

118TH CONGRESS  
1ST SESSION

# S. 2211

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

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. WHITEHOUSE (for himself, Mr. WICKER, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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”.

1 **SEC. 2. OFFICE OF AQUACULTURE.**

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

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

6 “(a) DEFINITIONS.—In this section:

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

10 “(2) COMMITTEE.—The term ‘Committee’  
11 means the Aquaculture Advisory Committee estab-  
12 lished under subsection (c)(1).

13 “(3) DIRECTOR.—The term ‘Director’ means  
14 the Director of the Office appointed under sub-  
15 section (b)(2).

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

20 “(5) NATIVE HAWAIIAN ORGANIZATION.—The  
21 term ‘Native Hawaiian organization’ has the mean-  
22 ing given the term in section 3 of the NATIVE Act  
23 (25 U.S.C. 4352).

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

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

5           “(b) OFFICE.—

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

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

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

15           “(A) shellfish cultivation (including oys-  
16 ters, clams, and mussels);

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

18           “(C) aquaculture production within land-  
19 based systems; and

20           “(D) other forms of aquaculture produc-  
21 tion, as determined by the Secretary, in con-  
22 sultation with the Secretary of Commerce and  
23 the heads of other Federal agencies, as applica-  
24 ble.

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

5           “(A) overseeing programs of the Depart-  
6 ment to develop and advance aquaculture best  
7 practices, using the best available science, in  
8 consultation with agricultural producers and in-  
9 dustry partners;

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

15           “(C) advising the Secretary with respect to  
16 aquaculture practices and programs;

17           “(D) coordinating with the agencies and  
18 officials of the Department to update and en-  
19 sure support for aquaculture in relevant pro-  
20 grams;

21           “(E) engaging in stakeholder relations and  
22 developing external partnerships relating to  
23 aquaculture practices and programs;

1           “(F) identifying common State and munic-  
2           cipal best practices for navigating local policies  
3           relating to aquaculture practices;

4           “(G) overseeing extension and outreach ef-  
5           forts to support aquaculture producers and  
6           businesses;

7           “(H) collaborating and coordinating with  
8           other Federal agencies, including the National  
9           Oceanic and Atmospheric Administration, the  
10          United States Fish and Wildlife Service, the  
11          Environmental Protection Agency, and the Of-  
12          fice of Science and Technology Policy, with re-  
13          spect to aquaculture practices;

14          “(I) convening a working group with rel-  
15          evant officials of the Department to coordinate  
16          programs and share knowledge;

17          “(J) representing the Department on the  
18          Subcommittee on Aquaculture of the National  
19          Science and Technology Council;

20          “(K) gathering and issuing aquaculture  
21          production data, in coordination with the Na-  
22          tional Oceanic and Atmospheric Administration  
23          and other relevant Federal agencies;

1           “(L) applying existing programs for risk  
2 mitigation as applicable to aquaculture, includ-  
3 ing insurance and purchasing programs; and

4           “(M) promoting aquaculture practices that  
5 provide environmental, economic, and social  
6 benefits.

7           “(c) AQUACULTURE ADVISORY COMMITTEE.—

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

12           “(A) the development of policies and out-  
13 reach relating to sustainable aquaculture prac-  
14 tices;

15           “(B) the history, use, and preservation of  
16 Indigenous and traditional aquaculture prac-  
17 tices and ecological knowledge; and

18           “(C) any other aspects of the implementa-  
19 tion of this section.

