

Pacific American grassroots community sending them home with pearls of wisdom and a charge to do good for others and to serve this nation.

This is how the Asian Pacific American community will forever remember the incredibly vibrant Congresswoman from Hawaii—Patsy T. Mink.

TRIBUTE TO OFFICER GLEN
KIRKLAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 19, 2002

Mr. TOWNS. Mr. Speaker, I rise today to honor Officer Glen Kirkland for his significant contributions in making his community and society a better and safer place to live. Officer Kirkland has always been a beacon in the community with his ability to serve as a conscientious and honorable role model for many youth in the community.

Officer Kirkland was born on March 27, 1955 in Brooklyn, New York to Ruthel and David Fredrick and has five siblings, two sisters and three brothers. During his formative years, he attended Brooklyn public schools. Officer Kirkland began serving his community at an early age; during his teen years he was involved with the Faith, Hope and Charity Community Center. At this community center, Officer Kirkland was involved in projects that kept him off the streets and helped him secure summer employment.

Glen Kirkland became a New York City Police Officer in 1980. During his career as a police officer he has had various assignments dealing with the youth of the community. At the 75th Precinct, Officer Kirkland became the Youth Officer and Union Delegate for the Guardians organization. He has received numerous certificates, awards and plaques from the local community, state and federal entities for his efforts in working with youth.

Officer Kirkland is known not only as a trendsetter on his parole beat but also as a neighbor and family man. On more than one occasion, during the winter snows, he would shovel his sidewalk as well as his neighbors. He is a loving son, brother, devoted husband and father. He is the type of man you can call on at any hour of the day or night for assistance and he will be there.

Mr. Speaker, I ask my colleagues to join me in honoring Officer Glen Kirkland for his leadership specifically with youth and the many other contributions to his community. His endeavors and accomplishments deserve our praise and appreciation.

TRIBUTE TO GARRY BROWN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 19, 2002

Mr. NEAL of Massachusetts. Mr. Speaker, it is an honor for me to bestow a special recognition to Garry Brown, chief Boston Red Sox writer and standout sportswriter for the past 52 years. Let me just say, there is no finer baseball writer in America. Gary Brown was recently awarded the top honors in sports

writing during the annual New England Associated Press News Executives Association award presentations which were held in Ogunquit, Maine.

In commenting on Brown's first place award, the judges noted that "his columns had good starts and even stronger endings. This is column writing the way it should be." Garry has successfully tackled various topics in his columns from the New York City terror attacks to racism. There is no doubt that he is a talented and gifted writer and the people of New England have enjoyed his writing over the last half century.

I am personally a fan of his columns and have read them for many years. So today, I wish to personally congratulate Garry Brown on his first place award and for his outstanding achievement in sports writing. Surely, he has created a dynamic legacy in New England.

LABOR VIOLATIONS UNDERMINE
U.S.-ECUADOR TRADE RELATION-
SHIP

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 19, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, on October 29, the United States Trade Representative (USTR) recommended to the White House that Ecuador be designated a beneficiary country under the Andean Trade Promotion and Drug Eradication Act (ATPDEA). The White House issued a proclamation adopting the recommendation on October 31, one day before trade ministers met for a summit in Quito, Ecuador.

The United States has once again chosen to extend special trading benefits to Ecuador despite blatant and rampant violations of worker rights in that country's banana industry.

Our Administration had a golden opportunity to promote democratic ideals abroad by placing universal labor rights above economic self-interest. It should have withheld trade benefits until Ecuador proved it was serious about eradicating child labor on its plantations, improving the hostile climate toward the right to organize, and bringing to justice those who attacked striking workers in February and May.

In February 2002, hoodlums attacked striking workers on a banana plantation in the middle of the night. Soon thereafter, Human Rights Watch released a damning report which documented a long litany of labor abuses on Ecuadorian banana plantations. As concerned members of the International Worker Rights Caucus, we sent down staffers to investigate the situation. They were given few helpful answers.

On September 23, we wrote to USTR Ambassador Zoellick and made the case that Ecuador did not deserve renewed trading benefits. Throughout the summer, the Ecuadorian government and much of the banana industry had continued to dismiss conclusions reached in the Human Rights Watch Report. It had become clear that the case of the attacked workers was nowhere near resolution. In short, the Ecuadorian government had shown little enthusiasm for instituting necessary labor reforms to keep trade beneficiary status.

USTR took our letter and its recommendations seriously by conferring renewed trading

benefits on Colombia, Peru, and Bolivia but withholding Ecuador's cause for further review. The recent decision to go ahead and renew Ecuador's status is dependent upon Ecuador fulfilling certain medium-term conditions at a later date.

We believe those conditions would be satisfied earlier if our country held Ecuador to the labor standards that U.S. trading agreements demand. The truth is that Ecuador sells more bananas to the U.S. than it does to any other country. It enjoys a beneficial trading arrangement that is contingent upon a respect for basic human rights. It should be held accountable.

