**U.S. DEPARTMENT OF COMMERCE**

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AMERICAN FISHERIES ADVISORY COMMITTEE**

**CHARTER**

**1. Committee’s Official Designation (Title).** American Fisheries Advisory Committee.

**2. Authority.** The American Fisheries Advisory Committee (Committee or AFAC) was established by Public Law 117-121 as the American Fisheries Advisory Act (Act) on May 12, 2022.

**3. Objectives and Scope of Activities.** The Committee is an advisory group of fisheries experts tasked with making recommendations to the Secretary of Commerce (Secretary) for financial assistance awards under the Saltonstall-Kennedy (S-K) Grant Competition under the Department of Commerce. The Committee will also make recommendations to the Secretary to assist in the development of the annual Notice of Funding Opportunity (NOFO) for submission to the S-K Grant Competition. This may include identifying the needs of the fishing communities (program priorities), establishing individual award funding limits, specifying the application review criteria and selection processes, and other sections of the NOFO as appropriate and allowable.

**4. Description of Responsibilities.** The Committee will function as an advisory body, and will comply fully with the Act. The Committee has four primary responsibilities: 1. Identifying needs of the fishing community that may be addressed by a project funded with a grant under subsection (c) of the Act; 2. developing the request for proposals for such grants; 3. reviewing applications for such grants; and 4. selecting applications for approval under subsection (c)(2)(B) of the Act.

1. Identifying Needs of the Fishing Community

Annually, the Committee shall identify the needs of the U.S. marine fishing communities and finalize the priorities for the annual competitive grant solicitation. The priority section of the NOFO(s) shall clearly identify the areas of focus each application shall be reviewed against. Priorities must adhere to the intent of the S-K act.

2. Developing the Request for Proposals

Annually, the Committee shall meet in-person to draft, modify, and finalize the Request for Applications (RFA) and the associated NOFO. This may include:

A. Program Objectives,

B. Program Priorities (Section 4.1. of this charter),

C. Funding Availability,

D. Cost Share or Matching Requirements (In accordance with section (c)(4)(B) of

the Act),

E. Content and Form of Application (Standard Forms and Grants.gov are required), F. Submission Dates and Times,

G. Evaluation Criteria, and

H. Review and Selection Process

All sections of the NOFO must adhere to what is authorized under the S-K Act (15 U.S.C. 713c– 3), 2 CFR Part 200, and any other federal law or regulation. All sections of the NOFO must be cleared by the Department of Commerce Office of the General Counsel.

3. Reviewing Applications

Pre-Proposal

In years where the NOFO prescribes a pre-proposal process, the Committee shall provide the Agency a final recommendation of those pre-proposals to be encouraged to submit full proposals. The Agency shall provide the committee access to view all S-K Pre-Proposals accepted into the S-K Grant Competition. The Committee will also have access to view and comment on the S-K Pre-Proposal Rankings. The Committee must provide sufficient justification for any pre-proposals encouraged out of rank order.

The Committee shall recommend proposals to the Agency in rank order unless the pre-proposal is justified to be encouraged out of rank order based on one or more of the following factors listed, in no order of significance:

A. Availability of funding;

B. Balance and distribution of funds;

a. By research area;

b. By project type;

c. By type of Applicant;

d. By type of partners; or

e. Geographic distribution;

C. Duplication of other projects funded or considered for funding by

NOAA/federal agencies;

D. Program priorities as noted in Section I A. & B.;

E. Applicant's prior award performance in conducting a previous award, such as the applicant’s use of funds, achievement of project objectives, and compliance with grant conditions;

F. Partnerships with/Participation of targeted groups; and

G. Adequacy of information necessary for NOAA staff to make a National Environmental Policy Act (NEPA) determination and draft necessary documentation before recommendations for funding are made to the NOAA Grants Officer.

Full Proposal

The Committee shall provide the Agency a final recommendation regarding the rank order of S-K Full Proposals. After all accepted S-K Full Proposals have received three technical merit reviews, as required by section (12)(A)(C) of the Act, the Committee will be provided with the initial S-K Full Proposal Rankings. In years where there are no Constituent Panel Reviews, the AFAC Full Proposal Rankings determines which full proposals will be recommended for final S-K Grant Award selection (see section 4, Final Selection).

In years where the NOFO prescribes a Constituent Panel Review process, the AFAC Full Proposal Rankings determines which full proposals will advance to the S-K Constituent Panel Reviews.

The Agency shall provide the Committee access to view all S-K Full Proposals accepted into the S-K Grant Competition. The Committee will also have access to view and comment on the S-K Full Proposals Rankings. The Committee must provide sufficient justification, as described in sections 3 and 4, for any full proposals encouraged out of rank order.

4. Selecting Applications for Approval

Final Selection

The Committee shall provide the Agency a final recommendation of those S-K Full Proposals selected to be awarded for S-K Grant Awards. The Full Proposal Rankings determines which full proposals will be recommended for final S-K Grant Award selection. The Committee shall meet in-person to review the S-K Full Proposal Rankings. Prior to this meeting, the Agency shall provide the Committee access to view the S-K Full Proposal Rankings.

In years where the NOFO prescribes a Constituent Panel Review Process, the S-K Constituent Panel Rankings determines which full proposals will be recommended for final S-K Grant Award selection. The Committee shall meet in-person to review the S-K Constituent Panel Rankings. Prior to this meeting, the Agency shall provide the committee access to view the S-K Constituent Panel Rankings.

