

**STATE OF ALASKA
THE LEGISLATURE**

2002

Source
HCR 12

**Legislative
Resolve No.**
43



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

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

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

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

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

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

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

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

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

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

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

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

FURTHER RESOLVED that the United States Department of State should only

grant reciprocity to countries in which United States seamen have recently performed longshore work; and be it

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

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