20           “(2) MEMBERSHIP.—

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

1           “(i) 1 shall be a representative of the  
2 Department, who shall serve as chair of  
3 the Committee;

4           “(ii) 4 shall be individuals who are  
5 aquaculture producers who employ best  
6 practices and limit adverse effects that re-  
7 sult from the operations of the aquaculture  
8 producers;

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

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

14           “(v) 1 shall be a representative from  
15 an institution of higher education or exten-  
16 sion program;

17           “(vi) 1 shall be an individual who rep-  
18 represents a nonprofit organization, which  
19 may include a public health, environ-  
20 mental, or community organization;

21           “(vii) 1 shall be an individual who  
22 represents a relevant port, coastal, or wa-  
23 terfront community;

24           “(viii) 1 shall be an individual with  
25 supply chain experience, which may include

1 a food aggregator, wholesale food dis-  
 2 tributor, food hub, or an individual who  
 3 has direct-to-consumer market experience;

4 “(ix) 1 shall be an individual with re-  
 5 lated experience or expertise in aquaculture  
 6 production practices, as determined by the  
 7 Secretary; and

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

12 “(B) INITIAL APPOINTMENTS.—The Sec-  
 13 retary shall appoint the members of the Com-  
 14 mittee not later than 180 days after the date of  
 15 enactment of this section.

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

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

20 “(B) INITIAL APPOINTMENTS.—Of the  
 21 members first appointed to the Committee—

22 “(i) 5 of the members, as determined  
 23 by the Secretary, shall be appointed for a  
 24 term of 3 years;



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

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

7                   “(C) VACANCIES.—Any vacancy in the  
8                   Committee—

9                   “(i) shall not affect the powers of the  
10                  Committee; and

11                  “(ii) shall be filled as soon as prac-  
12                  ticable in the same manner as the original  
13                  appointment.

14                  “(D) CONSECUTIVE TERMS.—An initial  
15                  appointee of the Committee may serve an addi-  
16                  tional consecutive term if the member is re-  
17                  appointed by the Secretary.

18                  “(4) MEETINGS.—

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

21                  “(B) INITIAL MEETING.—Not later than  
22                  180 days after the date on which the members  
23                  are appointed under paragraph (2)(B), the  
24                  Committee shall hold the first meeting of the  
25                  Committee.

1 “(5) DUTIES.—

2 “(A) IN GENERAL.—The Committee  
3 shall—

4 “(i) develop recommendations and ad-  
5 vise the Director on aquaculture policies,  
6 initiatives, and outreach administered by  
7 the Office;

8 “(ii) evaluate and review ongoing re-  
9 search and extension activities relating to  
10 aquaculture practices;

11 “(iii) identify new and existing bar-  
12 riers to successful aquaculture practices;  
13 and

14 “(iv) provide additional assistance and  
15 advice to the Director as appropriate.

16 “(B) REPORTS.—Not later than 1 year  
17 after the date on which the Committee is estab-  
18 lished, and every 2 years thereafter through  
19 2028, the Committee shall submit to the Sec-  
20 retary, the Committee on Agriculture, Nutri-  
21 tion, and Forestry and the Committee on Com-  
22 merce, Science, and Transportation of the Sen-  
23 ate, and the Committee on Agriculture and the  
24 Committee on Natural Resources of the House  
25 of Representatives, a report describing the rec-

1           ommendations developed under subparagraph  
2           (A).

3           “(6) PERSONNEL MATTERS.—

4                 “(A) COMPENSATION.—A member of the  
5           Committee shall serve without compensation.

6                 “(B) TRAVEL EXPENSES.—A member of  
7           the Committee shall be allowed travel expenses,  
8           including per diem in lieu of subsistence, in ac-  
9           cordance with section 5703 of title 5, United  
10          States Code.

11          “(7) TERMINATION.—

12                 “(A) IN GENERAL.—Subject to subpara-  
13          graph (B), the Committee shall terminate on  
14          the date that is 5 years after the date on which  
15          the members are appointed under paragraph  
16          (2)(B).

17                 “(B) EXTENSIONS.—Before the date on  
18          which the Committee terminates, the Secretary  
19          may renew the Committee for 1 or more 2-year  
20          periods.

21          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
22          is authorized to be appropriated to carry out this section  
23          \$25,000,000 for each of fiscal years 2024 through 2028.”.

24          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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