

Union Calendar No. 461

103^D CONGRESS
2^D SESSION

H. R. 1517

[Report No. 103-818]

A BILL

To extend the coverage of certain Federal labor laws to foreign documented vessels, and for other purposes.

OCTOBER 3, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 1993

Mr. CLAY (for himself, Mr. FORD of Michigan, Mr. MURPHY, Mr. WILLIAMS, Mrs. BENTLEY, Mr. BONIOR, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. HOLDEN, Mr. KOPETSKI, Mr. TOWNS, and Mr. WILSON) introduced the following bill; which was referred to the Committee on Education and Labor

OCTOBER 3, 1994

Additional sponsors: Mr. PASTOR, Mr. BARLOW, Mr. BORSKI, Mr. SANDERS, Mr. MILLER of California, Mr. TRAFICANT, Mr. HOYER, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. KILDEE, Mr. ANDREWS of New Jersey, Mr. OLVER, Mr. HOCHBRUECKNER, Mr. MANTON, Mr. REED, Mr. DINGELL, Mr. JEFFERSON, Miss COLLINS of Michigan, Mr. FIELDS of Texas, Mr. TUCKER, Mr. WALSH, Mr. QUILLEN, Mr. MARTINEZ, Mr. STRICKLAND, Mr. LIPINSKI, Mr. FILNER, Mr. OWENS, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, Mr. CONYERS, Mr. GENE GREEN of Texas, Mr. ROEMER, Mr. MINETA, and Mr. MCCLOSKEY

OCTOBER 3, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To extend the coverage of certain Federal labor laws to foreign documented vessels, 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. COVERAGE OF FOREIGN VESSELS UNDER FED-**
4 **ERAL LABOR LAWS.**

5 (a) NATIONAL LABOR RELATIONS.—Section 2(2) of
6 the National Labor Relations Act (29 U.S.C. 152(2)) is
7 amended—

8 (1) by inserting “(A)” after the paragraph des-
9 ignation; and

10 (2) by adding at the end thereof the following
11 new subparagraph:

12 “(B)(i) The term ‘employer’ also includes—

13 “(I) a foreign documented vessel, if such vessel
14 is regularly engaged in transporting passengers from
15 and to a port or place in the United States, with or
16 without an intervening stop or stops at a foreign
17 port or ports, and such term also includes a foreign
18 documented vessel that is regularly engaged in
19 transporting passengers only from or to a port or
20 place in the United States if the Board determines
21 that such transport is so arranged for the purposes

1 of avoiding being considered an employer for pur-
2 poses of this Act;

3 “(II) a foreign documented nonlinear vessel reg-
4 ularly engaged in transporting cargo in the foreign
5 trade of the United States; and

6 “(III) a foreign documented vessel on which oc-
7 curs the production or processing of goods or serv-
8 ices for sale or distribution in the United States, and
9 a foreign documented vessel that engages in trans-
10 porting cargo between vessels in international waters
11 and a vessel, port, or place in the United States re-
12 gardless of the ownership or control of the vessel.

13 “(ii) For purposes of this section and except as pro-
14 vided in clause (i)(III), such term shall not include any
15 foreign documented vessel that can demonstrate—

16 “(I) that at least 50 percent of its crew is com-
17 posed of citizens of the country of registry; and

18 “(II) that legal title to such vessel is held by
19 citizens of the country of registry, and beneficial
20 ownership and control, direct or indirect, are held by
21 citizens of the country of registry.

22 “(iii) As used in this subparagraph, the term ‘citizen’
23 shall include—

24 “(I) natural persons who are citizens of the
25 country of registry;

1 “(II) a corporation, if its equity is at least 51
2 percent owned and controlled by citizens of the
3 country of registry;

4 “(III) a partnership, if all the general partners
5 are citizens of the country of registry and at least
6 51 percent of the partnership is owned and con-
7 trolled by citizens of the country of registry.”.

8 (b) FAIR LABOR STANDARDS ACT OF 1938.—

9 (1) DEFINITION.—Section 3(d) of the Fair
10 Labor Standards Act of 1938 (29 U.S.C. 203(d)) is
11 amended—

12 (A) by inserting “(1)” after the subsection
13 designation; and

14 (B) by adding at the end thereof the fol-
15 lowing new paragraph:

16 “(2)(A) The term ‘employer’ also includes—

17 “(i) a foreign documented vessel, if such vessel
18 is regularly engaged in transporting passengers from
19 and to a port or place in the United States, with or
20 without an intervening stop or stops at a foreign
21 port or ports, and such term also includes a foreign
22 documented vessel that is regularly engaged in
23 transporting passengers only from or to a port or
24 place in the United States if the Secretary deter-
25 mines that such transport is so arranged for the

1 purposes of avoiding being considered an employer
2 for purposes of this Act;

3 “(ii) a foreign documented nonlinear vessel regu-
4 larly engaged in transporting cargo in the foreign
5 trade of the United States; and

6 “(iii) a foreign documented vessel on which oc-
7 curs the production or processing of goods or serv-
8 ices for sale or distribution in the United States, and
9 a foreign documented vessel that engages in trans-
10 porting cargo between vessels in international waters
11 and a vessel, port, or place in the United States re-
12 gardless of the ownership or control of the vessel.

13 “(B) For purposes of this section and except as pro-
14 vided in subparagraph (A)(iii), such term shall not include
15 any foreign documented vessel that can demonstrate—

16 “(i) that at least 50 percent of its crew is com-
17 posed of citizens of the country of registry; and

18 “(ii) that legal title to such vessel is held by
19 citizens of the country of registry, and beneficial
20 ownership and control, direct or indirect, are held by
21 citizens of the country of registry.

22 “(C) As used in this paragraph, the term ‘citizen’
23 shall include—

24 “(i) natural persons who are citizens of the
25 country of registry;

1 “(ii) a corporation, if its equity is at least 51
2 percent owned and controlled by citizens of the
3 country of registry;

4 “(iii) a partnership, if all the general partners
5 are citizens of the country of registry and at least
6 51 percent of the partnership is owned and con-
7 trolled by citizens of the country of registry.”.

8 (2) MINIMUM WAGE.—Section 6(a)(4) of the
9 Fair Labor Standards Act of 1938 (29 U.S.C.
10 206(a)(4)) is amended by inserting “or a foreign
11 documented vessel described in section 3(d)(2)(A)”
12 after “an American Vessel”.

13 (3) EXEMPTION.—Section 13(a)(12) of the Fair
14 Labor Standards Act of 1938 (29 U.S.C.
15 213(a)(12)) is amended by inserting “or a foreign
16 documented vessel described in section 3(d)(2)(A)”
17 after “an American Vessel”.