



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 3088**

To provide a deadline for compliance with an alternate safety compliance program and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by \_\_\_\_\_ to the Committee Amendment

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. DEADLINE FOR COMPLIANCE WITH ALTERNATIVE SAFETY COMPLIANCE PROGRAM.**  
4

5 Section 4503(d) of title 46, United States Code, is  
6 amended—

7 (1) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and

8 (2) by strike paragraphs (1), (2), and (3) and  
9 inserting the following:  
10

1           “(1) After the later of January 1, 2021, or the end  
2 of the 3-year period beginning on the date the Secretary  
3 issues a final rule establishing an alternate safety compli-  
4 ance program developed in cooperation with the commer-  
5 cial fishing industry for fishing vessels, fish processing  
6 vessels, or fish tender vessels to which section 4502(b) of  
7 this title applies, such a vessel shall comply with such pro-  
8 gram, if the vessel—

9           “(A) is at least 50 feet in registered length;

10          “(B) is built before July 1, 2012; and

11          “(C) is 25 years of age or older.

12          “(2) A fishing vessel, fish processing vessel, or fish  
13 tender vessel built before July 1, 2012 that undergoes a  
14 major conversion completed after the later of July 1,  
15 2012, or the date the Secretary establishes standards for  
16 an alternate safety compliance program, shall comply with  
17 such an alternative safety compliance program that is de-  
18 veloped in cooperation with the commercial fishing indus-  
19 try and prescribed by the Secretary.

20          “(3) If, after such alternate safety compliance pro-  
21 gram, the addition of annexes thereto or changes to such  
22 annexes, is established, there are substantial changes to  
23 the requirements of the alternate safety compliance pro-  
24 gram, the Secretary shall provide at least three years for  
25 fishing vessels, fish processing vessels, or fish tender ves-

1 sels to which section 4502(b) of this title applies to comply  
2 with such changes.

3 “(4) Alternative safety compliance programs shall be  
4 developed for purposes of paragraph (1) for specific re-  
5 gions and fisheries

6 “(5) Nothing in this section may be construed to su-  
7 percede any existing alternate safety compliance programs  
8 in effect on the date of the enactment of this paragraph.”.

9 **SEC. 2. COORDINATION.**

10 Not later than 30 days after the date of the enact-  
11 ment of this Act, the Secretary of the department in which  
12 the Coast Guard is operating shall publish and dissemi-  
13 nate a Coast Guard policy to standardize coordination,  
14 outreach, and design of the alternate safety compliance  
15 program referred to in paragraph (1) of section 4503(d)  
16 of the title 46, United States Code, that is in compliance  
17 with paragraph (4) of such section to ensure consistency  
18 between Coast Guard Districts.

19 **SEC. 3. PUBLIC ENGAGEMENT.**

20 Not later than 30 days after the date of the enact-  
21 ment of this Act, the Secretary of the department in which  
22 the Coast Guard is operating shall publish a public memo-  
23 randum for the fishing, shipbuilding, and maritime indus-  
24 try and the public including guidance, timelines, opportu-  
25 nities for public engagement.

1 **SEC. 4. REPORT TO CONGRESS.**

2 No later than June 1, 2018, the Secretary of the de-  
3 partment in which the Coast Guard is operating in coordi-  
4 nation with the head of the National Institute of Occupa-  
5 tional Health and Safety, shall submit a report to Con-  
6 gress on the progress of the design and implementation  
7 of the alternate safety compliance program referred to in  
8 section 4503(d)(1) of the title 46, United States Code,  
9 which shall include—

10 (1) meeting summaries, including, the date, lo-  
11 cation, industry represented and the manner in  
12 which such documents were provided and a summary  
13 of topics, from—

14 (A) a public forum, including fish expos,  
15 conferences, and other appropriate venues;

16 (B) meetings with fleet-specific industry  
17 representatives;

18 (C) meetings with fleet-specific industry  
19 representatives where the design and implemen-  
20 tation of fleet-specific annexes was discussed;  
21 and

22 (D) outreach completed by each District  
23 Coordinator;

24 (2) all documents provided to the public, includ-  
25 ing drafts of area plans and annexes and the man-  
26 ner in which such documents were provided;

1           (3) a prioritized list of the high risk fisheries  
2 being evaluated by the Coast Guard for additional  
3 safety requirements;

4           (4) a list of all fleets where annexes are cur-  
5 rently being designed, or may be designed, including  
6 rationale for each fleet's inclusion in the list;

7           (5) a summary of outreach to the Commercial  
8 Fishing Vessel Advisory Committee, naval architects,  
9 or other experts involved in the design of the pro-  
10 gram;

11           (6) references for data and analyses being used  
12 to determine safety criteria in both area plans as  
13 well as annexes; and

14           (7) a summary of appropriations used to design  
15 and implement the program, as well as appropria-  
16 tions needed to complete the program under the  
17 deadline prescribed.