The Committee shall recommend full proposals for final award selection to the Agency in rank order unless the full proposal is justified to be selected out of rank order based on one or more of the following factors listed, in no order of significance:

A. Availability of funding;

B. Balance and distribution of funds;

a. By research area;

b. By project type;

c. By type of Applicant;

d. By type of partners; or

e. Geographic distribution;

C. Duplication of other projects funded or considered for funding by

NOAA/federal agencies;

D. Program priorities as noted in Section I A. & B.;

E. Applicant's prior award performance in conducting a previous award, such as the applicant’s use of funds, achievement of project objectives, and compliance with grant conditions;

F. Partnerships with/Participation of targeted groups; and

G. Adequacy of information necessary for NOAA staff to make a National Environmental Policy Act (NEPA) determination and draft necessary documentation before recommendations for funding are made to the NOAA Grants Officer.

**5. Agency or Official to Whom the Committee Reports.** The Committee will report to the Secretary through the Designated Staff Member (DSM).

**6. Quorum.** In order to hold a meeting, a simple majority of Committee members must be present.

**7. Support.** NMFS will provide support for the Committee.

**8. Estimated Annual Operating Costs.** The estimated annual cost of operating the Committee is **$325,000**. This includes **1.25** FTEs of staff support, estimated travel and associated costs to support approximately two Committee meetings.

**9. Designated Staff Member.** The DSM will be a full-time NMFS employee and will be assigned by the Secretary through the NMFS Assistant Administrator (AA). The DSM shall coordinate the activities of the Committee and assist with administrative and other functions as requested by the Committee. This includes approving or calling all of the Committee’s meetings, preparing all meeting agendas, attending all meetings, and chairing meetings when directed to do so by the committee or in the absence of a committee chair and vice chair.

**10. Estimated Number and Frequency of Meetings.** The Committee will meet in-person no more than twice a year. These in-person meetings will be in person, rotate between regions and last a duration as determined necessary by the committee up to five business days. The Committee may also hold up to two virtual meetings as needed each year as determined in coordination with NOAA and the AFAC Chair; proposed virtual meetings in each year will be subject to approval by AFAC via majority vote.

**11. Duration.** Continuing.

**12. Modifications to Charter.** The Committee may make recommendations to the Secretary to modify the Charter as deemed necessary and appropriate by the committee. Recommendations shall be accompanied by sufficient justification.

**13. Membership and Designation.**

a. Members of the Committee must be individuals who, by reason of their occupational or other experience, scientific expertise, or training, are knowledgeable regarding research and development projects addressed to any aspect of United States fisheries, including, but not limited to, fisheries science, recreational fishing, harvesting, processing, marketing, and associated infrastructures.

b. The Committee will be composed of 22 members, consisting of the following:

1. 18 Regional Members: Three members from each Committee Region (Table 1) with experience as follows:

i. One seafood harvester or processor.

ii. One recreational or commercial fisherman or seafood farmer.

iii. One representative of the fisheries science community or the relevant regional fishery management council.

**Table 1: Committee Region Makeup**

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| --- | --- |
| **Committee Region**  | **States/Territories** |
| 1  | Alaska, Hawaii, Commonwealth of the Northern Mariana Islands, Guam, American Samoa  |
| 2 | Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut |
| 3  | Texas, Alabama, Louisiana, Mississippi, Florida, Arkansas, Puerto Rico, USVI |
| 4  | California, Washington, Oregon, Idaho |
| 5  | New Jersey, New York, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia |
| 6  | Michigan, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania |

2. Four At-Large Members with experience as follows:

i. One individual with experience in food distribution, marketing, retail, or food service.

ii. One individual with experience in the recreational fishing industry supply chain, such as fishermen, manufacturers, retailers, and

distributors.

iii. One individual with experience in the commercial fishing industry supply chain, such as fishermen, manufacturers, retailers, and

distributors.

iv. One NMFS employee with expertise in fisheries research.

c. Committee member terms will be staggered with one-third of all members serving an initial term of two years, one-third serving an initial term of three years, and one-third serving an initial term of four years, followed by three-year terms for each member thereafter.

d. The Chair and vice chair will be chosen from among the Committee members by a simple majority vote if a quorum is present. The Chair shall be responsible for Committee communication, working with the DSM to draft agendas, and is authorized to submit recommendations on behalf of the Committee. The Vice Chair shall exercise all of the functions of the Chair during the absence or at the request of the chair. The Chair and Vice Chair shall serve a term of two years. Members may serve as Chair multiple times. It is the intent of the committee that the chair shall not serve consecutive terms as Chair, that the successor Chair shall be nominated from an AFAC region other than that of the outgoing chair, and that the vice chair shall be nominated from a region different from the chair.

e. Committee members may reapply for consecutive terms. Committee members reapplying for membership must submit their applications in response to the vacancy announcement for their respective region published in the Federal Register. All membership reappointments are by Secretary Approval.

f. Committee members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, NMFS, NOAA, the Department of Commerce, or the U.S. government.

g. Should a Committee member resign, his or her position can be filled during the next solicitation for membership applications for any region. An interim Committee member cannot be appointed.

**14. Recordkeeping.** The records of the Committee are handled in accordance with General Records Schedule 6.2 or other approved Agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Committee are available for public inspection.

**15. Minutes.** Minutes will be disseminated no later than one month after the close of the meeting. The Committee shall ratify the minutes at its next in-person meeting.