

## EXTENSIONS OF REMARKS

### DEPARTMENT OF LABOR ACTIVITIES ON OREGON FARMS

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. WALDEN. Mr. Speaker, following is the letter I referred to earlier today.

CONGRESS OF THE UNITED STATES,  
Washington, DC, August 17, 2012.

Hon. HILDA L. SOLIS,  
Secretary, U.S. Department of Labor,  
Washington, DC.

DEAR MADAM SECRETARY: In the last two weeks, we have received reports about Department of Labor (DOL) activities on Oregon farms which raise significant questions. Specifically, we have been made aware of three issuances of "hot goods" orders (HGO) by DOL to sanction violations of the Fair Labor Standards Act (FLSA) since August 2nd. Depending on the case, these HGOs can prevent perishable farm products from being shipped off-farm, and effectively shut down harvest activity while the order is in place. We absolutely do not condone violations of the FLSA. However, in a phone call with Congressman Kurt Schrader and DOL representatives on Monday, August 13th, 2012, the DOL asserted that a HGO could only be considered after thorough investigation, due process opportunities for response by the employer, and a finding that the violations were willful, egregious, and/or repeated. Indeed, DOL's website states that restraining the shipment of goods is to be used after a thorough process:

"When all the fact-finding steps have been completed, the employer and/or the employer's representative will be told whether violations have occurred and, if so, what the violations are and how to correct them. If back wages are owed, the employer will be asked to pay the back wages and the employer may be asked to compute the amounts due. . . . In the absence of an employer voluntarily correcting the violations, the Wage and Hour Division may seek to restrain the shipment of the goods."

We are concerned that Oregon farmers have presented us with a narrative and supporting documentation that indicates that DOL may have abandoned the normal due process mechanisms and remedies in favor of a significant sanction. In one case, a farmer was told that the HGO would only be lifted after a large sum was paid to DOL and after he signed a consent judgment. The consent judgment included a waiver of any recourse if findings of fact or law later exonerated him. It required a waiver of the right to contest the finding. All this took place before the farmer was ever informed in writing what the alleged violations were.

We are not asking you to address these specific cases and cannot verify their credibility, but rather, we are writing to ask you for additional clarification of DOL procedures and practices for issuing HGOs on agricultural enterprises and enforcing the FLSA, including:

Is it the policy of the DOL to not disclose alleged violations to employers before issuing hot goods orders?

What test or standard is the DOL using to determine the need for a hot goods order?

Why does the DOL ask employers to waive rights for future findings of fact or law in its consent judgments?

What opportunity is there for an employer to respond without having his/her perishable crop under threat?

On farms and elsewhere throughout the economy, DOL serves a vital function in communicating and enforcing rules and laws to protect all working people. Statutes and rules give the Department the tools necessary to apply remedies commensurate with the severity and/or frequency of violations of the law. It is our hope that the fairness and due process provided by law is available to all employers and employees alike.

Please consider this request consistent with all applicable laws and regulations. We thank you for your consideration and look forward to your response.

Sincerely,

KURT SCHRADER.  
PETER DEFazio.  
RON WYDEN.  
GREG WALDEN.  
JEFF MERKLEY.  
SUZANNE BONAMICI.

### IN RECOGNITION OF SAN MATEO COUNTY SUPERVISOR ROSE JACOBS GIBSON

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor San Mateo County Supervisor Rose Jacobs Gibson upon her retirement from the San Mateo County Board of Supervisors.

While on the board, Supervisor Gibson initiated the East Palo Alto Crime Reduction Task Force, a collaborative effort between law enforcement and community groups. This effort successfully reinforced the accomplishments of her city service and led to the adoption of additional measures to reduce violence. Today, this task force stresses four strategies to create a healthier East Palo Alto: Prevention, Intervention, Enforcement, Sustainability. These are all strategies championed by Rose Jacobs Gibson and they include the activities of community clean ups, gang intervention, a Police Activities League, and a re-entry program for ex-offenders. East Palo Alto is a healthier place for all residents thanks to Rose Jacobs Gibson and her leadership.

Supervisor Gibson also continued her efforts to reduce crime by helping to create the Domestic Violence Council. The council is a permanent instrument to educate policymakers in our county about this critically important subject. She co-chaired the first Women's Criminal Justice Summit, a forum that identified many ways that existing resources could be used to improve the outcomes of our criminal justice system. She is a strong advocate for programs that prepare incarcerated women to lead independent, productive lives once they re-enter the community.

