

HJR

75

**DON YOUNG**  
CONGRESSMAN FOR ALL ALASKA  
WASHINGTON OFFICE  
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TELEPHONE 202/225-5765

COMMITTEES:  
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AFFAIRS  
MERCHANT MARINE AND  
FISHERIES  
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CIVIL SERVICE

**Congress of the United States**  
**House of Representatives**

Washington, D.C. 20515

February 27, 1992

The Honorable Lynn Martin  
Secretary of Labor  
United States Department of Labor  
Frances Perkins Building  
200 Constitution Ave.  
Washington, D.C. 20210

Dear Madame Secretary:

This is to bring to your attention a matter within your department's jurisdiction concerning employment of longshore workers in Alaska.

As you are aware, section 203 of the Immigration Act of 1990 ("IMMACT 90"; PL 101-649) restricts alien crewmen from performing longshore work in the United States unless certain conditions are met. One of these is the "prevailing practice exception" described by section 258.2(1)(b)(ii) of the relevant interim regulations: "There is no collective bargaining agreement in effect in the local port covering at least 30 percent of the persons performing longshore work at the port, and the employer of the crewmen has filed an attestation with the Secretary of Labor that the Secretary of Labor has accepted."

Unfortunately, we understand DoL is approving the attestations under the prevailing practice exemption filed by foreign vessel owners in or near Dutch Harbor, Akutan, or Chignik, Alaska, where an exemption is inappropriate, and congressional intent is not being followed. Moreover, such attestations are accepted by a DoL office in Dallas, Texas, a place evidencing no understanding of Alaska's fishery and longshore practices.

As we believe the Administration would agree, the law restricting foreign crews doing longshore work is supposed to sustain or create jobs for Americans. In Alaska's specific case, we understand DoL accepts an attestation if a foreign vessel simply finds a cove, village, or coastal area near Dutch Harbor where they do not think Americans are available to do longshore work. The reality in this area of Alaska is that American labor is readily available and capable of performing this work. Even if relatively few Americans are present at an area near Dutch Harbor, longshoremen can easily and quickly travel to the location to perform the work.

The effect of DoL's actions is lost jobs for Alaskans, and we would like to see an administrative correction in the way the

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KODIAK, ALASKA 99615

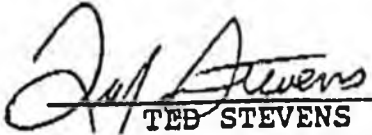
P.O. BOX 1860  
NOME, ALASKA 99762

attestations are considered. In the absence of final regulations on this section of IMMACT 90, the benefit of the doubt in applying the law should be given to American workers.

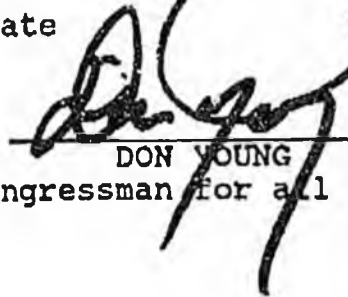
We appreciate your concern for American jobs in Alaska, and look forward to meeting with you next Tuesday, March 3, 1992.

With best regards,

Sincerely,

  
\_\_\_\_\_  
TED STEVENS  
United States Senate

  
\_\_\_\_\_  
FRANK MURKOWSKI  
United States Senate

  
\_\_\_\_\_  
DON YOUNG  
Congressman for all Alaska

## JAPANESE UNFAIR TO AMERICAN LONGSHOREMEN

On January 14, 1992, the Japanese vessels were included on the prohibited list, forbidding the Japanese vessels from using alien crew members to perform longshore work in American waters. We are of the opinion they are still trying to get around the law by developing loop holes at the expense of the American workers, the Alaska economy, and the local communities where the work would be performed.

