

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.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 7, 2002.

Hon. TOMMY THOMPSON,
Secretary of Health and Human Services, De-
partment of Health and Human Services,
Hubert Humphrey Building, Washington,
DC

DEAR SECRETARY THOMPSON: We write to request a review of the National Cancer Institute (NCI) fact sheet FS #35.3, labeled "Abortion and Breast Cancer." As we work together to make sure the American public has the most accurate and up to date information on health risks, especially related to the serious disease of breast cancer, we wanted to specifically ask for a review of the official NCI information on the link between abortion and breast cancer. Even though this fact sheet was updated March 6th of this year, we believe it is scientifically inaccurate and misleading to the public.

Even though, to date, 28 out of 37 scientific studies worldwide, and 13 out of 15 in the United States show a positive association between abortion and breast cancer risk, the NCI fact sheet on this topic emphatically states "The current body of scientific evidence suggests that women who have had either induced or spontaneous abortions have the same risk as other women for developing breast cancer." This glossing over of the weight of published scientific evidence does not provide the public with the information they deserve.

Furthermore, it seems inappropriate for the NCI to rely so heavily on one study to support its claims regarding abortion and breast cancer. The NCI fact sheet relies on Melbye et al., 1997, although that study contains many significant flaws. In particular the Melbye study: misclassified 60,000 women as not having abortions when, in fact, the women did undergo an abortion; included medical records that did not consistently record a history of abortion; and, included over 350,000 women who were generally too young to be diagnosed with breast cancer because their ages were twenty five years of age and younger. We believe NCI has given this flawed study too much weight and that the entire body of evidence needs to be revisited as soon as possible.

We respectfully request that the fact sheet be reevaluated for accuracy and bias and that it be removed from the Department website until that review is completed. We thank you for your attention to this important health issue and to our concerns about the NCI fact sheet on the link between abortion and breast cancer.

Sincerely,

Christopher Smith; Joseph R. Pitts; John Shadegg; W. Todd Akin; Joe Wilson; Robert B. Aderholt; Walter B. Jones; Sue Myrick; Milissa A. Hart; Sam Johnson; Roscoe G. Bartlett; Todd Tiahrt; Pete Hoekstra; Bob Schaffer; Mike Pence; Gil Gutknecht; Van Hilleary; Henry E. Brown, Jr.; Jim Ryun; Barbara Cubin; Dave Weldon; Jim DeMint; John Sullivan; Mark Souder; John N. Hostettler; JoAnn Davis; Ernest Istook; Cliff Stearns.

NATIONAL CANCER INSTITUTE FACT SHEET ANALYSIS, THE ABORTION—BREAST CANCER CONNECTION (ABC LINK), NATIONAL PHYSICIANS CENTER FOR FAMILY RESOURCES (NPC), APRIL, 2002

Overall tone of denial of abc link: ". . . it appears that there is no overall association between spontaneous or induced abortion and breast cancer risk, . . ." even though, to date, 28 out of 37 studies worldwide and 13 out of 15 in the U.S. report a positive association.

Confusion of induced and spontaneous abortion: These two terms appear together

repeatedly, as if they are equivalent. Never is the proper equation of spontaneous abortion and miscarriage made; in fact, the word miscarriage never appears. Yet paradoxically, the "inability to separate induced from spontaneous abortions" is offered as a criticism of earlier studies on the abc link.

Misrepresentation of the published medical literature on the abc link:

(a) A key study on American women which relied on prospective medical records (Howe et al., 1989), and which found a significant abc link (overall RR = 1.9), is not cited at all, even though much more weight is given to data "from studies that collected data on abortion history before the breast cancers occurred", and even though it is presented as a weakness that "Most of the early studies relied on self-reports of induced abortion".

(b) The study specifically funded by the NCI to examine the abc link (Daling et al., 1994), which study reported a significant overall link (RR = 1.5) and much higher risks for teenagers (RR = 2.5) and actually reported "RR = □" for teenagers with any family history of breast cancer, is not cited at all.

(c) The only comprehensive review and meta-analysis on the abc link (Brind et al., 1996), which reported a positive association in 18 out of 23 studies worldwide (9 out of 10 in the US), is not cited at all.

