

Calendar No. 674

114TH CONGRESS
2D SESSION**S. 3087****[Report No. 114–379]**

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

NOVEMBER 17, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**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”.

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

2 (a) **ESTABLISHMENT.**—Section 2 of the Act of Au-
3 gust 11, 1939 (15 U.S.C. 713c-3) is amended by adding
4 at the end the following:

5 “(f) **AMERICAN FISHERIES ADVISORY COMMITTEE.**—

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

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

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

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

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

24 “(E) **SEAFOOD INDUSTRY.**—The term ‘sea-
25 food industry’ means harvesters, marketers,

1 growers, processors, and persons providing
2 them with goods and services.

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 five regions within the American
7 Fisheries 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, Con-~~
14 ~~necticut, New York, Michigan, Minnesota, Wis-~~
15 ~~consin, Illinois, Indiana, Ohio, and Pennsyl-~~
16 ~~vania.~~

17 ~~“(C) Region 3 shall consist of Texas, Ala-~~
18 ~~bama, Louisiana, Mississippi, Florida, Puerto~~
19 ~~Rico, and territory of the Virgin Islands.~~

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

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

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 (E) of paragraph (2) shall be rep-
6 resented on the Committee by two 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; and

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

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

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

1 “(i) One individual with experience in
2 mass market food distribution.

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

5 “(iii) One individual with experience
6 in the marketing of seafood.

7 “(iv) One individual with experience
8 in growing seafood.

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

12 “(4) MEMBER TERMS.—The term for a member
13 of the Committee shall be three years, except that
14 the Secretary shall designate staggered terms for the
15 members initially appointed to the Committee.

16 “(5) RESPONSIBILITIES.—The Committee shall
17 be responsible for—

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

21 “(B) developing the request for proposals
22 for such grants;

23 “(C) reviewing applications for such
24 grants; and

1 ~~“(D) selecting applications for approval~~
 2 ~~under subsection (e)(2)(B).~~

3 ~~“(6) CHAIR.—The Committee shall elect a chair~~
 4 ~~by a majority of those voting, if a quorum is~~
 5 ~~present.~~

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

9 ~~“(8) MEETINGS.—~~

10 ~~“(A) FREQUENCY.—The Committee shall~~
 11 ~~meet not more than two times each year.~~

12 ~~“(B) LOCATION.—The meetings of the~~
 13 ~~Committee shall rotate between the geographic~~
 14 ~~regions described under paragraph (2).~~

15 ~~“(C) FEDERAL ADVISORY COMMITTEE~~
 16 ~~ACT.—The Federal Advisory Committee Act (5~~
 17 ~~U.S.C. App.) shall not apply to the Committee.~~

18 ~~“(9) STAFF.—The Committee may employ staff~~
 19 ~~as necessary without regard to the provisions of title~~
 20 ~~5, United States Code.~~

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

23 ~~“(A) IN GENERAL.—A member of the~~
 24 ~~Committee shall serve without compensation,~~
 25 ~~but shall be reimbursed in accordance with sec-~~

tion 5703 of title 5, United States Code, for reasonable travel costs and expenses incurred in performing duties as a member of the Committee.

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

“(11) CONFLICT OF INTEREST.—The conflict of interest and recusal provisions set out in section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(j)) shall apply to any decision by the Committee and to all members of the Committee as if each member of the Committee is an affected individual within the meaning of such section 302(j), except that in addition to the disclosure requirements of section 302(j)(2)(C) of such Act, (16 U.S.C. 1852(j)(2)(C)), each member of the Committee shall disclose any financial interest or relationship in an organization or with an individual that is applying for a grant under subsection (c) held by the member of the Committee, including an interest as an officer, director, trustee, partner, employee, contractor, agent, or other representative.”.

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

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

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

9 “(B) the application is selected for funding by
 10 the American Fisheries Advisory Committee under
 11 subsection (f).”.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “American Fisheries Ad-
 14 visory Committee Act”.*

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

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

19 “(f) **AMERICAN FISHERIES ADVISORY COMMITTEE.**—

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

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

24 “(B) **FISHING COMMUNITY.**—The term ‘fish-
 25 ing community’ means harvesters, marketers,

growers, processors, recreational fishermen, charter fishermen, and persons providing them with goods and services.

“(C) *MARKETING AND PROMOTION.*—The term ‘marketing and promotion’ means an activity aimed at encouraging the consumption of seafood or expanding or maintaining commercial markets for seafood.

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

“(E) *SEAFOOD.*—The term ‘seafood’ means farm-raised and wild-caught fish or shellfish harvested in the United States or by a United States flagged vessel for human consumption.

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

“(A) *Region 1* shall consist of Alaska, Hawaii, the Commonwealth of the Northern Mariana Islands, and the Territories of Guam and American Samoa.