We have included the September 23 letter we sent to the USTR. Under each of our recommendations, we have included an update of what the Ecuadorian government has done on this concern. We hope these measures will have been fully adopted by Ecuador when USTR revisits the issue in the future. Until then, we will continue to support rights for workers in Ecuador and elsewhere.

Robert B. Zoellick,
Ambassador, United States Trade Representative,
Washington, DC.

DEAR AMBASSADOR ZOELLICK: As you know, in order for countries to be eligible under the Andean Trade Promotion and Drug Eradication Act (ATPDEA), they must provide for internationally recognized worker rights. We are writing to express our concern that Ecuador has not met this criteria. We are particularly concerned about abuses in the banana sector.

Ecuador does not effectively enforce its laws governing the worst forms of child labor in its banana sector nor do the minimal penalties for violating those laws effectively deter employers from employing children in hazardous conditions. In Ecuador's banana sector, harmful child labor is widespread, children work long hours, are exposed to toxic pesticides, use sharp tools, haul heavy loads of bananas, lack sanitary water and access to restroom facilities, and, in a few cases, experience sexual harassment. Although the government of Ecuador and the Ecuadorian banana industry have recently pledged to take steps to address the problem, the promised steps are insufficient, as they fail to address adequately the problem of ineffective enforcement of child labor laws and inadequate sanctions for their violation.

Ecuadorian laws intended to protect freedom of association are seriously deficient. Employers who fire workers for organizing are not required to reinstate the workers and, if caught, usually pay only a minimal fine. Employers are not prohibited from interfering with unionization efforts or attempting to control workers' organizations. And legal loopholes allow employers to string together short-term contracts to create a vulnerable "permanent temporary" workforce. Subcontracted workers, also used widely in the sector, lack job stability and can only bargain collectively with their subcontractors, not with the companies that actually control their employment terms. These factors create a climate of fear among banana workers in Ecuador and have largely prevented them from organizing, resulting in a banana worker union affiliation rate of roughly 1 percent, far lower than that of Colombia or any Central American banana-exporting country.

Despite all the impediments to organizing, in February 2002, workers on the Los Alamos banana plantations, owned by the Noboa Corporation, began the first serious banana worker organizing drive in Ecuador in over five years. The Los Alamos workers, whose

three unions were recognized by the Ministry of Labor in April and who began a legal strike on May 6 in an effort to get their employers to engage in good-faith negotiations, have been the victims of alleged anti-union dismissals; anti-union violence, including shootings on May 16; government failure to investigate the violence and prosecute the perpetrators; employer interference with Special Committees representing the workers before government-convened arbitration panels; and the unlawful use of strike-breakers. If the Los Alamos workers' right to organize is not fully protected, other banana workers will likely be deterred from organizing for fear of suffering similar consequences, creating a chilling effect on the exercising of fundamental worker rights. Labor abuses in Ecuador's banana sector were extensively documented earlier this year in Human Rights Watch's report, *Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations*, and have also been widely reported in U.S. and foreign media, including the *New York Times*, *Washington Post*, *Financial Times*, and *Economist*.

Because Ecuador has failed to fulfill its commitments to eliminate the worst forms of child labor and to protect workers' right to organize, the country should be denied ATPDEA designation until benchmarks addressing the enforcement of child labor laws and the abuses suffered by Los Alamos workers are met. We urge the United States Trade Representative (USTR) to send a delegation to Ecuador to verify compliance with the benchmarks. If the benchmarks are met, ATPDEA designation should be granted on a provisional basis for six months, on the condition that reforms to bring labor laws into compliance with international standards be made within that time frame.

We also recommend that Ecuador be asked to take the following measures to address urgent labor rights problems prior to ATPDEA designation:

THE LOS ALAMOS CASE

Undertake a comprehensive investigation of the violence against the striking banana workers and effectively prosecute those responsible, including any parties who may have hired the perpetrators.

Not only was this condition not fulfilled prior to granting Ecuador ATPDEA beneficiary status, but Ecuador committed to the United States only, generally, that it would continue to investigate and take further action in the Los Alamos case, failing to address specifically any of the very serious concerns, detailed below, with regards to the investigation undertaken.

At approximately 2:00 a.m. on May 16, 2002, some two hundred armed individuals attacked striking workers on Los Alamos, looting their homes, beating many of them, and shooting at least one. Around 6:00 p.m. that same day, the armed men allegedly shot eight more workers and a policeman. In October 2002, Ecuador concluded a sorely inadequate investigation of this case. According to a report by the prosecutor handling the case, only sixteen of the assailants were charged with any crime. The events of 2:00 a.m. were never investigated. No attempt was made to identify who hired the armed individuals, nor were any workers interviewed. The investigation examined only the case of the injured policeman, mentioning only that a local newspaper had reported that one worker was also shot. The Los Alamos case is now before a criminal judge. Even if the case proceeds to trial, as the prosecutor has requested, and further investigation is undertaken at that stage, the

trial will focus solely on the incidents and charges set forth in the prosecutor's report, which forms the basis for the case. Thus, unless another case is opened and a new investigation undertaken, those who may have contracted the roughly two hundred perpetrators of the violence and all but sixteen of the perpetrators will enjoy impunity, and the sixteen accused will face charges for only a fraction of the illegal activities of May 16, also enjoying impunity with respect to the others.

