

**Calendar No. 179**116TH CONGRESS  
1ST SESSION**S. 494****[Report No. 116-77]**

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 SENATE OF THE UNITED STATES**

FEBRUARY 14, 2019

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

AUGUST 16, 2019

Reported under authority of the order of the Senate of August 1, 2019, by  
Mr. WICKER, without amendment

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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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Fisheries  
3 Advisory Committee Act”.

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

5 (a) ESTABLISHMENT.—Section 2 of the Act of Au-  
6 gust 11, 1939 (15 U.S.C. 713c–3), is amended—

7 (1) by redesignating subsection (e) as sub-  
8 section (f); and

9 (2) by inserting after subsection (d) the fol-  
10 lowing:

11 “(e) AMERICAN FISHERIES ADVISORY COM-  
12 MITTEE.—

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

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

17 “(B) FISHING COMMUNITY.—The term  
18 ‘fishing community’ means harvesters, market-  
19 ers, growers, processors, recreational fishermen,  
20 charter fishermen, and persons providing them  
21 with goods and services.

22 “(C) MARKETING AND PROMOTION.—The  
23 term ‘marketing and promotion’ means an ac-  
24 tivity aimed at encouraging the consumption of  
25 seafood or expanding or maintaining commer-  
26 cial markets for seafood.

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

5           “(E) SEAFOOD.—The term ‘seafood’  
6 means farm-raised and wild-caught fish, shell-  
7 fish, or marine algae harvested in the United  
8 States or by a United States flagged vessel for  
9 human consumption.

10          “(2) ESTABLISHMENT.—Not later than 90 days  
11 after the date of the enactment of the American  
12 Fisheries Advisory Committee Act, the Secretary  
13 shall establish 6 regions within the American Fish-  
14 eries Advisory Committee as follows:

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

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

22           “(C) Region 3 shall consist of Texas, Ala-  
23 bama, Louisiana, Mississippi, Florida, Arkan-  
24 sas, Puerto Rico, and the Territory of the Vir-  
25 gin Islands of the United States.

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

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

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

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

11           “(A) REGIONAL REPRESENTATION.—Each  
12          of the regions listed in subparagraphs (A)  
13          through (F) of paragraph (2) shall be rep-  
14          resented on the Committee by 3 members—

15           “(i) who are appointed by the Sec-  
16          retary;

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

20           “(iii) of which—

21           “(I) one shall have experience as  
22          a seafood harvester or processor;

23           “(II) one shall have experience as  
24          recreational or commercial fisher or  
25          have experience growing seafood; and

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

5                   “(iv) that are selected so that the  
6                   members of the Committee have experience  
7                   or expertise with as many seafood species  
8                   as practicable.

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

12                  “(i) One individual with experience in  
13                  food distribution, marketing, retail, or food  
14                  service.

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

19                  “(iii) One individual with experience  
20                  in the commercial fishing industry supply  
21                  chain, such as fishermen, manufacturers,  
22                  retailers, and distributors.

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

1           “(C) BALANCED REPRESENTATION.—In  
2           selecting the members described in subpara-  
3           graphs (A) and (B), the Secretary shall seek to  
4           maximize on the Committee, to the extent prac-  
5           ticable, a balanced representation of expertise  
6           in United States fisheries, seafood production,  
7           and science.

8           “(4) MEMBER TERMS.—The term for a member  
9           of the Committee shall be 3 years, except that the  
10          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 fishing com-  
15                 munity 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 2 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) MINIMIZING COSTS.—The Committee  
11 shall seek to minimize the operational costs as-  
12 sociated with meetings, hearings, or other busi-  
13 ness of the Committee, including through the  
14 use of video or teleconference.

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

20           “(10) PER DIEM AND EXPENSES AND FUND-  
21 ING.—

22           “(A) IN GENERAL.—A member of the  
23 Committee shall serve without compensation,  
24 but shall be reimbursed in accordance with sec-  
25 tion 5703 of title 5, United States Code, for

1 reasonable travel costs and expenses incurred in  
2 performing duties as a member of the Com-  
3 mittee.

4 “(B) FUNDING.—The costs of reimburse-  
5 ments under subparagraph (A) and the other  
6 costs associated with the Committee shall be  
7 paid from funds made available to carry out  
8 this section (which may include funds described  
9 in subsection (f)(1)(B)), except that no funds  
10 allocated for grants under subsection (f)(1)(A)  
11 shall be expended for any purpose under this  
12 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 Conserva-  
16 tion and Management Act (16 U.S.C. 1852(j)) shall  
17 apply to any decision by the Committee and to all  
18 members of the Committee as if each member of the  
19 Committee is an affected individual within the mean-  
20 ing of such section 302(j), except that in addition to  
21 the disclosure requirements of section 302(j)(2)(C)  
22 of such Act (16 U.S.C. 1852(j)(2)(C)), each member  
23 of the Committee shall disclose any financial interest  
24 or relationship in an organization or with an indi-  
25 vidual that is applying for a grant under subsection



1 (c) held by the member of the Committee, including  
2 an interest as an officer, director, trustee, partner,  
3 employee, 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  
13 determine the technical merit of the pro-  
14 posal 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  
19 the application that the expert is review-  
20 ing.

21 “(B) GUIDANCE.—Not later than 180 days  
22 after the date of enactment of the American  
23 Fisheries Advisory Committee Act, the Sec-  
24 retary shall issue guidance related to carrying  
25 out the technical evaluations under subpara-

1 graph (A). Such guidance shall include criteria  
2 for the elimination by the National Oceanic and  
3 Atmospheric Administration of applications that  
4 fail to meet a minimum level of technical merit  
5 as determined by the review described in sub-  
6 paragraph (A).”.

7 (b) ROLE IN APPROVAL OF GRANTS.—Section  
8 2(c)(3) of the Act of August 11, 1939 (15 U.S.C. 713c–  
9 3(c)(3)), is amended to read as follows:

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

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

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

19 “(I) soundness of design;

20 “(II) the possibilities of securing produc-  
21 tive results;

22 “(III) minimization of duplication with  
23 other fisheries research and development  
24 projects;

1           “(IV) the organization and management of  
2           the project;

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

6           “(VI) such other criteria as the Secretary  
7           may require.

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

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

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

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

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

24                 “(6) Any person awarded a grant under this  
25          subsection shall make publicly available a title and

1 abstract of the project to be carried out by the grant  
2 funds that serves as the public justification for fund-  
3 ing the project that includes a statement describing  
4 how the project serves to enhance United States  
5 fisheries, including harvesting, processing, mar-  
6 keting, and associated infrastructures, if applica-  
7 ble.”.



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