SERIOUS SAFETY AND HEALTH HAZARDS FOR STAR-KIST WORKMEN IN AMERICAN SAMOA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to express my serious concerns about the health and safety of American workers.

Mr. Speaker, the Occupational Safety and Health Act of 1970 sets forth safety and health standards for businesses which affect interstate commerce. The law was an attempt to correct several inadequacies in the workplace, including an attempt to level the economic playing field between businesses who provided safer and healthier working environments and those companies which did not. This was a bipartisan law, passed by a Democratically-controlled Congress and signed by a Republican President, Richard M. Nixon.

The Occupational Safety and Health Act, together with its regulations, is today applicable to the 50 States, the District of Columbia, and the U.S. territories. American Samoa is one of those territories.

Mr. Speaker, last year the Occupational Safety and Health Administration, or OSHA, began what ended up being a 5-month investigation of one of the two largest private employers in American Samoa, Star-Kist Samoa, Inc. Star-Kist Samoa is a subsidiary of Star-Kist Foods, which is a subsidiary of the $11 billion conglomerate, the H.J. Heinz Food Co. This investigation concluded last month with the signing of a settlement agreement of approximately 100 citations which were issued for violations of Federal law and regulations. The violations included 42 willful, 35 serious, 12 repeat, and 4 failure to abate violations. The violations were for:

Failure to provide adequate machine guards for dangerous points of operation resulting in 11 amputations—5 total finger amputations, 1 total leg amputation, and 5 amputations of at least 1 finger joint;

Failure to provide 1,900 employees the use of puncture resistent gloves to protect their hand from sharp fish bones, knives, and wire racks, resulting in numerous injuries requiring sutures;

Failure to provide basic employee hearing conservation measures, though Star-Kist Samoa was aware that 19 employees had developed significant shifts in their hearing;

Failure to inform employees of the results of noise surveys;

Failure to perform baseline audiograms for over 600 employees;

Failure to conduct annual audiograms for over 1,500 employees;

Failure to evaluate audiograms that had been conducted;

Failure to develop and require the application of lockout-tagout producers for employees engaged in such tasks as cleaning and unjamming machinery;

Failure to enforce the use of confined space permits;

Failure to keep adequate records of worker injuries and illnesses; and

Failure to comply with OSHA regulations on respirators, chemical exposures, eye washes, and bloodborne diseases, resulting in 100 employees being admitted to the LBJ Tropical Medical Center for treatment after being exposed to lethal gas.

Based on these violations, Star-Kist Co. agreed to pay $1.8 million in penalties. This is a substantial penalty and was based on the severity of the violations, the period of time over which the violations occurred, prior knowledge by company officials of the violations, and the number of employees subjected to the unsafe or unhealthy conditions. Based on the formula OSHA uses to determine appropriate penalties, OSHA officials determined that a penalty in the range of $4 to $5 million was supportable. It was determined, however, that based on Star-Kist's willingness to correct the violations, a somewhat lower penalty was acceptable.

Mr. Speaker, the unsafe and unhealthy conditions found at the Star-Kist plant in American Samoa would not have been tolerated in any of the 50 States of the United States. That 42 of the violations were willful, in other words they were violations of Federal laws which Star-Kist management was aware of but purposely chose not to correct, is an indication to me that the management of Star-Kist Foods and H.J. Heinz here in the United States wanted to get away with as much as they could, regardless of the risk to the Samoan employees.

I have heard attacks made recently to the effect that a government which governs best is a government which governs least. In an effort to reduce the number of Federal regulations and make the climate in America more conducive to business, some are talking of doing away with the Occupational Safety and Health Administration.

Mr. Speaker, I believe that would be a grave mistake, and I use the example of what has happened to the Star-Kist employees in Samoa as an example of what would happen to employees in the United States if we do not maintain regulations to protect the safety and health of our workers, and provide sufficient funding to enforce these regulations. I have not heard one complaint, not even from Star-Kist, that OSHA acted improperly or impartially during the course of this investigation. OSHA did an excellent job in enforcing Federal law and regulations during this inspection, and I wish to publicly commend them for their outstanding performance.