Supervisor Gibson sits on the board of the Housing Endowment and Regional Trust

(HEART) of San Mateo County and is a policy leader in the development of affordable housing within our community. HEART has assisted in developing nearly every major affordable housing development in our county since its founding. Supervisor Gibson was instrumental in designing San Mateo County's housing element and can always be counted upon to advocate for the elemental right to decent housing for every human being.

Public health has always been a significant part of Supervisor Gibson's agenda. She initiated a countywide summit on health disparities, an event that led to the creation of several health-focused task forces. The task forces, in turn, identified strategies to reduce childhood obesity and drug and alcohol abuse. As one example of a brick-and-mortar impact in our community, the Ravenswood Family Health Clinic was founded in East Palo Alto as a result of a team of advocates, including most notably Supervisor Gibson. This facility is a linchpin in community healthcare in East Palo Alto.

Rose also served on the East Palo Alto City Council from 1992 to 1999. She was Mayor in 1995 and 1996. She and her many allies in the community were instrumental in reducing the crime rate and in helping to restore community faith in law enforcement.

While on the city council, Rose Jacobs Gibson supported the shutdown of a toxic chemical plant and as a member of the Board of Supervisors she demanded an investigation of toxic contaminants in our county parks. She regularly worked with our transportation agency to improve public transit for her district's residents and she worked as a member of a team of community leaders to secure funding and approvals for school improvements throughout her district.

Rose Jacobs Gibson will be remembered fondly in San Mateo County as a leader who was eloquent and forceful, gracious and principled, visionary and practical. San Mateo County has been the beneficiary of Supervisor Gibson's public service at so many levels and in so many ways that it is difficult to sum up the achievements of a lifetime in a single recitation of her accomplishments. I respectfully end these comments with a simple observation about Rose Jacobs Gibson: She has left her mark, and generations yet to come will live better lives because of her service.

### IDENTIFY TROUBLED YOUTH NEEDING HELP AND SUPPORT

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. KAPTUR. Mr. Speaker, in our continuing efforts to turn the tragic events at Newtown to high purpose, I include two articles from the USA Today newspaper, one entitled "A Boy Lost in the Shadows", and another, "Newtown Puts Mental Services in Spotlight."

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These articles remind me of a conversation a few years ago with a caring grade school teacher from my own district who became quite frustrated with the local school system's inability to help her manage the behavior of a child in her elementary classroom. The child, several times a day, became uncontrollable, moving about the classroom, throwing tantrums, screaming loudly, often falling to the floor, thus causing great confusion in the class. Despite the teacher's repeated attempts to help the child, it became obvious professional help was needed. A complicating factor became family members who were in denial that anything out of the ordinary was actually occurring with the child, despite the constant disruption, acting out, anger, and anti-social behavior the child was demonstrating. After repeated attempts that took three years, and let me emphasize three years, the teacher was able to have the child referred to behavioral specialists and placed in a more appropriate learning environment. That situation alone made me wonder about the manner in which we as a society make help available to children who exhibit destructive behaviors that are harmful to themselves and potentially to others.

Mr. Speaker, as a society, we seem to lack the methods to identify troubled youth and put them on a proper path to healing, if healing is possible. Too often, a child is left floundering due to our collective inability to help them find a constructive path forward. For example, many of our local boards of education often are not properly equipped to identify and assist children who are uncivil or who are completely alienated from their surroundings. Some families, too, seem unaware of their child's behaviors as unusual or potentially destructive. As the article I inserted in the RECORD yesterday reports, some parents are so overwhelmed in caring for children with special behavioral conditions, they simply don't know what else to do. Then again, too often there is no one to call to help.

Through the Commission President Obama proposed be formed to address the conditions that led to Newtown's tragedy, surely that Commission should invite a cross section of Americans to share their knowledge about what led to the mass killings that have harmed so many in our nation over the past decade, and what we must do as a society to prevent future tragedies. We can all envision a future where the incredible intelligence and goodwill of the citizens of our nation can lead us to a better day if we provide a forum to listen carefully to the voices among us who grapple with these challenges daily.