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

4 “(C) *Region 3 shall consist of Texas, Ala-*
 5 *bama, Louisiana, Mississippi, Florida, Arkan-*
 6 *sas, Puerto Rico, and territory of the Virgin Is-*
 7 *lands.*

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

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

13 “(F) *Region 6 shall consist of Michigan,*
 14 *Minnesota, Wisconsin, Illinois, Indiana, Ohio,*
 15 *and Pennsylvania.*

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

18 “(A) *REGIONAL REPRESENTATION.—Each*
 19 *of the regions listed in subparagraphs (A)*
 20 *through (F) of paragraph (2) shall be represented*
 21 *on the Committee by 3 members—*

22 *“(i) who are appointed by the Sec-*
 23 *retary;*

1 “(ii) *who reside in a State or territory*
 2 *in the region that the member will rep-*
 3 *resent;*

4 “(iii) *of which—*

5 “(I) *one shall have experience as a*
 6 *seafood harvester;*

7 “(II) *one shall have experience as*
 8 *a processor; and*

9 “(III) *one shall have experience as*
 10 *a recreational fisher; and*

11 “(iv) *that are selected so that the mem-*
 12 *bers of the Committee have experience or ex-*
 13 *pertise with as many seafood species as*
 14 *practicable.*

15 “(B) *AT-LARGE MEMBERS.—The Secretary*
 16 *shall appoint to the Committee at-large members*
 17 *to ensure that the Committee fairly reflects the*
 18 *expertise and interest of the fishing community*
 19 *located in each region, as follows:*

20 “(i) *One individual with experience in*
 21 *mass market food distribution.*

22 “(ii) *One individual with experience*
 23 *in mass market food retail or food service.*

24 “(iii) *One individual with experience*
 25 *in the marketing of seafood.*

1 “(iv) *One individual with experience*
2 *in growing seafood.*

3 “(v) *One individual with experience as*
4 *a recreational fisher.*

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

8 “(vii) *One individual that represents*
9 *the fisheries science community.*

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 “(9) *STAFF.*—*The Committee may employ staff*
 13 *as necessary.*

14 “(10) *PER DIEM AND EXPENSES AND FUND-*
 15 *ING.*—

16 “(A) *IN GENERAL.*—*A member of the Com-*
 17 *mittee shall serve without compensation, but*
 18 *shall be reimbursed in accordance with section*
 19 *5703 of title 5, United States Code, for reason-*
 20 *able travel costs and expenses incurred in per-*
 21 *forming duties as a member of the Committee.*

22 “(B) *FUNDING.*—*The reimbursements made*
 23 *under subparagraph (A) shall be paid with the*
 24 *funds made available for grants under subsection*
 25 *(c).*

1 “(11) *CONFLICT OF INTEREST.*—*The conflict of*
2 *interest and recusal provisions set out in section*
3 *302(j) of the Magnuson-Stevens Fishery Conservation*
4 *and Management Act (16 U.S.C. 1852(j)) shall apply*
5 *to any decision by the Committee and to all members*
6 *of the Committee as if each member of the Committee*
7 *is an affected individual within the meaning of such*
8 *section 302(j), except that in addition to the disclo-*
9 *sure requirements of section 302(j)(2)(C) of such Act,*
10 *(16 U.S.C. 1852(j)(2)(C)), each member of the Com-*
11 *mittee shall disclose any financial interest or rela-*
12 *tionship in an organization or with an individual*
13 *that is applying for a grant under subsection (c) held*
14 *by the member of the Committee, including an inter-*
15 *est as an officer, director, trustee, partner, employee,*
16 *contractor, agent, or other representative.”.*

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

20 “(3)(A) *No application for a grant under this sub-*
21 *section may be approved unless—*

22 “(i) *the Secretary is satisfied that the appli-*
23 *cant has the requisite technical and financial ca-*
24 *pability to carry out the project;*

1 “(ii) the Secretary evaluates the proposed
2 project as to—

3 “(I) the selections of the Committee es-
4 tablished in subsection (f);

5 “(II) soundness of design;

6 “(III) the possibilities of securing pro-
7 ductive results;

8 “(IV) minimization of duplication
9 with other fisheries research and develop-
10 ment projects;

11 “(V) the organization and management
12 of the project;

13 “(VI) methods proposed for monitoring
14 and evaluating the success or failure of the
15 project; and

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

18 “(iii) the application selected for funding
19 meets the proposal developed by the American
20 Fisheries Advisory Committee under subsection
21 (f).

22 “(B) JUSTIFICATION.—If the Secretary fails to
23 provide funds to a grant selected by the Committee,
24 the Secretary shall provide a written document to the
25 Committee justifying the decision.”.

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

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

4 *“(6) Any person awarded a grant under this*
5 *subsection shall make publicly available a title and*
6 *abstract of the project to be carried out by the grant*
7 *funds that serves as the public justification for fund-*
8 *ing the project that includes a statement describing*
9 *how the project serves to enhance United States fish-*
10 *eries, including harvesting, processing, marketing,*
11 *and associated infrastructures, if applicable.”.*

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114TH CONGRESS
2^D Session

S. 3087

[Report No. 114-379]

A BILL

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

NOVEMBER 17, 2016

Reported with an amendment