We longshoremen, concerned about our jobs and the jobs of future longshoremen, have analyzed the affects on the State of Alaska. In our opinion, there are in excess of 300,000 man hours lost as a result of foreign crew members performing longshore work. We base this opinion on the fact that clear reports indicate 90% of the product shipped from Alaska waters in bottom fish alone is done so by foreign vessels, and are being loaded with the assistance of alien crew members performing longshore work. With this and the 300,000 man hours in mind, the affect on the economy would amount to in excess of \$20,000,000, which are direct longshore jobs, working directly on the foreign vessel. If you factor for each longshoremen working there are approximately seven support jobs needed to keep that position operation, you can see that would amount to a much larger man hour requirement, and an even greater work force needed to meet those longshore demands. We estimate that would amount to approximately 1,400 full-time jobs in the State of Alaska, directly related to this export cargo movement. This does not include those jobs associated with the seasonal fish industry, such as salmon. By using an annual income factor of \$50,000.00 for each position, we estimate this would amount to \$70,000,000.00 to the Alaska economy. \$70,000,000 that

would be coming into the Alaska economy if we had Americans performing this longshore work.

In view of all this work activity, we hope that our State and Federal government will recognize the importance of capturing this work for Alaskan residents and American workers, and assist us in this cause.

Work demands require the longshoremen to be available on a day-to-day basis; therefore, making it impossible for longshoremen to be anything but local residents. We must have the longshoremen located in those communities to have them available to meet work demands. There are only a couple of incidents when we have had temporary workers travel in to other areas, when the Union is trying to meet longshore demands. For example, in Bristol Bay during the salmon season we would have extra longshoremen travel from other parts of the State to handle the work load during a relatively short period of time. This not only helps to meet the work requirements, but also gives those longshoremen living elsewhere within the State the opportunity to enhance their income. Although finding adequate housing may be difficult, we believe if the work is captured, we will have the wherewithal to address those logistic problems.

The Union is not trying to eliminate the foreign trapper in Alaska waters. We are only trying to capture the rightful longshore jobs for the Alaska residents and American citizens.

Another aspect to consider is that, based on the Magnuson Act adopted a number of years ago, the foreign vessels are technically prohibited from working in Alaska waters within the 200 mile limit. There are provisions to allow foreign vessels to work in American waters, under an agreement with the Americans called the Governing International Fisheries Agreement (GIFA). We believe this needs to be monitored very closely. If they abuse the immigration

laws, then, those privileges under the Magnuson Act should be revoked.

We do know the Foreign Trumper Vessels are currently attempting to develop methods of getting around using American labor to perform longshore jobs. We believe this goes against the heart and Intent of the immigration laws passed in 1990; and against the general idea that Americans should provide more employment for American workers, especially in areas involving the exportation of goods from our country to another.

The last and final point is that in these work force operations it is very apparent that the Japanese are taking advantage of Americans once more. In the fishing industry the Japanese control the fishing, the fish prices, and the exportation of the goods; they control the market. It is only fair to give and require that the Japanese, and all foreigners, abide by the immigration laws and provide the additional work opportunity to the American workers.

We hope you will support our position and become vocal on these important issues - to provide and stimulate the American economy, the Alaska economy, and the Alaska community economy so dramatically.

Statement provided by  
International Longshoremen's and Warehousemen's Union  
Alaska Local 200, Regional Director, John J. Bukoskey  
P.O. Box 624  
Dutch Harbor, AK 99692

MASSACU IT 206-886-0151

OW - 206-886-1229

**ALASKA STATE LEGISLATURE  
HOUSE JOINT RESOLUTION NO. 75**

**HISTORY IN THE HOUSE**

**HISTORY IN THE SENATE**

1992  
2/18  
2/28

Read first time and referred to:  
L&C

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L&C RPT CS(L&C) New Title  
4 DP 0 DNP 1 NR 0 AM  
 FN 1 OFN Previous FN

RPT CS( ) New Title  
 DP DNP NR AM  
 FN OFN Previous FN

RPT CS( ) New Title  
 DP DNP NR AM  
 FN OFN Previous FN

3/16 Read second time  
 CS(L&C) Adopted

Amended

3/16 Advanced

3/16 Read third time

Return to second for specific amendment

3/16 PASSED EFD Same \_\_\_ or  
 Yeas 37 Yeas  
 Nays 0 Nays  
 Excused 3 Excused  
 Absent 0 Absent

\_\_\_ Intent adopted

Reconsideration  
 Reconsideration not taken up

PASSED ON RECON. EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

\_\_\_ Intent adopted

3/16 Reported correctly engrossed  
 Signed by Speaker, to the Senate

Rustin Gray  
 Chief Clerk of the House

1992  
3/18

Read first time and referred to:  
L&C

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RPT( ) CS DP NR DNP AM  
 New Title Same Title Previous FN  
 FN OFN To