Mr. Speaker, I have much more to say on this matter, and I will take the opportunity to do so later in the week.

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CRIMINAL ALIEN TRANSFER AND BORDER ENFORCEMENT ACT OF 1995

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today, I am introducing, on behalf of myself, as author, and the gentleman from Indiana [Mr. BURTON], the gentleman from California [Mr. BEILENSON], the gentleman from California [Mr. CONDIT], and the gentleman from Michigan [Mr. KNOLLENBERG], as coauthors of the Criminal Transfer and Border Enforcement Act of 1995, H.R. 552.

This bill suggests that an integrated approach to border management is needed. This legislation includes the improvement of drug interdiction, controlling illegal immigration and stopping other illegal cross-border activities in California and elsewhere.

The recent election in California made one issue very clear: Taxpayers are fed up with paying for the enormous costs associated with illegal immigration. It is especially disconcerting that the incarceration of criminal aliens is running up a nationwide tab of approximately $1.2 billion annually.

The Federal Bureau of Prisons reports that noncitizens make up approximately 24 percent of the 91,000 total Federal prison population.

The average cost per inmate in the Federal prisons is $20,803 per year. In California, the Governor estimates that we spend over $350 million a year incarcerating aliens in our State prisons.

According to the Bureau of Justice statistics, about 4 percent of the inmates in our State prisons are not U.S. citizens. The estimated cost to California, as I said, is several hundred million dollars.

The Criminal Alien Transfer and Border Enforcement Act urges the President to renegotiate, within 90 days of enactment, the existing bilateral prisoner transfer treaties with Mexico and other source countries, which have sizable numbers of illegal criminal aliens in our prisons.

In 1976, almost two decades ago, the United States established a prisoner transfer treaty with Mexico. This treaty is outdated, and it is time for a change of course.

Alien prisoners come from more than 49 countries in North America, South America, Europe, Africa, and Asia. Almost half of the alien inmate population is of Mexican origin. The Immigration and Naturalization Service has estimated that as of October 1992, the total illegal alien population in our Nation was 3.2 million people and growing at 300,000 annually.

I think that is an underestimate. When you figure that roughly 2,000 illegals a night come over in one 20-mile sector in San Diego, CA, I think you will see what I mean.

The States of California, Arizona, Texas, Florida, and New York have been particularly hard hit. This measure would help relieve U.S. Federal and State prisons of the costs associated with housing the illegal criminal alien population. The incentive for foreign governments which participate in the renegotiated treaty is the benefit of a trained and adequate border patrol and police force trained in the United States at the Border Patrol Academy and the Customs Service Academy. That is also a tremendous benefit to our Nation's borders.

Illegal immigration is not a regional problem. It is a national problem.

Mr. Speaker, it is time for Congress and the President to take joint responsibility for the impact on the States caused by the relentless flow of illegal immigration.

Mr. Speaker, I include for the RECORD a copy of H.R. 552.

H.R. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Criminal Alien Transfer and Border Enforcement Act of 1995''.

SEC. 2. PURPOSE.

The purpose of this Act is to relieve overcrowding in Federal and State prisons and costs borne by American taxpayers by providing for the transfer of aliens unlawfully in the United States who have been convicted of committing crimes in the United States to their native countries to be incarcerated for the duration of their sentences.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The cost of incarcerating an alien unlawfully in the United States in a Federal or State prison averages $20,803 per year.

(2) There are approximately 58,000 aliens convicted of crimes incarcerated in United States prisons, including 41,000 aliens in State prisons and 17,000 aliens in Federal prisons.

(3) Many of these aliens convicted of crimes are also unlawfully in the United States, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of such criminal aliens is approximately $1,200,000,000, including—

(A) for State governments, $760,000,000; and

(B) for the Federal Government, $440,000,000.

SEC. 4. PRISONER TRANSFER TREATIES.

Not later than 90 days after the date of enactment of this Act, the President should begin to negotiate and renegotiate bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

SEC. 5. CERTIFICATION.

