

## Union Calendar No. 342

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1218

[Report No. 116-428]

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

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2019

Mr. YOUNG (for himself and Mrs. RADEWAGEN) introduced the following bill;  
which was referred to the Committee on Natural Resources

JUNE 4, 2020

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 13, 2019]

# **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 Ad-*  
5 *visory Committee Act”.*

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

7        *(a) ESTABLISHMENT.—Section 2 of the Act of August*  
8 *11, 1939 (15 U.S.C. 713c–3), is amended—*

9            *(1) by redesignating subsection (e) as subsection*  
10 *(f); and*

11            *(2) by inserting after subsection (d) the fol-*  
12 *lowing:*

13        *“(e) AMERICAN FISHERIES ADVISORY COMMITTEE.—*

14            *“(1) DEFINITIONS.—In this subsection:*

15            *“(A) COMMITTEE.—The term ‘Committee’*  
16 *means the American Fisheries Advisory Com-*  
17 *mittee established under paragraph (2).*

18            *“(B) FISHING COMMUNITY.—The term ‘fish-*  
19 *ing community’ means harvesters, marketers,*  
20 *growers, processors, recreational fishermen, char-*  
21 *ter fishermen, and persons providing them with*  
22 *goods and services.*

23            *“(C) MARKETING AND PROMOTION.—The*  
24 *term ‘marketing and promotion’ means an activ-*  
25 *ity aimed at encouraging the consumption of*

1           *seafood or expanding or maintaining commercial*  
2           *markets for seafood.*

3           “(D) *PROCESSOR.*—*The term ‘processor’*  
4           *means any person in the business of preparing*  
5           *or packaging seafood (including seafood of the*  
6           *processor’s own harvesting) for sale.*

7           “(E) *SEAFOOD.*—*The term ‘seafood’ means*  
8           *farm-raised and wild-caught fish, shellfish, or*  
9           *marine algae harvested in the United States or*  
10          *by a United States flagged vessel for human con-*  
11          *sumption.*

12          “(2) *ESTABLISHMENT.*—*Not later than 90 days*  
13          *after the date of the enactment of the American Fish-*  
14          *eries Advisory Committee Act, the Secretary shall es-*  
15          *tablish 6 regions within the American Fisheries Advi-*  
16          *sory Committee as follows:*

17                 “(A) *Region 1 shall consist of Alaska, Ha-*  
18                 *waii, the Commonwealth of the Northern Mar-*  
19                 *iana Islands, and the Territories of Guam and*  
20                 *American Samoa.*

21                 “(B) *Region 2 shall consist of Maine, New*  
22                 *Hampshire, Massachusetts, Rhode Island, and*  
23                 *Connecticut.*

24                 “(C) *Region 3 shall consist of Texas, Ala-*  
25                 *bama, Louisiana, Mississippi, Florida, Arkan-*

1           *sas, Puerto Rico, and the Territory of the Virgin*  
2           *Islands of the United States.*

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

5           “(E) *Region 5 shall consist of New Jersey,*  
6           *New York, Delaware, Maryland, Virginia, North*  
7           *Carolina, South Carolina, and Georgia.*

8           “(F) *Region 6 shall consist of Michigan,*  
9           *Minnesota, Wisconsin, Illinois, Indiana, Ohio,*  
10          *and Pennsylvania.*

11          “(3) *MEMBERSHIP.—The Committee shall be*  
12          *composed of the following members:*

13                 “(A) *REGIONAL REPRESENTATION.—Each*  
14                 *of the regions listed in subparagraphs (A)*  
15                 *through (F) of paragraph (2) shall be represented*  
16                 *on the Committee by 3 members—*

17                         “(i) *who are appointed by the Sec-*  
18                         *retary;*

19                         “(ii) *who reside in a State or territory*  
20                         *in the region that the member will rep-*  
21                         *resent;*

22                         “(iii) *of which—*

23                                 “(I) *one shall have experience as a*  
24                                 *seafood harvester or processor;*

1                   “(II) one shall have experience as  
2                   recreational or commercial fisher or  
3                   have experience growing seafood; and

4                   “(III) one shall be an individual  
5                   who represents the fisheries science  
6                   community or the relevant Regional  
7                   Fishery Management Council; and

8                   “(iv) that are selected so that the mem-  
9                   bers of the Committee have experience or ex-  
10                  pertise with as many seafood species as  
11                  practicable.

12                  “(B) AT-LARGE MEMBERS.—The Secretary  
13                  shall appoint to the Committee at-large members  
14                  as follows:

15                  “(i) One individual with experience in  
16                  food distribution, marketing, retail, or food  
17                  service.

18                  “(ii) One individual with experience  
19                  in the recreational fishing industry supply  
20                  chain, such as fishermen, manufacturers, re-  
21                  tailers, and distributors.

22                  “(iii) One individual with experience  
23                  in the commercial fishing industry supply  
24                  chain, such as fishermen, manufacturers, re-  
25                  tailers, and distributors.

