge; and

11 “(C) any other aspects of the implementa-
12 tion of this section.

13 “(2) MEMBERSHIP.—

14 “(A) IN GENERAL.—The Committee shall
15 be composed of 14 members, to be appointed by
16 the Secretary, of whom—

17 “(i) 1 shall be a representative of the
18 Department, who shall serve as chair of
19 the Committee;

20 “(ii) 4 shall be individuals who are
21 aquaculture producers who employ best
22 practices and limit adverse effects that re-
23 sult from the operations of the aquaculture
24 producers;

1 “(iii) 2 shall be representatives from
2 an Indian Tribe, a Tribal organization, or
3 a Native Hawaiian organization;

4 “(iv) 1 shall be a representative from
5 a State or an interstate commission;

6 “(v) 1 shall be a representative from
7 an institution of higher education or exten-
8 sion program;

9 “(vi) 1 shall be an individual who rep-
10 resents a nonprofit organization, which
11 may include a public health, environ-
12 mental, or community organization;

13 “(vii) 1 shall be an individual who
14 represents a relevant port, coastal, or wa-
15 terfront community;

16 “(viii) 1 shall be an individual with
17 supply chain experience, which may include
18 a food aggregator, wholesale food dis-
19 tributor, food hub, or an individual who
20 has direct-to-consumer market experience;

21 “(ix) 1 shall be an individual with re-
22 lated experience or expertise in aquaculture
23 production practices, as determined by the
24 Secretary; and

1 “(x) 1 shall be an individual who rep-
2 resents aquaculture end users, including a
3 chef, member of the food service industry,
4 or grocer.

5 “(B) INITIAL APPOINTMENTS.—The Sec-
6 retary shall appoint the members of the Com-
7 mittee not later than 180 days after the date of
8 enactment of this section.

9 “(3) PERIOD OF APPOINTMENT; VACANCIES.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), a member of the Committee
12 shall be appointed for a term of 3 years.

13 “(B) INITIAL APPOINTMENTS.—Of the
14 members first appointed to the Committee—

15 “(i) 5 of the members, as determined
16 by the Secretary, shall be appointed for a
17 term of 3 years;

18 “(ii) 5 of the members, as determined
19 by the Secretary, shall be appointed for a
20 term of 2 years; and

21 “(iii) 4 of the members, as determined
22 by the Secretary, shall be appointed for a
23 term of 1 year.

24 “(C) VACANCIES.—Any vacancy in the
25 Committee—

1 “(i) shall not affect the powers of the
2 Committee; and

3 “(ii) shall be filled as soon as prac-
4 ticable in the same manner as the original
5 appointment.

6 “(D) CONSECUTIVE TERMS.—An initial
7 appointee of the Committee may serve an addi-
8 tional consecutive term if the member is re-
9 appointed by the Secretary.

10 “(4) MEETINGS.—

11 “(A) FREQUENCY.—The Committee shall
12 meet not fewer than 3 times per year.

13 “(B) INITIAL MEETING.—Not later than
14 180 days after the date on which the members
15 are appointed under paragraph (2)(B), the
16 Committee shall hold the first meeting of the
17 Committee.

18 “(5) DUTIES.—

19 “(A) IN GENERAL.—The Committee
20 shall—

21 “(i) develop recommendations and ad-
22 vise the Director on aquaculture policies,
23 initiatives, and outreach administered by
24 the Office;

1 “(ii) evaluate and review ongoing re-
2 search and extension activities relating to
3 aquaculture practices;

4 “(iii) identify new and existing bar-
5 riers to successful aquaculture practices;
6 and

7 “(iv) provide additional assistance and
8 advice to the Director as appropriate.

9 “(B) REPORTS.—Not later than 1 year
10 after the date on which the Committee is estab-
11 lished, and every 2 years thereafter through
12 2028, the Committee shall submit to the Sec-
13 retary, the Committee on Agriculture, Nutri-
14 tion, and Forestry and the Committee on Com-
15 merce, Science, and Transportation of the Sen-
16 ate, and the Committee on Agriculture and the
17 Committee on Natural Resources of the House
18 of Representatives, a report describing the rec-
19 ommendations developed under subparagraph
20 (A).

21 “(6) PERSONNEL MATTERS.—

22 “(A) COMPENSATION.—A member of the
23 Committee shall serve without compensation.

24 “(B) TRAVEL EXPENSES.—A member of
25 the Committee shall be allowed travel expenses,

1 including per diem in lieu of subsistence, in ac-
2 cordance with section 5703 of title 5, United
3 States Code.

4 “(7) TERMINATION.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (B), the Committee shall terminate on
7 the date that is 5 years after the date on which
8 the members are appointed under paragraph
9 (2)(B).

10 “(B) EXTENSIONS.—Before the date on
11 which the Committee terminates, the Secretary
12 may renew the Committee for 1 or more 2-year
13 periods.

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated to carry out this section
16 \$25,000,000 for each of fiscal years 2024 through 2028.”.

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 (1) The Department of Agriculture Reorganiza-
19 tion Act of 1994 is amended by redesignating the
20 first section 225 (7 U.S.C. 6925) (relating to the
21 Food Access Liaison) as section 224A.

22 (2) Section 296(b) of the Department of Agri-
23 culture Reorganization Act of 1994 (7 U.S.C.
24 7014(b)) is amended by adding at the end the fol-
25 lowing:

1 “(11) The authority of the Secretary to carry
2 out section 217.”.