

119TH CONGRESS
1ST SESSION

S. _____

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

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

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 2025” or the “OCTOPUS Act of 2025”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **COMMERCIAL OCTOPUS AQUACULTURE.**—

4 The term “commercial octopus aquaculture” means
5 the farming of octopuses to be slaughtered for
6 human consumption or use and sold through mar-
7 ketplaces.

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

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

16 (4) **REEXPORT.**—The term “reexport” has the
17 meaning given that term in section 1742 of the Ex-
18 port Control Reform Act of 2018 (50 U.S.C. 4801).

19 (5) **UNITED STATES.**—The term “United
20 States” means the 50 States, the District of Colum-
21 bia, and the territories and possessions of the United
22 States.

23 (6) **WATERS OF THE UNITED STATES.**—The
24 term “waters of the United States” has the meaning
25 given that term in section 120.2 of title 40, Code of
26 Federal Regulations.

1 **SEC. 3. PROHIBITION ON AUTHORIZING COMMERCIAL OC-**
2 **TOPUS AQUACULTURE.**

3 The Secretary of Commerce—

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

9 (2) shall coordinate with the Secretary of Inte-
10 rior to ensure commercial octopus aquaculture is not
11 permitted or authorized through the United States
12 Fish and Wildlife Service or any other department;
13 and

14 (3) not later the one year after the date of the
15 enactment of this Act and jointly with the Secretary
16 of the Interior, shall issue a final rule to prohibit
17 commercial octopus aquaculture operations in the
18 United States , the exclusive economic zone of the
19 United States, and the waters of the United States.

20 **SEC. 4. PROHIBITION ON IMPORTATION AND REEXPORT OF**
21 **COMMERCIALY FARMED OR**
22 **AQUACULTURED OCTOPUS.**

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

24 (1) The importation into the United States of
25 commercially aquacultured octopus, including any
26 living or dead specimens, parts, or derivatives, or

1 any product containing specimens, parts, or deriva-
2 tives of such octopus.

3 (2) The reexport of octopus described in para-
4 graph (1).

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

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

13 (d) RULEMAKING.—The Secretary of Commerce, in
14 coordination with the Secretary of the Interior and in con-
15 sultation with the Commissioner of U.S. Customs and
16 Border Protection, shall issue a final rule to prohibit octo-
17 pus described by subsection (a)(1) from being imported
18 into or reexported from the United States.

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

20 A person that imports into the United States an octo-
21 pus, including any living or dead specimens, parts, or de-
22 rivatives, or any product containing specimens, parts, or
23 derivatives of such octopus, shall certify on the date of
24 importation that such octopus is not a commercially
25 aquacultured octopus.

1 **SEC. 6. EXCEPTIONS.**

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

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

6 (2) in a breeding program of an accredited or
7 licensed aquarium or zoo; or

8 (3) for research purposes carried out by an ac-
9 credited or licensed aquarium or zoo, a museum, a
10 college, a university, a Federal or State agency, or
11 any other person under a State or Federal permit to
12 conduct noncommercial scientific research.

13 **SEC. 7. REPORTING OF HARVEST METHODS FOR OCTOPUS**
14 **IMPORTS.**

15 The Administrator of the National Oceanic and At-
16 mospheric Administration shall ensure that one or more
17 trade programs of the National Marine Fisheries Service
18 require the reporting of harvest methods for imports of
19 octopus, including any value-added product that is com-
20 posed fully or partially of octopus.