

115TH CONGRESS
1ST SESSION

S. 702

To amend the National Labor Relations Act and the Labor Management Relations Act, 1947 to deter labor slowdowns at ports of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2017

Mr. RISCH (for himself, Mr. CRAPO, and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the National Labor Relations Act and the Labor Management Relations Act, 1947 to deter labor slowdowns at ports of the United States, 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. SHORT TITLE.**

4 This Act may be cited as the “Preventing Labor
5 Union Slowdowns Act of 2017” or the “PLUS Act”.

1 **SEC. 2. DETERRING LABOR SLOWDOWNS.**

2 (a) AMENDMENTS TO THE NATIONAL LABOR RELA-
3 TIONS ACT.—The National Labor Relations Act is amend-
4 ed—

5 (1) in section 1 (29 U.S.C. 151), by adding at
6 the end the following:

7 “International trade is one of the most impor-
8 tant components of the economy of the United
9 States and will likely continue to grow in the future.
10 In order to remain competitive in an increasingly
11 competitive global economy, it is essential that the
12 United States possess a highly efficient and reliable
13 public and private transportation network. The ports
14 of the United States are an increasingly important
15 part of such transportation network. Experience has
16 demonstrated that frequent and periodic disruptions
17 to commerce in the maritime industry in the form of
18 deliberate and unprotected labor slowdowns at the
19 ports of the United States have led to substantial
20 and frequent economic disruption and loss, inter-
21 fering with the free flow of domestic and inter-
22 national commerce and threatening the economic
23 health of the United States, as well as its citizens
24 and businesses. Such frequent and periodic disrup-
25 tions to commerce in the maritime industry hurt the
26 reputation of the United States in the global econ-

1 omy, cause the ports of the United States to lose
 2 business, and represent a serious and burgeoning
 3 threat to the financial health and economic stability
 4 of the United States. It is hereby declared to be the
 5 policy of the United States to eliminate the causes
 6 and mitigate the effects of such disruptions to com-
 7 merce in the maritime industry and to provide effec-
 8 tive and prompt remedies to individuals injured by
 9 such disruptions.”;

10 (2) in section 2 (29 U.S.C. 152), by adding at
 11 the end the following:

12 “(15) The term ‘employee engaged in maritime
 13 employment’ has the meaning given the term ‘em-
 14 ployee’ in section 2(3) of the Longshore and Harbor
 15 Workers’ Compensation Act (33 U.S.C. 902(3)).

16 “(16) The term ‘labor slowdown’—

17 “(A) includes any intentional effort by em-
 18 ployees to reduce productivity or efficiency in
 19 the performance of any duty of such employees;
 20 and

21 “(B) does not include any such effort re-
 22 quired by the good faith belief of such employ-
 23 ees that an abnormally dangerous condition ex-
 24 ists at the place of employment of such employ-
 25 ees.”;

1 (3) in section 8(b) (29 U.S.C. 158(b))—

2 (A) in paragraph (6), by striking “and”
3 after the semicolon;

4 (B) in paragraph (7), by striking the pe-
5 riod at the end of the matter following subpara-
6 graph (C) and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(8) in representing, or seeking to represent,
9 employees engaged in maritime employment, to en-
10 gage in a labor slowdown at any time, including
11 when a collective-bargaining agreement is in effect.”;
12 and

13 (4) in section 10(l) (29 U.S.C. 160(l)), in the
14 first sentence, by striking “or section 8(b)(7)” and
15 inserting “or paragraph (7) or (8) of section 8(b)”.

16 (b) AMENDMENT TO THE LABOR MANAGEMENT RE-
17 LATIONS ACT, 1947.—Section 303 of the Labor Manage-
18 ment Relations Act, 1947 (29 U.S.C. 187) is amended—

19 (1) in subsection (a), by striking “in section
20 8(b)(4)” and inserting “under paragraph (4) or (8)
21 of section 8(b)”;

22 (2) in subsection (b), by adding at the end the
23 following: “With respect to any unfair labor practice
24 under section 8(b)(8) of the National Labor Rela-
25 tions Act (29 U.S.C. 158(b)(8)), the damages recov-

1 ered shall be in an amount equal to 2 times the
2 amount of damages sustained and the cost of the
3 suit shall include any reasonable attorney fees and
4 expert witness fees.”; and

5 (3) by adding at the end the following:

6 “(c) In an action for damages resulting from a viola-
7 tion of section 8(b)(8) of the National Labor Relations
8 Act (29 U.S.C. 158(b)(8)), it shall not be a defense that
9 the injured party has, in any manner, waived, or pur-
10 ported to waive, the right of such party to pursue mone-
11 tary damages relating to the labor slowdown at issue—

12 “(1) in connection with a contractual grievance
13 alleging a violation of a clause prohibiting a strike,
14 or a similar clause, in a collective-bargaining agree-
15 ment; or

16 “(2) in connection with an action for a breach
17 of such a clause under section 301.”.

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