

Calendar No. 665

114TH CONGRESS
2D SESSION

S. 3088

[Report No. 114–372]

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

IN THE SENATE OF THE UNITED STATES

JUNE 23, 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 15, 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 provide a deadline for compliance with an alternate safety compliance program 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,*

1 **SECTION 1. DEADLINE FOR COMPLIANCE WITH ALTER-**
 2 **NATIVE SAFETY COMPLIANCE PROGRAM.**

3 Section 4503(d) of title 46, United States Code, is
 4 amended by striking paragraphs (1) and (2) and inserting
 5 the following:

6 “(1) After the later of January 1, 2020, or the end
 7 of the 3-year period beginning on the date the Secretary
 8 issues a final rule establishing an alternate safety compli-
 9 ance program developed in cooperation with the commer-
 10 cial fishing industry for fishing vessels, fish processing
 11 vessels, or fish tender vessels to which section 4502(b) of
 12 this title applies, such a vessel shall comply with such pro-
 13 gram, if the vessel—

14 “(A) is at least 50 feet overall in length;

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

16 “(C) is 25 years of age or older.

17 “(2) If, after such alternate safety compliance pro-
 18 gram is established, there are substantial changes to the
 19 requirements of the alternate safety compliance program,
 20 the Secretary shall provide at least three years for fishing
 21 vessels, fish processing vessels, or fish tender vessels to
 22 which section 4502(b) of this title applies to comply with
 23 such changes.”.

24 **SEC. 2. COORDINATION.**

25 Not later than 30 days after the date of the enact-
 26 ment of this Act, the Secretary of the department in which

1 the Coast Guard is operating shall publish and dissemi-
 2 nate a Coast Guard policy to standardize coordination,
 3 outreach, and design of the alternate compliance program
 4 referred to in section 4503(d)(1) of title 46, United States
 5 Code, to ensure consistency between Coast Guard Dis-
 6 tricts.

7 **SEC. 3. PUBLIC ENGAGEMENT.**

8 Not later than 30 days after the date of the enact-
 9 ment of this Act, the Secretary of the department in which
 10 the Coast Guard is operating shall publish a public memo-
 11 randum for the fishing, shipbuilding, and maritime indus-
 12 try and the public including guidance, timelines, and op-
 13 portunities for public engagement.

14 **SEC. 4. REPORT TO CONGRESS.**

15 No later than June 1, 2018, the Secretary of the de-
 16 partment in which the Coast Guard is operating in coordi-
 17 nation with the head of the National Institute of Occupa-
 18 tional Health and Safety, shall submit a report to Con-
 19 gress on the progress of the design and implementation
 20 of the alternate compliance program referred to in section
 21 4503(d)(1) of title 46, United States Code, which shall
 22 include—

23 (1) meeting summaries, including, the date, lo-
 24 cation, industry represented and a summary of top-
 25 ics, from—

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

3 (B) meetings with fleet-specific industry
4 representatives;

5 (C) meetings with fleet-specific industry
6 representatives where the design and implemen-
7 tation of fleet-specific annexes was discussed;
8 and

9 (D) outreach completed in by each District
10 Coordinator;

11 (2) all documents provided to the public, includ-
12 ing drafts of area plans and annexes;

13 (3) a prioritized list of the high-risk fisheries
14 being evaluated by the Coast Guard for additional
15 safety requirements;

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

19 (5) a summary of outreach to naval architects
20 or other experts involved in the design of the pro-
21 gram;

22 (6) references for data and analyses being used
23 to determine safety criteria in both area plans as
24 well as annexes; and

1 (7) a summary of appropriations used to design
 2 and implement the program, as well as appropria-
 3 tions needed to complete the program under the
 4 deadline prescribed.