The President shall certify whether each prisoner transfer treaty is effective in returning aliens unlawfully in the United States who are incarcerated in the United States to their country of citizenship.

SEC. 6. TRAINING OF BORDER PATROL AND CUSTOMS PERSONNEL FROM FOREIGN COUNTRIES.

Subject to a certification under section 5, the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training certain foreign law enforcement personnel. The President shall make appointments of foreign law enforcement personnel to such academies to enhance the following United States law enforcement goals:

(1) Drug interdiction and other cross-border criminal activity.

(2) Preventing illegal immigration.

(3) Preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or goods which have not paid the appropriate duty or tariff).

TOUGH LOVE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, first let me say, we heard about NAFTA, you hafta. Now it is Mexico, bailout or bust. United States taxpayers should not have to become Mexico's insurance company. Why should our taxpayers have to place the full faith and credit of our U.S. Treasury behind the Wall Street speculators who gambled and lost their own money? We have no legal obligation to do that. They are not insured by the Treasury of the United States or any of our respective banking institutions.

So today, I would like to ask on the record our U.S. Treasury Secretary and Chairman of the Federal Reserve specifically which speculators have their hands out to the taxpayers of the United States? Which creditors must Mexico pay off in the first quarter of this year, in the second, in the third, in the fourth, and in years hence? Which investment banks, we want to know who they are and where they are located and how much? Which mutual funds, which multinational corporations who gambled that the fundamentals of that system of government in Mexico were good enough for them to take our jobs south of the border? And which global banks? Who specifically does Mexico owe the $26 billion that is coming due this year, and then the dozens and dozens of billions, $89 billion total public debt, not counting the private debt, and all the creditors that Mexico owes?

Call my approach tough love. There are just some times when you have to say ''no.''

Imagine, we have a U.S. Treasury Department which recently, under the GATT debate, told our savings bondholders in this country that they could not earn 4 percent interest anymore on their U.S. savings bonds. You remember a couple years ago they could earn 6 percent; then they lowered it to 4 percent. Then under GATT, they removed the floor completely. So American taxpayers who buy U.S. savings bonds have no real incentives to buy them anymore.

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Then the Federal Reserve Chairman testified here in Washington last week that in order to try to balance our budget, gosh, maybe senior citizens in our country would have to take a $10 a month reduction in their cost-of-living allowance under their Social Security. That is not exactly what I had in mind for the seniors in my district, but the very same organizations, the U.S. Treasury, which cut the interest rates to our bond buyers, and the Federal Reserve, which has told our seniors, ''Sorry, you are getting too much money,'' now they have pledged the full faith and credit of this Government to another nation. I find it very interesting.

What is so reprehensible to me is when I first got here in Congress in the 1980's, I came here because of the high unemployment in my district. I was appointed to the Committee on Banking, Finance and Urban Affairs.

The very first bill that I came up with on that committee was to try to find a way to help the people in my district to hold onto their homes. We had a bill that would have prevented foreclosure.

We had a bill that said, ''Look, we will create a second mortgage, and for those of you where the bankers are at your door, the creditors are at your door, we will give you a second mortgage. It will be short term. After a year you will have your job back and you will be able to stay in your house and continue to earn money at your job.''

They have a good credit history. We were only asking for a short-term add-on to their mortgage. It was guaranteed by the collateral of the house itself. They had to pay it back, and the political situation in Toledo, OH, is pretty stable.

Guess what, we could not get that bill through the Committee on Banking, Finance and Urban Affairs of this Congress. We couldn't help our own people with any kind of guarantee to hold on to their own homes.

Yet, now, another nation comes and is in trouble, and we are willing to pledge $40 billion in loan guarantees plus $18 billion. They already have the lines open to Mexico as of last week. I would find the whole situation absolutely amazing if it weren't so upsetting, because it just goes to prove that those that have a lot have incredible political power in this city and around the world.

I have never seen the kind of people running around here to help my district when it was in recession that I have now seen running around this Congress and up and down Pennsylvania Avenue to try to bail out the Wall