

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 1322**

To establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Fisheries

5 Advisory Committee Act”.

6 **SEC. 2. AMERICAN FISHERIES ADVISORY COMMITTEE.**

7 (a) ESTABLISHMENT.—Section 2 of the Act of Au-

8 gust 11, 1939 (15 U.S.C. 713c-3), is amended—

9 (1) by redesignating subsection (e) as sub-

10 section (f); and

1           (2) by inserting after subsection (d) the end the  
2 following:

3           “(e) AMERICAN FISHERIES ADVISORY COM-  
4 MITTEE.—

5           “(1) DEFINITIONS.—In this subsection:

6           “(A) COMMITTEE.—The term ‘Committee’  
7 means the American Fisheries Advisory Com-  
8 mittee established under paragraph (2).

9           “(B) FISHING COMMUNITY.—The term  
10 ‘fishing community’ means harvesters, market-  
11 ers, growers, processors, recreational fishermen,  
12 charter fishermen, and persons providing them  
13 with goods and services.

14           “(C) MARKETING AND PROMOTION.—The  
15 term ‘marketing and promotion’ means an ac-  
16 tivity aimed at encouraging the consumption of  
17 seafood or expanding or maintaining commer-  
18 cial markets for seafood.

19           “(D) PROCESSOR.—The term ‘processor’  
20 means any person in the business of preparing  
21 or packaging seafood (including seafood of the  
22 processor’s own harvesting) for sale.

23           “(E) SEAFOOD.—The term ‘seafood’  
24 means farm-raised and wild-caught fish, shell-  
25 fish, or marine algae harvested in the United

1 States or by a United States flagged vessel for  
2 human consumption.

3 “(2) ESTABLISHMENT.—Not later than 90 days  
4 after the date of the enactment of the American  
5 Fisheries Advisory Committee Act, the Secretary  
6 shall establish 6 regions within the American Fish-  
7 eries Advisory Committee as follows:

8 “(A) Region 1 shall consist of Alaska, Ha-  
9 waii, the Commonwealth of the Northern Mar-  
10 iana Islands, and the Territories of Guam and  
11 American Samoa.

12 “(B) Region 2 shall consist of Maine, New  
13 Hampshire, Massachusetts, Rhode Island, and  
14 Connecticut.

15 “(C) Region 3 shall consist of Texas, Ala-  
16 bama, Louisiana, Mississippi, Florida, Arkan-  
17 sas, Puerto Rico, and the Territory of the Vir-  
18 gin Islands of the United States.

19 “(D) Region 4 shall consist of California,  
20 Washington, Oregon, and Idaho.

21 “(E) Region 5 shall consist of New Jersey,  
22 New York, Delaware, Maryland, Virginia,  
23 North Carolina, South Carolina, and Georgia.

1           “(F) Region 6 shall consist of Michigan,  
2           Minnesota, Wisconsin, Illinois, Indiana, Ohio,  
3           and Pennsylvania.

4           “(3) MEMBERSHIP.—The Committee shall be  
5           composed of the following members:

6           “(A) REGIONAL REPRESENTATION.—Each  
7           of the regions listed in subparagraphs (A)  
8           through (F) of paragraph (2) shall be rep-  
9           resented on the Committee by 3 members—

10           “(i) who are appointed by the Sec-  
11           retary;

12           “(ii) who reside in a State or territory  
13           in the region that the member will rep-  
14           resent;

15           “(iii) of which—

16           “(I) one shall have experience as  
17           a seafood harvester or processor;

18           “(II) one shall have experience as  
19           recreational or commercial fisher or  
20           have experience growing seafood; and

21           “(III) one shall be an individual  
22           who represents the fisheries science  
23           community or the relevant Regional  
24           Fishery Management Council; and

1                   “(iv) that are selected so that the  
2                   members of the Committee have experience  
3                   or expertise with as many seafood species  
4                   as practicable.

