

114TH CONGRESS
2D SESSION

S. 3087

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

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2016

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

A BILL

To establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants 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 “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 by adding
9 at the end the following:

1 “(f) AMERICAN FISHERIES ADVISORY COMMITTEE.—

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

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

6 “(B) MARKETING AND PROMOTION.—The
7 term ‘marketing and promotion’ means an ac-
8 tivity aimed at encouraging the consumption of
9 seafood or expanding or maintaining commer-
10 cial markets for seafood.

11 “(C) PROCESSOR.—The term ‘processor’
12 means any person in the business of preparing
13 or packaging seafood (including seafood of the
14 processor’s own harvesting) for sale.

15 “(D) SEAFOOD.—The term ‘seafood’
16 means farm-raised and wild-caught fish or
17 shellfish harvested in the United States or by a
18 United States flagged vessel for human con-
19 sumption.

20 “(E) SEAFOOD INDUSTRY.—The term ‘sea-
21 food industry’ means harvesters, marketers,
22 growers, processors, and persons providing
23 them with goods and services.

24 “(2) ESTABLISHMENT.—Not later than 90 days
25 after the date of the enactment of the American

1 Fisheries Advisory Committee Act, the Secretary
2 shall establish five regions within the American
3 Fisheries Advisory Committee as follows:

4 “(A) Region 1 shall consist of Alaska, Ha-
5 waii, the Commonwealth of the Northern Mar-
6 iana Islands, and the Territories of Guam and
7 American Samoa.

8 “(B) Region 2 shall consist of Maine, New
9 Hampshire, Massachusetts, Rhode Island, Con-
10 necticut, New York, Michigan, Minnesota, Wis-
11 consin, Illinois, Indiana, Ohio, and Pennsyl-
12 vania.

13 “(C) Region 3 shall consist of Texas, Ala-
14 bama, Louisiana, Mississippi, Florida, Puerto
15 Rico, and territory of the Virgin Islands.

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

18 “(E) Region 5 shall consist of New Jersey,
19 Delaware, Maryland, Virginia, North Carolina,
20 South Carolina, and Georgia.

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

23 “(A) REGIONAL REPRESENTATION.—Each
24 of the regions listed in subparagraphs (A)

1 through (E) of paragraph (2) shall be rep-
2 resented on the Committee by two members—

3 “(i) who are appointed by the Sec-
4 retary;

5 “(ii) who reside in a State or territory
6 in the region that the member will rep-
7 resent;

8 “(iii) of which—

9 “(I) one shall have experience as
10 a seafood harvester; and

11 “(II) one shall have experience as
12 a processor; and

13 “(iv) that are selected so that the
14 members of the Committee have experience
15 or expertise with as many seafood species
16 as practicable.

17 “(B) AT-LARGE MEMBERS.—The Secretary
18 shall appoint to the Committee at-large mem-
19 bers to ensure that the Committee fairly re-
20 flects the expertise and interest of the seafood
21 industry located in each region, as follows:

22 “(i) One individual with experience in
23 mass market food distribution.

24 “(ii) One individual with experience in
25 mass market food retail or food service.

1 “(iii) One individual with experience
2 in the marketing of seafood.

3 “(iv) One individual with experience
4 in growing seafood.

5 “(v) One individual who is an em-
6 ployee of the National Marine Fisheries
7 Service with expertise in fisheries research.

8 “(4) MEMBER TERMS.—The term for a member
9 of the Committee shall be three years, except that
10 the Secretary shall designate staggered terms for the
11 members initially appointed to the Committee.

12 “(5) RESPONSIBILITIES.—The Committee shall
13 be responsible for—

14 “(A) identifying needs of the seafood in-
15 dustry that may be addressed by a project
16 funded with a grant under subsection (c);

17 “(B) developing the request for proposals
18 for such grants;

19 “(C) reviewing applications for such
20 grants; and

21 “(D) selecting applications for approval
22 under subsection (c)(2)(B).

23 “(6) CHAIR.—The Committee shall elect a chair
24 by a majority of those voting, if a quorum is
25 present.

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

4 “(8) MEETINGS.—

5 “(A) FREQUENCY.—The Committee shall
6 meet not more than two times each year.

7 “(B) LOCATION.—The meetings of the
8 Committee shall rotate between the geographic
9 regions described under paragraph (2).

10 “(C) FEDERAL ADVISORY COMMITTEE
11 ACT.—The Federal Advisory Committee Act (5
12 U.S.C. App.) shall not apply to the Committee.

13 “(9) STAFF.—The Committee may employ staff
14 as necessary without regard to the provisions of title
15 5, United States Code.

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 reimbursements
2 made under subparagraph (A) shall be paid
3 with the funds made available for grants under
4 subsection (c).

5 “(11) CONFLICT OF INTEREST.—The conflict of
6 interest and recusal provisions set out in section
7 302(j) of the Magnuson-Stevens Fishery Conserva-
8 tion and Management Act (16 U.S.C. 1852(j)) shall
9 apply to any decision by the Committee and to all
10 members of the Committee as if each member of the
11 Committee is an affected individual within the mean-
12 ing of such section 302(j), except that in addition to
13 the disclosure requirements of section 302(j)(2)(C)
14 of such Act, (16 U.S.C. 1852(j)(2)(C)), each mem-
15 ber of the Committee shall disclose any financial in-
16 terest or relationship in an organization or with an
17 individual that is applying for a grant under sub-
18 section (c) held by the member of the Committee, in-
19 cluding an interest as an officer, director, trustee,
20 partner, employee, contractor, agent, or other rep-
21 resentative.”.

22 (b) ROLE IN APPROVAL OF GRANTS.—Section
23 2(c)(3) of the Act of August 11, 1939 (15 U.S.C. 713c-
24 3(c)(3)), is amended to read as follows:

1 “(3) No application for a grant under this subsection
2 may be approved unless—

3 “(A) the Secretary is satisfied that the appli-
4 cant has the requisite technical and financial capa-
5 bility to carry out the project; and

6 “(B) the application is selected for funding by
7 the American Fisheries Advisory Committee under
8 subsection (f).”.

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