

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1218
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

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. 713e–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-

1 ers, growers, processors, recreational fishermen,
2 charter fishermen, and persons providing them
3 with goods and services.

4 “(C) **MARKETING AND PROMOTION.**—The
5 term ‘marketing and promotion’ means an ac-
6 tivity aimed at encouraging the consumption of
7 seafood or expanding or maintaining commer-
8 cial markets for seafood.

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

13 “(E) **SEAFOOD.**—The term ‘seafood’
14 means farm-raised and wild-caught fish, shell-
15 fish, or marine algae harvested in the United
16 States or by a United States flagged vessel for
17 human consumption.

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

23 “(A) Region 1 shall consist of Alaska, Ha-
24 wain, the Commonwealth of the Northern Mar-

1 iana Islands, and the Territories of Guam and
2 American Samoa.

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

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

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

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

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

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

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

24 “(i) who are appointed by the Sec-
25 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
6 a seafood harvester or processor;

7 “(II) one shall have experience as
8 recreational or commercial fisher or
9 have experience growing seafood; and

10 “(III) one shall be an individual
11 who represents the fisheries science
12 community or the relevant Regional
13 Fishery Management Council; and

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

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

21 “(i) One individual with experience in
22 food distribution, marketing, retail, or food
23 service.

24 “(ii) One individual with experience in
25 the recreational fishing industry supply

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

3 “(iii) One individual with experience
4 in the commercial fishing industry supply
5 chain, such as fishermen, manufacturers,
6 retailers, and distributors.

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

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

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

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

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

1 “(B) developing the request for proposals
2 for such grants;

3 “(C) reviewing applications for such
4 grants; and

5 “(D) selecting applications for approval
6 under subsection (c)(2)(B).

7 “(6) CHAIR.—The Committee shall elect a chair
8 by a majority of those voting, if a quorum is
9 present.

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

13 “(8) MEETINGS.—

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

16 “(B) LOCATION.—The meetings of the
17 Committee shall rotate between the geographic
18 regions described under paragraph (2).

19 “(C) MINIMIZING COSTS.—The Committee
20 shall seek to minimize the operational costs as-
21 sociated with meetings, hearings, or other busi-
22 ness of the Committee, including through the
23 use of video or teleconference.

24 “(9) DESIGNATION OF STAFF MEMBER.—The
25 Secretary shall designate a staff member to coordi-

1 nate the activities of the Committee and to assist
2 with administrative and other functions as requested
3 by the Committee.

4 “(10) PER DIEM AND EXPENSES AND FUND-
5 ING.—

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

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

22 “(11) CONFLICT OF INTEREST.—The conflict of
23 interest and recusal provisions set out in section
24 302(j) of the Magnuson-Stevens Fishery Conserva-
25 tion and Management Act (16 U.S.C. 1852(j)) shall

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

13 “(12) TECHNICAL REVIEW OF APPLICATIONS.—

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

21 “(i) have subject matter expertise to
22 determine the technical merit of the pro-
23 posal in the application;

24 “(ii) shall independently evaluate each
25 such proposal; and

1 “(iii) shall certify that the expert does
2 not have a conflict of interest concerning
3 the application that the expert is review-
4 ing.

5 “(B) GUIDANCE.—Not later than 180 days
6 after the date of enactment of the American
7 Fisheries Advisory Committee Act, the Sec-
8 retary shall issue guidance related to carrying
9 out the technical evaluations under subpara-
10 graph (A). Such guidance shall include criteria
11 for the elimination by the National Oceanic and
12 Atmospheric Administration of applications that
13 fail to meet a minimum level of technical merit
14 as determined by the review described in sub-
15 paragraph (A).”.

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

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

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

24 “(ii) based on the recommendations of the
25 American Fisheries Advisory Committee established

1 in subsection (e), evaluates the proposed project as
2 to—

3 “(I) soundness of design;

4 “(II) the possibilities of securing produc-
5 tive results;

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

9 “(IV) the organization and management of
10 the project;

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

14 “(VI) such other criteria as the Secretary
15 may require.

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

1 **SEC. 3. EXPANSION OF SPECIFIED PURPOSES OF FISH-**
2 **ERIES RESEARCH AND DEVELOPMENT**
3 **PROJECTS GRANTS PROGRAM TO INCLUDE**
4 **FISHERIES RESEARCH AND DEVELOPMENT**
5 **PROJECTS.**

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

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

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

13 “(6) Any person awarded a grant under this
14 subsection shall make publicly available a title and
15 abstract of the project to be carried out by the grant
16 funds that serves as the public justification for fund-
17 ing the project that includes a statement describing
18 how the project serves to enhance United States
19 fisheries, including harvesting, processing, mar-
20 keting, and associated infrastructures, if applica-
21 ble.”.