RPT( ) CS DP NR DNP AM  
 New Title Same Title Previous FN  
 FN OFN To

RPT( ) CS DP NR DNP AM  
 New Title Same Title Previous FN  
 FN OFN To

Rules Calendar( ) CS AM Other  
 New Title Same Title Previous FN  
 FN OFN

Read second time

CS Adopted ( ) New Title  
 Amended Advanced

Read third time

\_\_\_ Letter of Intent adopted  
 \_\_\_ Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

Reconsideration  
 Reconsideration not taken up

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

Reported correctly engrossed  
 Signed by President, to the House

\_\_\_ Secretary of the Senate

**HOUSE-SENATE HISTORY Continued**

19	<p>Received from the Senate _____</p> <p>Concur in Senate amendment  Y ___ N ___ E ___ A ___  _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>Failed to concur Senate amendment, ask Senate recede  Y ___ N ___ E ___ A ___</p> <p>Senate failed to \ receded from amendment  Y ___ N ___ E ___ A ___</p> <p>CC appointed by House _____ Chair  _____</p> <p>CC appointed by Senate _____ Chair  _____</p> <p>(H) Granted Limited Powers of Free Conference</p> <p>(S) Granted Limited Powers of Free Conference</p>
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19	<p>(H) Adopted CC Rpt _____  Y ___ N ___ E ___ A ___  _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>(S) Adopted CC Rpt _____  Y ___ N ___ E ___ A ___  _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>To enrolling  Reported enrolled and sent to Governor</p> <p>_____ By Governor</p> <p>Chapter Number _____</p> <p>Filed with Lieutenant Governor</p>
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**FISCAL NOTE**

**STATE OF ALASKA**  
**1992 LEGISLATIVE SESSION**

No. \_\_\_\_\_  
 Bill version: CS HJR 75 (L&C)  
 (H) Publish Date: 2-28-92

Revision Date: \_\_\_\_\_  
 Title: "A Resolution Relating to employment  
 for Alaskan longshoremen."  
 Sponsor: Representative Davidson, et al.  
 Requestor: House Labor & Commerce

Department Affected: Labor  
 BRU: Labor Standards & Safety  
 Component: Wage & Hour

COMPONENT SERIAL NO. 345

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS.CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL.</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

**ANALYSIS:** (Attach a separate page if necessary)

This resolution does not affect the Department's programs.

Prepared by: Randy Carr, Acting Director Phone: 264-2452  
 Division: Labor Standards & Safety Date: 2/27/92  
 Approved by Commissioner: G. W. Mahlen  
 Agency: Department of Labor Date: 2/27/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# STATE OF ALASKA

## DEPARTMENT OF LABOR

### OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 485-2700

FAX: (907) 485-2784

February 14, 1992

Mr. John King  
Immigration & Naturalization Service  
425 "I" Street N.W., Room 7228  
Washington, DC 20530

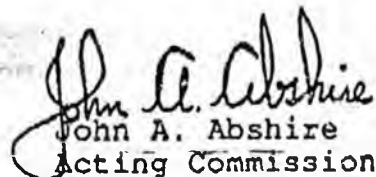
Dear Mr. King:

The Alaska Department of Labor has received information that several foreign concerns have filed attestations with your office, seeking to perform longshore work at various Alaska ports in the Dutch Harbor area. The Department has also received numerous inquiries from American workers; those who would be directly impacted by such approval.

Our information is sketchy and we are concerned that these attestations meet all the requirements for approval. We are, therefore, requesting copies of the attestations and the documentation filed for this purpose, under the Freedom of Information Act. Additionally, we request that any actions in this matter be withheld until the State of Alaska has had time to receive, review, and be allowed to submit comments on the merits of these requests and their impact on American workers.

Thank you, in advance, for your attention to this matter.