5                   “(B) AT-LARGE MEMBERS.—The Secretary  
6                   shall appoint to the Committee at-large mem-  
7                   bers as follows:

8                   “(i) One individual with experience in  
9                   food distribution, marketing, retail, or food  
10                  service.

11                  “(ii) One individual with experience in  
12                  the recreational fishing industry supply  
13                  chain, such as fishermen, manufacturers,  
14                  retailers, and distributors.

15                  “(iii) One individual with experience  
16                  in the commercial fishing industry supply  
17                  chain, such as fishermen, manufacturers,  
18                  retailers, and distributors.

19                  “(iv) One individual who is an em-  
20                  ployee of the National Marine Fisheries  
21                  Service with expertise in fisheries research.

22                  “(C) BALANCED REPRESENTATION.—In  
23                  selecting the members described in subpara-  
24                  graphs (A) and (B), the Secretary shall seek to  
25                  maximize on the Committee, to the extent prac-

1            ticable, a balanced representation of expertise  
2            in United States fisheries, seafood production,  
3            and science.

4            “(4) MEMBER TERMS.—The term for a member  
5            of the Committee shall be 3 years, except that the  
6            Secretary shall designate staggered terms for the  
7            members initially appointed to the Committee.

8            “(5) RESPONSIBILITIES.—The Committee shall  
9            be responsible for—

10            “(A) identifying needs of the fishing com-  
11            munity that may be addressed by a project  
12            funded with a grant under subsection (c);

13            “(B) developing the request for proposals  
14            for such grants;

15            “(C) reviewing applications for such  
16            grants; and

17            “(D) selecting applications for approval  
18            under subsection (c)(2)(B).

19            “(6) CHAIR.—The Committee shall elect a chair  
20            by a majority of those voting, if a quorum is  
21            present.

22            “(7) QUORUM.—A simple majority of members  
23            of the Committee shall constitute a quorum, but a  
24            lesser number may hold hearings.

25            “(8) MEETINGS.—

1           “(A) FREQUENCY.—The Committee shall  
2 meet not more than 2 times each year.

3           “(B) LOCATION.—The meetings of the  
4 Committee shall rotate between the geographic  
5 regions described under paragraph (2).

6           “(C) MINIMIZING COSTS.—The Committee  
7 shall seek to minimize the operational costs as-  
8 sociated with meetings, hearings, or other busi-  
9 ness of the Committee, including through the  
10 use of video or teleconference.

11          “(9) DESIGNATION OF STAFF MEMBER.—The  
12 Secretary shall designate a staff member to coordi-  
13 nate the activities of the Committee and to assist  
14 with administrative and other functions as requested  
15 by the Committee.

16          “(10) PER DIEM AND EXPENSES AND FUND-  
17 ING.—

18           “(A) IN GENERAL.—A member of the  
19 Committee shall serve without compensation,  
20 but shall be reimbursed in accordance with sec-  
21 tion 5703 of title 5, United States Code, for  
22 reasonable travel costs and expenses incurred in  
23 performing duties as a member of the Com-  
24 mittee.

1           “(B) FUNDING.—The costs of reimburse-  
2           ments under subparagraph (A) and the other  
3           costs associated with the Committee shall be  
4           paid from funds made available to carry out  
5           this section (which may include funds described  
6           in subsection (f)(1)(B)), except that no funds  
7           allocated for grants under subsection (f)(1)(A)  
8           shall be expended for any purpose under this  
9           subsection.

10           “(11) CONFLICT OF INTEREST.—The conflict of  
11           interest and recusal provisions set out in section  
12           302(j) of the Magnuson-Stevens Fishery Conserva-  
13           tion and Management Act (16 U.S.C. 1852(j)) shall  
14           apply to any decision by the Committee and to all  
15           members of the Committee as if each member of the  
16           Committee is an affected individual within the mean-  
17           ing of such section 302(j), except that in addition to  
18           the disclosure requirements of section 302(j)(2)(C)  
19           of such Act (16 U.S.C. 1852(j)(2)(C)), each member  
20           of the Committee shall disclose any financial interest  
21           or relationship in an organization or with an indi-  
22           vidual that is applying for a grant under subsection  
23           (c) held by the member of the Committee, including  
24           an interest as an officer, director, trustee, partner,  
25           employee, contractor, agent, or other representative.