5 **SECTION 1. DEADLINE FOR COMPLIANCE WITH ALTER-**
 6 **NATIVE SAFETY COMPLIANCE PROGRAM.**

7 *Section 4503(d) of title 46, United States Code, is*
 8 *amended—*

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

11 (2) *by strike paragraphs (1), (2), and (3) and*
 12 *inserting the following:*

13 “(1) *After the later of January 1, 2021, or the end*
 14 *of the 3-year period beginning on the date the Secretary*
 15 *issues a final rule establishing an alternate safety compli-*
 16 *ance program developed in cooperation with the commercial*
 17 *fishing industry for fishing vessels, fish processing vessels,*
 18 *or fish tender vessels to which section 4502(b) of this title*
 19 *applies, such a vessel shall comply with such program, if*
 20 *the vessel—*

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

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

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

24 “(2) *A fishing vessel, fish processing vessel, or fish ten-*
 25 *der vessel built before July 1, 2012 that undergoes a major*

1 *conversion completed after the later of July 1, 2012, or the*
 2 *date the Secretary establishes standards for an alternate*
 3 *safety compliance program, shall comply with such an al-*
 4 *ternative safety compliance program that is developed in*
 5 *cooperation with the commercial fishing industry and pre-*
 6 *scribed by the Secretary.*

7 “(3) *If, after such alternate safety compliance pro-*
 8 *gram, the addition of annexes thereto or changes to such*
 9 *annexes, is established, there are substantial changes to the*
 10 *requirements of the alternate safety compliance program,*
 11 *the Secretary shall provide at least three years for fishing*
 12 *vessels, fish processing vessels, or fish tender vessels to which*
 13 *section 4502(b) of this title applies to comply with such*
 14 *changes.*

15 “(4) *Alternative safety compliance programs shall be*
 16 *developed for purposes of paragraph (1) for specific regions*
 17 *and fisheries*

18 “(5) *Nothing in this section may be construed to super-*
 19 *sede any existing alternate safety compliance programs in*
 20 *effect on the date of the enactment of this paragraph.”.*

21 **SEC. 2. COORDINATION.**

22 *Not later than 30 days after the date of the enactment*
 23 *of this Act, the Secretary of the department in which the*
 24 *Coast Guard is operating shall publish and disseminate a*
 25 *Coast Guard policy to standardize coordination, outreach,*

1 *and design of the alternate safety compliance program re-*
 2 *ferred to in paragraph (1) of section 4503(d) of the title*
 3 *46, United States Code, that is in compliance with para-*
 4 *graph (4) of such section to ensure consistency between*
 5 *Coast Guard Districts.*

6 **SEC. 3. PUBLIC ENGAGEMENT.**

7 *Not later than 30 days after the date of the enactment*
 8 *of this Act, the Secretary of the department in which the*
 9 *Coast Guard is operating shall publish a public memo-*
 10 *randum for the fishing, shipbuilding, and maritime indus-*
 11 *try and the public including guidance, timelines, opportu-*
 12 *nities for public engagement.*

13 **SEC. 4. REPORT TO CONGRESS.**

14 *No later than June 1, 2018, the Secretary of the de-*
 15 *partment in which the Coast Guard is operating in coordi-*
 16 *nation with the head of the National Institute of Occupa-*
 17 *tional Health and Safety, shall submit a report to Congress*
 18 *on the progress of the design and implementation of the al-*
 19 *ternate safety compliance program referred to in section*
 20 *4503(d)(1) of the title 46, United States Code, which shall*
 21 *include—*

22 *(1) meeting summaries, including, the date, loca-*
 23 *tion, industry represented and the manner in which*
 24 *such documents were provided and a summary of top-*
 25 *ics, from—*

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

3 (B) meetings with fleet-specific industry
4 representatives;

5 (C) meetings with fleet-specific industry
6 representatives where the design and implemen-
7 tation of fleet-specific annexes was discussed; and

8 (D) outreach completed by each District Co-
9 ordinator;

10 (2) all documents provided to the public, includ-
11 ing drafts of area plans and annexes and the manner
12 in which such documents were provided;

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

16 (4) a list of all fleets where annexes are currently
17 being designed, or may be designed, including ration-
18 ale for each fleet's inclusion in the list;

19 (5) a summary of outreach to the Commercial
20 Fishing Vessel Advisory Committee, naval architects,
21 or other experts involved in the design of the program;

22 (6) references for data and analyses being used
23 to determine safety criteria in both area plans as well
24 as annexes; and

- 1 (7) *a summary of appropriations used to design*
- 2 *and implement the program, as well as appropria-*
- 3 *tions needed to complete the program under the dead-*
- 4 *line prescribed.*

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