

103^D CONGRESS
2^D SESSION

S. 1855

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11 (legislative day, JANUARY 25), 1994

Mr. WOFFORD introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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

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

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

4 “(I) a foreign documented vessel, if such
5 vessel is regularly engaged in transporting pas-
6 sengers from and to a port or place in the
7 United States, with or without an intervening
8 stop or stops at a foreign port or ports, and
9 such term also includes a foreign documented
10 vessel that is regularly engaged in transporting
11 passengers only from or to a port or place in
12 the United States if the Board determines that
13 such transport is so arranged for the purposes
14 of avoiding being considered an employer for
15 purposes of this Act;

16 “(II) a foreign documented nonliner vessel
17 regularly engaged in transporting cargo in the
18 foreign trade of the United States; and

19 “(III) a foreign documented vessel on
20 which occurs the production or processing of
21 goods or services for sale or distribution in the
22 United States, and a foreign documented vessel
23 that engages in transporting cargo between ves-
24 sels in international waters and a vessel, port,

1 or place in the United States regardless of the
2 ownership or control of the vessel.

3 “(ii) For purposes of this section and except as
4 provided in clause (i)(III), such term shall not in-
5 clude any foreign documented vessel that can dem-
6 onstrate—

7 “(I) that at least 50 percent of its crew is
8 composed of citizens of the country of registry;
9 and

10 “(II) that legal title to such vessel is held
11 by citizens of the country of registry, and bene-
12 ficial ownership and control, direct or indirect,
13 are held by citizens of the country of registry.

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

16 “(I) natural persons who are citizens of
17 the country of registry;

18 “(II) a corporation, if its equity is at least
19 51 percent owned and controlled by citizens of
20 the country of registry; and

21 “(III) a partnership, if all the general
22 partners are citizens of the country of registry
23 and at least 51 percent of the partnership is
24 owned and controlled by citizens of the country
25 of registry.”.

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

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

5 (A) by inserting “(1)” after the subsection
6 designation; and

7 (B) by adding at the end thereof the fol-
8 lowing new paragraph:

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

10 “(i) a foreign documented vessel, if such vessel
11 is regularly engaged in transporting passengers from
12 and to a port or place in the United States, with or
13 without an intervening stop or stops at a foreign
14 port or ports, and such term also includes a foreign
15 documented vessel that is regularly engaged in
16 transporting passengers only from or to a port or
17 place in the United States if the Secretary deter-
18 mines that such transport is so arranged for the
19 purposes of avoiding being considered an employer
20 for purposes of this Act;

21 “(ii) a foreign documented nonlinear vessel regu-
22 larly engaged in transporting cargo in the foreign
23 trade of the United States; and

24 “(iii) a foreign documented vessel on which oc-
25 curs the production or processing of goods or serv-

1 ices for sale or distribution in the United States, and
2 a foreign documented vessel that engages in trans-
3 porting cargo between vessels in international waters
4 and a vessel, port, or place in the United States re-
5 gardless of the ownership or control of the vessel.

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

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

11 “(ii) that legal title to such vessel is held by
12 citizens of the country of registry, and beneficial
13 ownership and control, direct or indirect, are held by
14 citizens of the country of registry.

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

17 “(i) natural persons who are citizens of the
18 country of registry;

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

22 “(iii) a partnership, if all the general partners
23 are citizens of the country of registry and at least
24 51 percent of the partnership is owned and con-
25 trolled by citizens of the country of registry.”.

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

6 (3) EXEMPTION.—Section 13(a)(12) of the Fair
7 Labor Standards Act of 1938 (29 U.S.C.
8 213(a)(12)) is amended by inserting “or a foreign
9 documented vessel described in section 3(d)(2)(A)”
10 after “an American Vessel”.

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