Sincerely,



John A. Abshire  
Acting Commissioner

JAA:kh


cc: Governor Walter J. Hickel  
Senator Ted Stevens  
Senator Frank Murkowski  
Congressman Don Young  
John Katz, Governor's Office, Washington, DC  
Judy Knight, Director, Employment Security Division  
Woody Walker, Alien Certification

STATE OF ALASKA  
House of Representatives  
District 27

Representative Cliff Davidson  
Chairman  
House Resources Committee

Box V, Juneau, AK 99811  
(907) 465-2487  
Box 746, Kodiak, AK 99615  
(907) 486-8250

TO: Senator Drue Pearce, Chairman  
Senate Labor and Commerce Committee

FROM: Representative Cliff Davidson 

DATE: March 24, 1992

SUBJECT: Scheduling Request for House Joint Resolution 75

Enclosed is House Joint Resolution 75 which has unanimously passed the House. I would appreciate the Labor and Commerce Committee scheduling a hearing on this legislation at your earliest possible convenience.

Due to current problems facing longshoremen in various ports in Alaska, I feel it is crucial that we act on this matter, for their benefit. For example, in the ports of Chignik, Akutan, Dutch Harbor and St. Paul, exemptions to the Immigration Act have been granted by the U.S. Department of Labor allowing foreign crew members to do the work of local longshoremen. This comes at a time when these ports are extremely busy with seafood production. It is also a time of high unemployment in Alaska and these jobs are important to rural Alaskans.

As sponsor of this legislation, I feel that this resolution will send a strong message to the proper authorities in Washington, D.C. to interpret amendments to the Immigration Act of 1990 to protect jobs that rightfully belong to Alaskans.

Please contact Mark Thissen of my office at 465-2487 if you have any questions. Thank you.

DON YOUNG  
CONGRESSMAN FOR ALL ALASKA  
WASHINGTON OFFICE  
2331 FAYBURN BUILDING  
TELEPHONE 202/225-5765

COMMITTEES:  
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Congress of the United States  
House of Representatives  
Washington, D.C. 20515  
February 27, 1992

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P.O. Box 1880  
NOME, ALASKA 99752

Gene McNary, Commissioner  
Immigration and Naturalization Service  
425 Eye Street, NW  
Washington, DC 20536

Dear Mr. Commissioner:

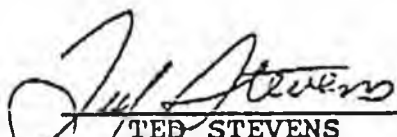
This is to bring to your attention a matter within the Immigration and Naturalization Service's jurisdiction concerning enforcement of immigration law in our state.

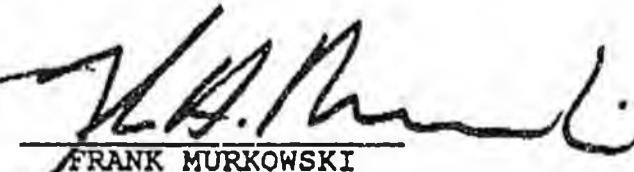
Specifically, we have been informed that violations of the Immigration and Naturalization Act of 1990 ("IMMACT 90") have occurred in or near Dutch Harbor, Alaska. The violations concern employment of alien crews performing longshore work. As you are aware, unless certain exemptions are claimed by a vessel owner, only Americans may perform longshore work in a United States port. Though exemptions cannot be claimed by most, if any, vessels at Dutch Harbor, violations may be occurring.

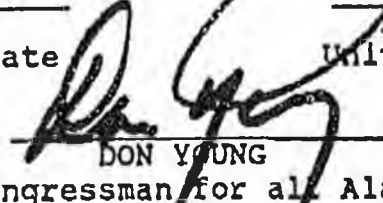
Understanding INS officials' reluctance to investigate and/or prosecute violations of IMMACT 90 without guidance from agency regulations, the law nevertheless must be enforced. In any case, the interim rule on the section of IMMACT 90 with which we are concerned has been reinstated as of February 21, 1992. We believe both the law and regulations are explicit enough to warrant quick and full enforcement of the law to prohibit foreign crews from performing longshore work at Dutch Harbor.

The result of not enforcing this law is lost American jobs. Alaska's economy cannot sustain this consequence. We would appreciate your consideration of our remarks as well as a report on what actions are being taken to ensure IMMACT 90 is enforced.

Sincerely,

  
TED STEVENS  
United States Senate

  
FRANK MURKOWSKI  
United States Senate

  
DON YOUNG  
Congressman for all Alaska