Investigate whether replacement workers were hired illegally and whether employers attempted to place workers' Special Committees under employer control, violating the right of workers' associations to function free of employer interference. If so determined, these violations should cease and the employers should face appropriate penalties, adequate to deter future abuses. This condition was also not fulfilled prior to granting Ecuador ATPDEA beneficiary status, and, instead, Ecuador committed to the United States, generally that it would establish a "high level commission" to investigate this and other issues related to the Los Alamos case and report back to the United States with findings and recommendations for improvements. Ecuador did not, however, commit that this "high level commission" nor any other government body would punish the employers if guilty of violating Ecuadorian law governing the use of replacement workers or if guilty of violating workers' right to freedom of association by interfering with workers' organizations.

CHILD LABOR

Designate, as required by Ecuadorian law, at least one labor inspector for children in each province—a total of twenty-two inspectors—and provide them with sufficient resources to effectively implement child labor laws. These inspectors should be in addition to, not in lieu of, existing labor inspectors.

Ecuador's Minister of Labor issued a decree addressing enforcement of child labor laws that blatantly fails to meet this condition. On October 4, 2002, Ecuador's Minister of Labor decreed a new "System for the Inspection and Monitoring of Child Labor." However, this initiative is insufficient to address the country's egregious failure to enforce its child labor laws. The new system does not provide for new labor inspectors, but explicitly states that existing inspectors charged with enforcing other labor laws shall be shifted to this new bureaucracy. Furthermore, although the decree states that the Ministry of Labor will ensure that the system is provided with sufficient financial and human resources to complete its functions, there is no guarantee that additional funding will be provided to the Ministry of labor for these purposes.

Ecuador has committed to the United States, generally, to improve enforcement of child labor laws and comply with International Labor Organization (ILO) convention 182 concerning the prohibition and Immediate Elimination of the Worst Forms of Child Labor. Ecuador did not specifically commit, however, to fully fund the system created to uphold these commitments nor to address that system's significant inadequacies.

Ecuador should be required to commit, prior to ATPDEA designation, to make the following labor law reforms within six months, as a condition for continued designation:

Increase the penalty for violating child labor laws and require a portion of punitive fine to be dedicated to the rehabilitation of displaced child workers.

Explicitly prohibit employers from interfering in the establishment or functioning of workers' organizations and attempting to dominate or control workers' organizations.

Require reinstatement of workers fired for engaging in union activity and payment of lost wages during the period when they were wrongfully dismissed.

Prohibit explicitly employer failure to hire workers due to organizing activity and establish adequate penalties to deter employers from engaging in this or other anti-union discrimination.

Allow subcontracted workers to organize and bargain collectively with the person or company for whose benefit work is realized if that person or company has the power to dictate workers' terms and conditions of employment.

Reduce the minimum number of workers required to form a union.

Ecuador has not explicitly made any of these commitments. Instead, Ecuador committed to look seriously at the consistency of its labor laws with ILO obligations. This falls significantly short of promising to submit labor law reforms to congress to address specifically the areas, highlighted above, in which Ecuadorian labor laws fail to meet international standards on freedom of association and child labor.

Ecuador also agreed to send seven labor rights-related international law instruments to its congress for future ratification. Of these seven, however, two—the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and ILO Convention 138, the Minimum Age Convention—were already ratified by Ecuador. One—the Inter-American Convention on the Elimination of All Forms of Discrimination for Reasons of Gender and Age—does not even exist. Therefore, only four of the instruments could, in practice, be submitted for ratification, none of which address the concerns highlighted above.

After these essential measures have been taken and reforms adopted, Ecuador should be required to commit to continuing to reform labor legislation and improve labor law enforcement until internationally recognized worker rights are fully respected throughout the country.

We thank you for your consideration of this very important matter and would be happy to discuss it with you further. We look forward to your response.

Sincerely,

GEORGE MILLER,
Member of Congress.
JANICE D. SCHAKOWSKY,
Member of Congress.

ABORTION AND BREAST CANCER

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 19, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I rise to submit a letter from 28 Members of Congress, and an enclosure from the National Physicians Center for Family Resources, requesting that the National Cancer Institute correct scientific inaccuracies in their Fact Sheet on the link between abortion and breast cancer. I commend the National Cancer Institute for the steps they have already taken to revisit their fact sheet and I look forward to a scientifically accurate fact sheet in the near future.