

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

HOUSE CONCURRENT RESOLUTION NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MOSES, Stevens, Williams

Introduced: 3/26/01

Referred: Labor and Commerce

A RESOLUTION

1 **Relating to the preservation of employment opportunities for United States**
2 **longshoremen with respect to unloading and loading of foreign vessels.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** Alaska longshoremen have historically been employed in the loading and
5 unloading of foreign vessels in Alaska, including in the port of Dutch Harbor; and

6 **WHEREAS** the United States Immigration and Nationality Act authorizes a
7 reciprocity list consisting of countries where the performance of longshore activities by
8 crewmembers aboard United States vessels is prohibited; a ship flying the flag of a country on
9 the reciprocity list is prohibited from using its own crew members to perform longshore
10 activities in this country; and

11 **WHEREAS** the Immigration and Nationality Act authorizes a list of exceptions to the
12 reciprocity list; a foreign vessel flying the flag of a country on the list of exceptions may use
13 the vessel's own crew members to load and unload the vessel in United States waters; the
14 federal Act also contains an Alaska exception permitting alien crewmen to work in Alaska
15 ports if an adequate number of Alaska workers are not available to perform the work; and

16 **WHEREAS** the United States Department of State apparently maintains that countries

1 for which sufficient information is not available to determine the country's appropriate status
2 will be left off the reciprocity list even though exceptions from the reciprocity list were
3 intended to be limited, and a questionnaire from the United States Department of State
4 suggests that the department intends to leave off the reciprocity list those countries with
5 restrictive laws, regulations, or practices where no United States ships have called since
6 January 1, 1996, contrary to the express terms of the Act; and

7 **WHEREAS** several foreign vessels change their flag of registry from that of a country
8 on the reciprocity list to a country on the list of exceptions just before arriving in United
9 States waters, displacing work opportunities for Alaska longshoremen; and

10 **WHEREAS** this obvious abrogation of the intent of the reciprocity exception to the
11 United States Immigration and Nationality Act is injurious to the working people and the
12 economy of the State of Alaska; and

13 **WHEREAS** much of the Bering Sea pollock harvest is now being loaded on vessels
14 operating under a reciprocity exception through agreements between the vessel owners and
15 certain American seafood processors at the expense of Alaska labor;

16 **BE IT RESOLVED** by the Alaska State Legislature that Congress should enact
17 legislation to exempt Alaska from the reciprocity exception, since the Act's current "Alaska
18 exception" adequately allows for the continuation of commerce in Alaska ports; and be it

19 **FURTHER RESOLVED** that the United States Department of State should refine its
20 regulations to make the process of collecting information about countries easier for the
21 department and more advantageous for American workers; in particular, the department
22 should establish a list of countries that have demonstrated that they are eligible for reciprocity,
23 rather than assuming eligibility unless it is established that the country is ineligible for
24 reciprocity; and be it

25 **FURTHER RESOLVED** that the United States Department of State should reverse
26 the burden of proof for the eligibility list to require countries to demonstrate their right to
27 reciprocal treatment by providing a copy of the law, regulation, or practice that allows United
28 States seamen to perform longshore work in that country to the United States Department of
29 State; and be it

30 **FURTHER RESOLVED** that the United States Department of State should only
31 grant reciprocity to countries in which United States seamen have recently performed

1 longshore work; and be it

2 **FURTHER RESOLVED** that the United States Department of State should deny
3 reciprocity for a vessel that has been chartered from a third party; this will discourage
4 American companies from the practice of "shopping" for vessels from other countries simply
5 to avoid the requirement that they use United States labor.

6 **COPIES** of this resolution shall be sent to the Honorable Colin Powell, United States
7 Secretary of State; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,
8 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
9 delegation in Congress.