

117TH CONGRESS
2D SESSION

S. 3912

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

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2022

Mr. RISCH (for himself, Mr. CRAPO, and Mr. SCOTT of Florida) 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 and prohibit labor organizations from blocking modernization efforts 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 2022” or the “PLUS Act of
6 2022”.

1 **SEC. 2. DETERRING LABOR SLOWDOWNS AND PROHIBITING**
2 **LABOR ORGANIZATIONS FROM BLOCKING**
3 **MODERNIZATION AT PORTS.**

4 (a) AMENDMENTS TO THE NATIONAL LABOR RELA-
5 TIONS ACT.—

6 (1) FINDINGS AND POLICY.—Section 1 of the
7 National Labor Relations Act (29 U.S.C. 151) is
8 amended by adding at the end the following:

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

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

10 (2) DETERRING LABOR SLOWDOWNS AT
11 PORTS.—The National Labor Relations Act is
12 amended—

13 (A) in section 2 (29 U.S.C. 152), by add-
14 ing at the end the following:

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

19 “(16) The term ‘labor slowdown’—

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

24 “(B) does not include any such effort re-
25 quired by the good faith belief of such employ-

1 ees that an abnormally dangerous condition ex-
2 ists at the place of employment of such employ-
3 ees.”; and

4 (B) in section 8(b) (29 U.S.C. 158(b))—

5 (i) in paragraph (6), by striking
6 “and” after the semicolon;

7 (ii) in paragraph (7), by striking the
8 period at the end of the matter following
9 subparagraph (C) and inserting a semi-
10 colon; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(8) in representing, or seeking to represent,
14 employees engaged in maritime employment, to en-
15 gage in a labor slowdown at any time, including
16 when a collective-bargaining agreement is in effect;
17 and”.

18 (3) PROHIBITING LABOR ORGANIZATIONS FROM
19 BLOCKING MODERNIZATION AT PORTS.—Section
20 8(b) of the National Labor Relations Act (29 U.S.C.
21 158(b)), as amended by paragraph (2)(B), is further
22 amended by adding at the end the following:

23 “(9) in representing, or seeking to represent,
24 employees engaged in maritime employment, to—

1 “(A) impede or attempt to impede mod-
2 ernization efforts at a port, which thereby inter-
3 feres with or otherwise impedes economic activ-
4 ity in relation to the national supply chain; or

5 “(B) interfere with or otherwise impede
6 the servicing of any automated vessel operating
7 without a crew.”.

8 (4) PREVENTING UNFAIR LABOR PRACTICES.—
9 Section 10(l) of the National Labor Relations Act
10 (29 U.S.C. 160(l)) is amended in the first sentence,
11 by striking “or section 8(b)(7)” and inserting “or
12 paragraph (7), (8), or (9) of section 8(b)”.

13 (b) AMENDMENTS TO THE LABOR MANAGEMENT RE-
14 LATIONS ACT, 1947.—Section 303 of the Labor Manage-
15 ment Relations Act, 1947 (29 U.S.C. 187) is amended—

16 (1) in subsection (a), by striking “in section
17 8(b)(4)” and inserting “under paragraph (4), (8), or
18 (9) of section 8(b)”;

19 (2) in subsection (b), by adding at the end the
20 following: “With respect to any unfair labor practice
21 under paragraph (8) or (9) of section 8(b) of the
22 National Labor Relations Act (29 U.S.C. 158(b)),
23 the damages recovered shall be in an amount equal
24 to 2 times the amount of damages sustained and the

1 cost of the suit shall include any reasonable attorney
2 fees and expert witness fees.”; and

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

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

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

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

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