

Union Calendar No. 458

117TH CONGRESS
2^D SESSION

H. R. 3128

[Report No. 117-635]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

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

DECEMBER 14, 2022

Reported from the Committee on Natural Resources; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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 of 2021”.

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—

9 (1) by redesignating subsection (e) as sub-
10 section (f); and

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

13 “(e) AMERICAN FISHERIES ADVISORY COM-
14 MITTEE.—

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

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

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

24 “(C) MARKETING AND PROMOTION.—The
25 term ‘marketing and promotion’ means an ac-

1 tivity aimed at encouraging the consumption of
2 seafood or expanding or maintaining commer-
3 cial markets for seafood.

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

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

13 “(2) ESTABLISHMENT.—Not later than 90 days
14 after the date of the enactment of the American
15 Fisheries Advisory Committee Act of 2021, the Sec-
16 retary shall establish 6 regions within the American
17 Fisheries Advisory Committee as follows:

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

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

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

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

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

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

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

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

19 “(i) who are appointed by the Sec-
20 retary;

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

24 “(iii) of which—

1 “(I) one shall have experience as
2 a seafood harvester or processor;

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

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

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

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

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

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

24 “(iii) One individual with experience
25 in the commercial fishing industry supply

1 chain, such as fishermen, manufacturers,
2 retailers, and distributors.

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

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

13 “(4) MEMBER TERMS.—The term for a member
14 of the Committee shall be 3 years, except that the
15 Secretary shall designate staggered terms for the
16 members initially appointed to the Committee.

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

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

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

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

1 “(D) selecting applications for approval
2 under subsection (c)(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 2 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) MINIMIZING COSTS.—The Committee
16 shall seek to minimize the operational costs as-
17 sociated with meetings, hearings, or other busi-
18 ness of the Committee, including through the
19 use of video or teleconference.

20 “(9) DESIGNATION OF STAFF MEMBER.—The
21 Secretary shall designate a staff member to coordi-
22 nate the activities of the Committee and to assist
23 with administrative and other functions as requested
24 by the Committee.

1 “(10) PER DIEM AND EXPENSES AND FUND-
2 ING.—

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

10 “(B) FUNDING.—The costs of reimburse-
11 ments under subparagraph (A) and the other
12 costs associated with the Committee shall be
13 paid from funds made available to carry out
14 this section (which may include funds described
15 in subsection (f)(1)(B)), except that no funds
16 allocated for grants under subsection (f)(1)(A)
17 shall be expended for any purpose under this
18 subsection.

19 “(11) CONFLICT OF INTEREST.—The conflict of
20 interest and recusal provisions set out in section
21 302(j) of the Magnuson-Stevens Fishery Conserva-
22 tion and Management Act (16 U.S.C. 1852(j)) shall
23 apply to any decision by the Committee and to all
24 members of the Committee as if each member of the
25 Committee is an affected individual within the mean-

1 ing of such section 302(j), except that in addition to
2 the disclosure requirements of section 302(j)(2)(C)
3 of such Act (16 U.S.C. 1852(j)(2)(C)), each member
4 of the Committee shall disclose any financial interest
5 or relationship in an organization or with an indi-
6 vidual that is applying for a grant under subsection
7 (c) held by the member of the Committee, including
8 an interest as an officer, director, trustee, partner,
9 employee, contractor, agent, or other representative.

10 “(12) TECHNICAL REVIEW OF APPLICATIONS.—

11 “(A) IN GENERAL.—Prior to review of an
12 application for a grant under subsection (c) by
13 the Committee, the Secretary shall obtain an
14 independent written technical evaluation from 3
15 or more appropriate Federal, private, or public
16 sector experts (such as industry, academia, or
17 governmental experts) who—

18 “(i) have subject matter expertise to
19 determine the technical merit of the pro-
20 posal in the application;

21 “(ii) shall independently evaluate each
22 such proposal; and

23 “(iii) shall certify that the expert does
24 not have a conflict of interest concerning

1 the application that the expert is review-
2 ing.

3 “(B) GUIDANCE.—Not later than 180 days
4 after the date of enactment of the American
5 Fisheries Advisory Committee Act of 2021, the
6 Secretary shall issue guidance related to car-
7 rying out the technical evaluations under sub-
8 paragraph (A). Such guidance shall include cri-
9 teria for the elimination by the National Oce-
10 anic and Atmospheric Administration of appli-
11 cations that fail to meet a minimum level of
12 technical merit as determined by the review de-
13 scribed in subparagraph (A).”.

14 (b) ROLE IN APPROVAL OF GRANTS.—Section
15 2(c)(3) of the Act of August 11, 1939 (15 U.S.C. 713c–
16 3(c)(3)), is amended to read as follows:

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

19 “(i) is satisfied that the applicant has the req-
20 uisite technical and financial capability to carry out
21 the project; and

22 “(ii) based on the recommendations of the
23 American Fisheries Advisory Committee established
24 in subsection (e), evaluates the proposed project as
25 to—

1 “(I) soundness of design;

2 “(II) the possibilities of securing produc-
3 tive results;

4 “(III) minimization of duplication with
5 other fisheries research and development
6 projects;

7 “(IV) the organization and management of
8 the project;

9 “(V) methods proposed for monitoring and
10 evaluating the success or failure of the project;
11 and

12 “(VI) such other criteria as the Secretary
13 may require.

14 “(B) If the Secretary fails to provide funds to a grant
15 selected by the American Fisheries Advisory Committee,
16 the Secretary shall provide a written document to the
17 Committee justifying the decision.”.

18 **SEC. 3. EXPANSION OF SPECIFIED PURPOSES OF FISH-**
19 **ERIES RESEARCH AND DEVELOPMENT**
20 **PROJECTS GRANTS PROGRAM TO INCLUDE**
21 **FISHERIES RESEARCH AND DEVELOPMENT**
22 **PROJECTS.**

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

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

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

5 “(6) Any person awarded a grant under this sub-
6 section shall make publicly available a title and abstract
7 of the project to be carried out by the grant funds that
8 serves as the public justification for funding the project
9 that includes a statement describing how the project
10 serves to enhance United States fisheries, including har-
11 vesting, processing, marketing, and associated infrastruc-
12 tures, if applicable.”.

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