1 “(12) TECHNICAL REVIEW OF APPLICATIONS.—

2 “(A) IN GENERAL.—Prior to review of an  
3 application for a grant under subsection (c) by  
4 the Committee, the Secretary shall obtain an  
5 independent written technical evaluation from 3  
6 or more appropriate Federal, private, or public  
7 sector experts (such as industry, academia, or  
8 governmental experts) who—

9 “(i) have subject matter expertise to  
10 determine the technical merit of the pro-  
11 posal in the application;

12 “(ii) shall independently evaluate each  
13 such proposal; and

14 “(iii) shall certify that the expert does  
15 not have a conflict of interest concerning  
16 the application that the expert is review-  
17 ing.

18 “(B) GUIDANCE.—Not later than 180 days  
19 after the date of enactment of the American  
20 Fisheries Advisory Committee Act, the Sec-  
21 retary shall issue guidance related to carrying  
22 out the technical evaluations under subpara-  
23 graph (A). Such guidance shall include criteria  
24 for the elimination by the National Oceanic and  
25 Atmospheric Administration of applications that

1 fail to meet a minimum level of technical merit  
2 as determined by the review described in sub-  
3 paragraph (A).”.

4 (b) ROLE IN APPROVAL OF GRANTS.—Section  
5 2(c)(3) of the Act of August 11, 1939 (15 U.S.C. 713c-  
6 3(c)(3)), is amended to read as follows:

7 “(3)(A) No application for a grant under this sub-  
8 section may be approved unless the Secretary—

9 “(i) is satisfied that the applicant has the req-  
10 uisite technical and financial capability to carry out  
11 the project; and

12 “(ii) based on the recommendations of the  
13 American Fisheries Advisory Committee established  
14 in subsection (e), evaluates the proposed project as  
15 to—

16 “(I) soundness of design;

17 “(II) the possibilities of securing produc-  
18 tive results;

19 “(III) minimization of duplication with  
20 other fisheries research and development  
21 projects;

22 “(IV) the organization and management of  
23 the project;

1           “(V) methods proposed for monitoring and  
2           evaluating the success or failure of the project;  
3           and

4           “(VI) such other criteria as the Secretary  
5           may require.

6           “(B) If the Secretary fails to provide funds to  
7           a grant selected by the American Fisheries Advisory  
8           Committee, the Secretary shall provide a written  
9           document to the Committee justifying the decision.”.

10 **SEC. 3. EXPANSION OF SPECIFIED PURPOSES OF FISHERIES RESEARCH AND DEVELOPMENT PROJECTS GRANTS PROGRAM TO INCLUDE FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.**

15           Section 2(c)(1) of the Act of August 11, 1939 (15  
16 U.S.C. 713c-3(c)(1)) is amended by inserting fisheries  
17 science, recreational fishing, before harvesting,.

18 **SEC. 4. PUBLIC AVAILABILITY OF GRANTS PROPOSALS.**

19           Section 2(c) of the Act of August 11, 1939 (15  
20 U.S.C. 713c-3(c)), is amended by adding at the end the  
21 following:

22           “(6) Any person awarded a grant under this  
23           subsection shall make publicly available a title and  
24           abstract of the project to be carried out by the grant  
25           funds that serves as the public justification for fund-

1       ing the project that includes a statement describing  
2       how the project serves to enhance United States  
3       fisheries, including harvesting, processing, mar-  
4       keting, and associated infrastructures, if applica-  
5       ble.”.