

118TH CONGRESS
2D SESSION

S. 4810

To prohibit the Secretary of the Interior and the Secretary of Commerce from authorizing commercial octopus aquaculture operations in the United States, the exclusive economic zone, and the waters of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2024

Mr. WHITEHOUSE (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit the Secretary of the Interior and the Secretary of Commerce from authorizing commercial octopus aquaculture operations in the United States, the exclusive economic zone, and the waters of the United States, 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 “Opposing the Cultiva-
5 tion and Trade of Octopus Produced through Unethical
6 Strategies Act of 2024” or the “OCTOPUS Act of 2024”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **AQUACULTURE.**—The term “aquaculture”,
4 with respect to octopus, means the farming of octo-
5 puses to be slaughtered for human consumption or
6 use.

7 (2) **EXCLUSIVE ECONOMIC ZONE.**—The term
8 “exclusive economic zone” means the zone estab-
9 lished by Presidential Proclamation Number 5030,
10 dated March 10, 1983 (16 U.S.C. 1453 note; relat-
11 ing to the exclusive economic zone of the United
12 States of America).

13 (3) **OCTOPUS.**—The term “octopus” means a
14 member of the order Octopoda.

15 (4) **UNITED STATES.**—The term “United
16 States” means the 50 States, the District of Colum-
17 bia, and the territories and possessions of the United
18 States.

19 (5) **WATERS OF THE UNITED STATES.**—The
20 term “waters of the United States” has the meaning
21 given that term in section 120.2 of title 40, Code of
22 Federal Regulations.

23 **SEC. 3. PROHIBITION ON AUTHORIZING COMMERCIAL OC-**
24 **TOPUS AQUACULTURE.**

25 The Secretary of Commerce—

1 (1) shall not issue any permit or in any other
 2 way authorize any person to conduct commercial oc-
 3 topus aquaculture operations in the United States,
 4 the exclusive economic zone of the United States, or
 5 the waters of the United States; and

6 (2) shall coordinate with the Secretary of Inte-
 7 rior to ensure commercial octopus aquaculture is not
 8 permitted or authorized through the United States
 9 Fish and Wildlife Service or any other department.

10 **SEC. 4. PROHIBITION ON IMPORTATION AND REEXPORT OF**
 11 **COMMERCIALY FARMED OR**
 12 **AQUACULTURED OCTOPUS.**

13 (a) IN GENERAL.—The following are prohibited:

14 (1) The importation into the United States of
 15 commercially aquacultured octopus, including any
 16 living or dead specimens, parts, or derivatives, or
 17 any product containing specimens, parts, or deriva-
 18 tives of such octopus.

19 (2) The reexport of octopus described in para-
 20 graph (1).

21 (b) EFFECTIVE DATE.—Subsection (a) applies with
 22 respect to articles entered, or withdrawn from warehouse
 23 for consumption, on or after the date that is 1 year after
 24 the date of the enactment of this Act.

1 (c) PENALTY.—Any person who violates subsection
2 (a) shall, for each violation, be subject to a civil penalty
3 of not more than \$100,000, or the fair market value of
4 the octopus involved, whichever is greater.

5 **SEC. 5. CERTIFICATION UPON IMPORTATION.**

6 A person that imports into the United States an octo-
7 pus, including any living or dead specimens, parts, or de-
8 rivatives, or any product containing specimens, parts, or
9 derivatives of such octopus, shall certify on the date of
10 importation that such octopus is not a commercially
11 aquacultured octopus.

12 **SEC. 6. EXCEPTIONS.**

13 Sections 3, 4, and 5 shall not apply with respect to
14 octopus that are used solely—

15 (1) for public display by an accredited or li-
16 censed aquarium or zoo;

17 (2) in a breeding program of an accredited or
18 licensed aquarium or zoo; or

19 (3) for research purposes carried out by an ac-
20 credited or licensed aquarium or zoo, a museum, a
21 college, a university, a Federal or State agency, or
22 any other person under a State or Federal permit to
23 conduct noncommercial scientific research.

1 **SEC. 7. REPORTING OF HARVEST METHODS FOR OCTOPUS**
2 **IMPORTS.**

3 The Administrator of the National Oceanic and At-
4 mospheric Administration shall ensure that one or more
5 trade programs of the National Marine Fisheries Service
6 require the reporting of harvest methods for imports of
7 octopus, including any value-added product that is com-
8 posed fully or partially of octopus.

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