Reliance on flawed studies which do not show an abc link, merely because they are based on prospective data, namely:

(a) the study by Melbye et al., 1997, even though it misclassified 60,000 abortion-positive women as abortion negative, used breast cancer records which antedated abortion records, and included over 350,000 women under age 25, among other flaws;

(b) the study by Goldacre et al., 2001, even though it misclassified over 90 percent of the abortion-positive women in the study as abortion-negative;

(c) the null studies by Newcomb and Mandelson (2000) and Lazovich (2000), even though both are so small (23 and 26 patients with induced abortion, respectively) and of such low statistical power that neither could even detect a RR as low as 1.5 with statistical significance.

Inclusion of inaccurate statements, i.e.:

(a) "In three of the (four) studies, information was based on medical records than on the woman's self-report;". In fact, this is true of only two (i.e., Goldacre and Newcomb & Mandelson) of the four studies referred to.

(b) "The strength of this study (Melbye 1997) include . . . the ability to account for breast cancer risk factors that may differ between those women who have had abortions and those who have not;". In fact, the lack of such data on potential confounders was a weakness of the Melbye study, which only adjusted for age and age at first term pregnancy. Most studies also adjust for age at menarche, age at menopause, etc.

(c) "Most of the early studies necessarily relied on self-reports of induced abortion, which have been shown to differ between breast cancer patients and other women." In fact, the opposite is true. Even the only study cited on the fact sheet which examined this question reported: "The authors' data do not suggest that controls are more reluctant to report a history of induced abortion than are women with breast cancer."

Disguising the established breast cancer risk factor that is directly affected by abortion in a substantial proportion of abortion patients, i.e.: "Well established breast cancer risk factors include . . . a late age at the time of the first birth of a full-term baby". Abortion, which, in childless girls and women, necessarily delays the first full-term pregnancy, is not mentioned at all in this context.

CONFERENCE REPORT ON S. 1214,
MARITIME TRANSPORTATION SE-
CURITY ACT OF 2002

SPEECH OF

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2001

Mr. HORN. Mr. Speaker, I rise today in support of S. 1214, the Port and Maritime Security Act of 2002 Conference Report. As many of you know, I have been privileged to represent the Ports of Los Angeles and Long Beach for the past 10 years. Each day these ports receive cargo from points around the globe. The San Pedro Bay port complex is the third largest seaport in the world. These ports are responsible for over 30 percent of all U.S. waterborne trade with an estimated value of \$162 billion a year. The bulk of these imports arrive in 20- or 40-foot containers aboard some of the world's largest cargo ships. Additionally, our ports handle millions of cruise passengers annually. Insuring the safety of containers and passengers entering and exiting the ports of this country is a daunting task. Currently, only about 2 percent of the shipping containers entering the country are inspected. This simply will not do. Passing this comprehensive port security legislation will insure that more containers are inspected and that our ports are properly protected.

I am particularly pleased that Section 203 of this legislation incorporates a bill that I introduced in the 106th Congress. This section authorizes the Secretary of Transportation to make grants to the American Merchant Marine Veterans Memorial Committee to construct an addition to the American Merchant Marine Memorial Wall of Honor in San Pedro, California. Thus far, the Committee has already raised well over \$500,000 to begin construction on the second phase of this memorial. Plans for the addition to the memorial call for panels to list the names of those who died while serving in the U.S. Merchant Marine.

Since 1775, the maritime community has played a critical role in gaining and preserving American freedom. The Merchant Marine served as our first Navy and defeated the British Navy in our fight for independence. We owe much to the brave mariners past and present who have served in the Merchant Marine. The American Merchant Marine Memorial Wall of Honor located in San Pedro, California, is a symbol of the debt we owe those who have served so bravely.

Many of my colleagues will remember how the Merchant Marine secured its place in American history during the Second World War. During that conflict, the 250,000 men and women in the U.S. merchant fleet made enormous contributions to the eventual winning of the war, keeping the lifeline of freedom open to our troops overseas and to our allies. This fleet was truly the "Fourth Arm of Defense" as it was called by President Franklin D. Roosevelt and other military leaders.

The members of the U.S. Merchant Marine faced danger from submarines, mines, armed raiders, destroyers, aircraft, "kamikaze," and the elements. At least 6,800 mariners were killed at sea and more than 11,000 were wounded at sea. Of those injured, at least 1,100 later died from their wounds. More than 600 men and women were taken prisoner by