

§ 2707. Authorizations

There are hereby authorized to be appropriated for each of the fiscal years ending September 30, 1978, September 30, 1979, and September 30, 1980, not to exceed \$10,000,000 for loans to be made pursuant to section 2702 of this title, such funds to remain available until expended. There are hereby authorized to be appropriated for each of the fiscal years ending September 30, 1978, September 30, 1979, September 30, 1980, not to exceed \$100,000,000 for loans to be made pursuant to section 2703 of this title, such funds to remain available until expended.

(Pub. L. 95-617, title IV, §407, Nov. 9, 1978, 92 Stat. 3156.)

§ 2708. Definitions

(a) For purposes of this chapter, the term—

(1) “small hydroelectric power project” means any hydroelectric power project which is located at the site of any existing dam, which uses the water power potential of such dam, and which has not more than 30,000 kilowatts of installed capacity;

(2) “electric cooperative” means any cooperative association eligible to receive loans under section 904 of title 7;

(3) “industrial development agency” means any agency which is permitted to issue obligations the interest on which is excludable from gross income under section 103 of title 26;

(4) “project costs” means the cost of acquisition¹ or construction of all facilities and services and the cost of acquisition of all land and interests in land used in the design and construction and operation of a small hydroelectric power project;

(5) “nonprofit organization” means any organization described in section 501(c)(3) or 501(c)(4) of title 26 and exempt from tax under section 501(a) of title 26 (but only with respect to a trade or business carried on by such organization which is not an unrelated trade or business, determined by applying section 513(a) of title 26 to such organization);

(6) “existing dam” means any dam, the construction of which was completed or on before April 20, 1977, and which does not require any construction or enlargement of impoundment structures (other than repairs or reconstruction) in connection with the installation of any small hydroelectric power project;

(7) “municipality” has the meaning provided in section 796 of this title; and

(8) “person” has the meaning provided in section 796 of this title.

(b) The requirement in subsection (a)(1) of this section that a project be located at the site of an existing dam in order to qualify as a small hydroelectric power project, and the other provisions of this chapter which require that a project be at or in connection with an existing dam (or utilize the potential of such dam) in order to be assisted under or included within such provisions, shall not be construed to exclude—

(1) from the definition contained in such subsection (a)(1), or

(2) from any other provision of this chapter, any project which utilizes or proposes to utilize natural water features for the generation of electricity, without the need for any dam or impoundment, in a manner which (as determined by the Commission) will achieve the purposes of this chapter and will do so without any adverse effect upon such natural water features.

(Pub. L. 95-617, title IV, §408, Nov. 9, 1978, 92 Stat. 3156; Pub. L. 96-294, title IV, §408(a), (c), June 30, 1980, 94 Stat. 718; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Subsec. (a)(3), (5). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1980—Subsec. (a). Pub. L. 96-294, §408(a), (c)(1), designated existing provisions as subsec. (a) and, as so designated, in par. (1) substituted “30,000” for “15,000”.

Subsec. (b). Pub. L. 96-294, §408(c)(2), added subsec. (b).

CHAPTER 48—NATIONAL AQUACULTURE POLICY, PLANNING, AND DEVELOPMENT

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 7 sections 3321, 3322.

§ 2801. Congressional findings, purpose, and policy**(a) Findings**

Congress finds the following:

(1) The harvest of certain species of fish and shellfish exceeds levels of optimum sustain-

¹ So in original. Probably should be “acquisition”.

able yield, thereby making it more difficult to meet the increasing demand for aquatic food.

(2) To satisfy the domestic market for aquatic food, the United States imports more than 50 per centum of its fish and shellfish, but this dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies.

(3) Although aquaculture currently contributes approximately 13 percent of world seafood production, less than 6 percent of current United States seafood production results from aquaculture. Domestic aquacultural production, therefore, has the potential for significant growth.

(4) Aquacultural production of aquatic plants can provide sources of food, industrial materials, pharmaceuticals, and energy, and can assist in the control and abatement of pollution.

(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquacultural technology.

(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many scientific, economic, legal, and production factors, such as inadequate credit, diffused legal jurisdiction, the lack of management information, the lack of supportive Government policies, and the lack of reliable supplies of seed stock.

(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

(b) Purpose

It is the purpose of this chapter to promote aquaculture in the United States by—

- (1) declaring a national aquaculture policy;
- (2) establishing and implementing a national aquaculture development plan;
- (3) establishing the Department of Agriculture as the lead Federal agency with respect to the coordination and dissemination of national aquaculture information by designating the Secretary of Agriculture as the permanent chairman of the coordinating group and by establishing a National Aquaculture Information Center within the Department of Agriculture; and
- (4) encouraging aquaculture activities and programs in both the public and private sectors of the economy;

that will result in increased aquacultural production, the coordination of domestic aquaculture efforts, the conservation and enhancement of aquatic resources, the creation of new industries and job opportunities, and other national benefits.

(c) Policy

Congress declares that aquaculture has the potential for reducing the United States trade deficit in fisheries products, for augmenting existing commercial and recreational fisheries and

for producing other renewable resources, thereby assisting the United States in meeting its future food needs and contributing to the solution of world resource problems. It is, therefore, in the national interest, and it is the national policy, to encourage the development of aquaculture in the United States.

(Pub. L. 96-362, §2, Sept. 26, 1980, 94 Stat. 1198; Pub. L. 99-198, title XVII, §1732, Dec. 23, 1985, 99 Stat. 1641.)

AMENDMENTS

1985—Subsec. (a)(3). Pub. L. 99-198, §1732(1), substituted “13 percent” for “10 per centum” and “6 percent” for “3 per centum”.

Subsec. (a)(7). Pub. L. 99-198, §1732(2), inserted “scientific,” before “economic,” and “the lack of supportive Government policies,” after “management information.”

Subsec. (b)(3), (4). Pub. L. 99-198, §1732(3), added par. (3) and redesignated former par. (3) as (4).

Subsec. (c). Pub. L. 99-198, §1732(4), inserted “or reducing the United States trade deficit in fisheries products.”

SHORT TITLE OF 1985 AMENDMENT

Section 1731 of Pub. L. 99-198 provided that: “This subtitle [subtitle C [D] (§§1731-1737) of title XVII of Pub. L. 99-198, amending this section and sections 2802 to 2805 and 2809 of this title] may be cited as the ‘National Aquaculture Improvement Act of 1985.’”

SHORT TITLE

Section 1 of Pub. L. 96-362 provided: “That this Act [enacting this chapter] may be cited as the ‘National Aquaculture Act of 1980.’”

§ 2802. Definitions

As used in this chapter, unless the context otherwise requires—

(1) The term “aquaculture” means the propagation and rearing of aquatic species in controlled or selected environments, including, but not limited to, ocean ranching (except private ocean ranching of Pacific salmon for profit in those States where such ranching is prohibited by law).

(2) The term “aquaculture facility” means any land, structure, or other appurtenance that is used for aquaculture and is located in any State. Such term includes, but is not limited to, any laboratory, hatchery, rearing pond, raceway, pen, incubator, or other equipment used in aquaculture.

(3) The term “aquatic species” means any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant.

(4) The term “coordinating group” means the interagency aquaculture coordinating group established by section 2805 of this title.

(5) The term “person” means any individual who is a citizen or national of the United States or of any State, any Indian tribe, any institution of higher education, and any corporation, partnership, association or other entity (including, but not limited to, any community development corporation, producer cooperative, or fishermen’s cooperative) organized or existing under the laws of any State.

(6) The term “Plan” means the National Aquaculture Development Plan required to be established under section 2803 of this title.