1                   “(iv) *One individual who is an em-*  
2                   *ployee of the National Marine Fisheries*  
3                   *Service with expertise in fisheries research.*

4                   “(C) *BALANCED REPRESENTATION.—In se-*  
5                   *lecting the members described in subparagraphs*  
6                   *(A) and (B), the Secretary shall seek to maxi-*  
7                   *mize on the Committee, to the extent practicable,*  
8                   *a balanced representation of expertise in United*  
9                   *States fisheries, seafood production, and science.*

10                  “(4) *MEMBER TERMS.—The term for a member*  
11                  *of the Committee shall be 3 years, except that the Sec-*  
12                  *retary shall designate staggered terms for the members*  
13                  *initially appointed to the Committee.*

14                  “(5) *RESPONSIBILITIES.—The Committee shall*  
15                  *be responsible for—*

16                         “(A) *identifying needs of the fishing com-*  
17                         *munity that may be addressed by a project fund-*  
18                         *ed with a grant under subsection (c);*

19                         “(B) *developing the request for proposals for*  
20                         *such grants;*

21                         “(C) *reviewing applications for such grants;*  
22                         *and*

23                         “(D) *selecting applications for approval*  
24                         *under subsection (c)(2)(B).*

1           “(6) *CHAIR.*—*The Committee shall elect a chair*  
2           *by a majority of those voting, if a quorum is present.*

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

6           “(8) *MEETINGS.*—

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

9           “(B) *LOCATION.*—*The meetings of the Com-*  
10           *mittee shall rotate between the geographic regions*  
11           *described under paragraph (2).*

12           “(C) *MINIMIZING COSTS.*—*The Committee*  
13           *shall seek to minimize the operational costs asso-*  
14           *ciated with meetings, hearings, or other business*  
15           *of the Committee, including through the use of*  
16           *video or teleconference.*

17           “(9) *DESIGNATION OF STAFF MEMBER.*—*The*  
18           *Secretary shall designate a staff member to coordinate*  
19           *the activities of the Committee and to assist with ad-*  
20           *ministrative and other functions as requested by the*  
21           *Committee.*

22           “(10) *PER DIEM AND EXPENSES AND FUND-*  
23           *ING.*—

24           “(A) *IN GENERAL.*—*A member of the Com-*  
25           *mittee shall serve without compensation, but*



1           *shall be reimbursed in accordance with section*  
2           *5703 of title 5, United States Code, for reason-*  
3           *able travel costs and expenses incurred in per-*  
4           *forming duties as a member of the Committee.*

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

13          “(11) *CONFLICT OF INTEREST.*—*The conflict of*  
14          *interest and recusal provisions set out in section*  
15          *302(j) of the Magnuson-Stevens Fishery Conservation*  
16          *and Management Act (16 U.S.C. 1852(j)) shall apply*  
17          *to any decision by the Committee and to all members*  
18          *of the Committee as if each member of the Committee*  
19          *is an affected individual within the meaning of such*  
20          *section 302(j), except that in addition to the disclo-*  
21          *sure requirements of section 302(j)(2)(C) of such Act*  
22          *(16 U.S.C. 1852(j)(2)(C)), each member of the Com-*  
23          *mittee shall disclose any financial interest or rela-*  
24          *tionship in an organization or with an individual*  
25          *that is applying for a grant under subsection (c) held*

1 *by the member of the Committee, including an inter-*  
2 *est as an officer, director, trustee, partner, employee,*  
3 *contractor, agent, or other representative.*

4 “(12) *TECHNICAL REVIEW OF APPLICATIONS.*—

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

12 “(i) *have subject matter expertise to de-*  
13 *termine the technical merit of the proposal*  
14 *in the application;*

15 “(ii) *shall independently evaluate each*  
16 *such proposal; and*

17 “(iii) *shall certify that the expert does*  
18 *not have a conflict of interest concerning the*  
19 *application that the expert is reviewing.*

20 “(B) *GUIDANCE.*—*Not later than 180 days*  
21 *after the date of enactment of the American Fish-*  
22 *eries Advisory Committee Act, the Secretary*  
23 *shall issue guidance related to carrying out the*  
24 *technical evaluations under subparagraph (A).*  
25 *Such guidance shall include criteria for the*

1           *elimination by the National Oceanic and Atmos-*  
2           *spheric Administration of applications that fail*  
3           *to meet a minimum level of technical merit as*  
4           *determined by the review described in subpara-*  
5           *graph (A).”.*

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

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

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

14                 *“(ii) based on the recommendations of the Amer-*  
15                 *ican Fisheries Advisory Committee established in sub-*  
16                 *section (e), evaluates the proposed project as to—*

17                         *“(I) soundness of design;*

18                         *“(II) the possibilities of securing productive*  
19                         *results;*

20                         *“(III) minimization of duplication with*  
21                         *other fisheries research and development 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 a grant  
7           selected by the American Fisheries Advisory Committee, the  
8           Secretary shall provide a written document to the Com-  
9           mittee justifying the decision.”.

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

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

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

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

20           “(6) Any person awarded a grant under this sub-  
21 section shall make publicly available a title and abstract  
22 of the project to be carried out by the grant funds that serves  
23 as the public justification for funding the project that in-  
24 cludes a statement describing how the project serves to en-  
25 hance United States fisheries, including harvesting, proc-

1 *essing, marketing, and associated infrastructures, if appli-*  
2 *able.”.*

Union Calendar No. 342

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1218**

[Report No. 116-428]

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## **A BILL**

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

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JUNE 4, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed