

115TH CONGRESS  
1ST SESSION

# S. 1322

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

JUNE 8, 2017

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

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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,*

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) FISHING COMMUNITY.—The term  
7 ‘fishing community’ means harvesters, market-  
8 ers, growers, processors, recreational fishermen,  
9 charter fishermen, and persons providing them  
10 with goods and services.

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

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

20 “(E) SEAFOOD.—The term ‘seafood’  
21 means farm-raised and wild-caught fish, shell-  
22 fish, or marine algae harvested in the United  
23 States or by a United States flagged vessel for  
24 human consumption.

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

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

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

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

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

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

22          “(F) Region 6 shall consist of Michigan,  
23       Minnesota, Wisconsin, Illinois, Indiana, Ohio,  
24       and Pennsylvania.

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

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

7           “(i) who are appointed by the Sec-  
8 retary;

9           “(ii) who reside in a State or territory  
10 in the region that the member will rep-  
11 resent;

12           “(iii) of which—

13           “(I) one shall have experience as  
14 a seafood harvester;

15           “(II) one shall have experience as  
16 a processor; and

17           “(III) one shall have experience  
18 as a recreational fisher; and

19           “(iv) that are selected so that the  
20 members of the Committee have experience  
21 or expertise with as many seafood species  
22 as practicable.

23           “(B) AT-LARGE MEMBERS.—The Secretary  
24 shall appoint to the Committee at-large mem-  
25 bers to ensure that the Committee fairly re-

1 flects the expertise and interest of the fishing  
2 community located in each region, as follows:

3 “(i) One individual with experience in  
4 mass market food distribution.

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

7 “(iii) One individual with experience  
8 in the marketing of seafood.

9 “(iv) One individual with experience  
10 in growing seafood.

11 “(v) One individual with experience as  
12 a recreational fisher.

13 “(vi) One individual who is an em-  
14 ployee of the National Marine Fisheries  
15 Service with expertise in fisheries research.

16 “(vii) One individual that represents  
17 the fisheries science community.

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

22 “(5) RESPONSIBILITIES.—The Committee shall  
23 be responsible for—

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

4           “(B) developing the request for proposals  
 5           for such grants;

6           “(C) reviewing applications for such  
 7           grants; and

8           “(D) selecting applications for approval  
 9           under subsection (c)(2)(B).

10          “(6) CHAIR.—The Committee shall elect a chair  
 11          by a majority of those voting, if a quorum is  
 12          present.

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

16          “(8) MEETINGS.—

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

19                 “(B) LOCATION.—The meetings of the  
 20                 Committee shall rotate between the geographic  
 21                 regions described under paragraph (2).

22          “(9) STAFF.—The Committee may employ staff  
 23          as necessary.

24          “(10) PER DIEM AND EXPENSES AND FUND-  
 25          ING.—

1           “(A) IN GENERAL.—A member of the  
2           Committee shall serve without compensation,  
3           but shall be reimbursed in accordance with sec-  
4           tion 5703 of title 5, United States Code, for  
5           reasonable travel costs and expenses incurred in  
6           performing duties as a member of the Com-  
7           mittee.

8           “(B) FUNDING.—The reimbursements  
9           made under subparagraph (A) shall be paid  
10          with the funds made available for grants under  
11          subsection (c).

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

1       an interest as an officer, director, trustee, partner,  
 2       employee, contractor, agent, or other representa-  
 3       tive.”.

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—

9               “(i) the Secretary is satisfied that the ap-  
 10              plicant has the requisite technical and financial  
 11              capability to carry out the project;

12             “(ii) the Secretary evaluates the proposed  
 13             project as to—

14               “(I) the selections of the Committee  
 15               established in subsection (f);

16               “(II) soundness of design;

17               “(III) the possibilities of securing pro-  
 18               ductive results;

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

22               “(V) the organization and manage-  
 23               ment of the project;

1 “(VI) methods proposed for moni-  
 2 toring and evaluating the success or failure  
 3 of the project; and

4 “(VII) such other criteria as the Sec-  
 5 retary may require; and

6 “(iii) the application selected for funding  
 7 meets the proposal developed by the American  
 8 Fisheries Advisory Committee under subsection  
 9 (f).

10 “(B) JUSTIFICATION.—If the Secretary fails to  
 11 provide funds to a grant selected by the Committee,  
 12 the Secretary shall provide a written document to  
 13 the Committee justifying the decision.”.

14 **SEC. 3. PUBLIC AVAILABILITY OF GRANTS PROPOSALS.**

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

18 “(6) Any person awarded a grant under this  
 19 subsection shall make publicly available a title and  
 20 abstract of the project to be carried out by the grant  
 21 funds that serves as the public justification for fund-  
 22 ing the project that includes a statement describing  
 23 how the project serves to enhance United States  
 24 fisheries, including harvesting, processing, mar-

- 1       keting, and associated infrastructures, if applica-
- 2       ble.”.