[From USA Today, December 17, 2012]

#### A BOY LOST IN THE SHADOWS

(By Donna Leinwand Leger and Yamiche Alcindor)

SANDY HOOK, CONN. Adam Lanza left only the faintest impression on classmates, neighbors and the people of Newtown before he killed his mother and shot his way into Sandy Hook Elementary, where he killed 20 children and six teachers before turning the gun on himself.

Lanza, 20, skulked through the hallways of Newtown High School in over-sized button-down shirts, eyes perpetually downcast. His name appears a few times on the honor roll published in the weekly Newtown Bee, but his picture is absent from The Newtown Nighthawk yearbook.

"He was very withdrawn," said Tracy Dunn, 20, who graduated from Newtown High School in 2010, Lanza's class.

Dunn, a junior at Massachusetts College of Pharmacy and Health Sciences, said she never saw him talk with anyone or hang out with friends. He spent time with computers and cameras in the technology room and belonged to the Tech Club.

"He would always have his head down walking to class with his briefcase—kind of scurrying," she said. "He never sat down or said anything to kids at this locker. He was just there in the background."

Andrew Lapple, who sat next to Lanza in homeroom their senior year at Newtown High, told the Hartford Courant that Lanza "never really talked at all" and walked the corridors at school clutching his laptop.

"He walked down the halls, against the wall almost like he was afraid of people," Lapple said. "He was definitely kind of strange, but you'd never think he'd do something like this."

Lanza grew up in Sandy Hook in a sprawling colonial house with his parents, Nancy and Peter, and an older brother, Ryan, 24. His parents divorced in 2009 after a long separation, and his father has remarried. Family friends and relatives say much of his education was home schooling by his mother.

He attended Reed Intermediate School for sixth grade and appears in a 2003 yearbook photo. In the 2005 yearbook for Newtown Middle School, he's listed with the seventh grade without a picture under "camera shy," but he isn't listed in the eighth-grade class the next year. His name surfaces at Newtown High School in 2008 as a sophomore.

Marsha Moskowitz of Sandy Hook drove the school bus that took Lanza to Newtown Middle. She remembers him as "quiet, shy and reserved."

His mother clashed with school officials and eventually removed Adam from public school and home-schooled him, her former sister-in-law, Marsha Lanza of Chicago, told a CBS News affiliate.

Lanza had trouble with her youngest son for years, and her friend Louise Tambascio, owner of My Place Pizza & Restaurant. He was diagnosed with a disorder on the autism spectrum called Asperger syndrome, she said. Psychologist Elizabeth Laugeson, an assistant clinical professor at the University of California-Los Angeles, had no knowledge of Adam Lanza's case but said, "There really is no clear association between Asperger's and violent behavior."

Nancy Lanza stopped into My Place once or twice a week but rarely talked about her younger son, Tambascio said. Ryan, the older son, bused table at the restaurant for two years. He is outgoing and personable, she said. The brothers haven't spoken in two years, she said.

"Ryan who was the complete opposite of his brother," she said. Adam "always had his face down. He would never look you in the eye."

Police say the three guns used in the massacre were purchased legally and registered to Nancy Lanza, whom friends described as a gun and shooting aficionado. Tambascio said shooting was "a hobby."

She "had nothing to do with what her son did. She's a good person, goodhearted. She would do anything for you," Tambascio said.

Nancy Lanza "liked the single-mindedness of shooting," her landscaper, Dan Holmes told The Washington Post, Holmes said she mentioned taking her son to the firing range to practice. Holmes never entered the house or saw her son, but she did once bring an antique rifle outside to show him, he told the Post.

The shooter's father, Peter Lanza of Stamford, said the family is "in a state of disbelief."

"We, too, are asking why," he said in a written statement. "Like so many of you, we

are saddened, but struggling to make sense of what has transpired."

The Lanzas' neighbors on Yogananda Street say it's puzzling that on such a close-knit block where residents throw barbecues for newcomers, so few of them knew Adam Lanza or had ever seen him.

"It's a mystery. Nobody knows them, which is odd for this neighborhood," Len Strocchia said. "Everyone knows each other through the children, the school bus. The community here is kids."

Neighbor Dave Lapp said he had little to tell the FBI and State Police when they called on Friday night. "We walked by their house with the dog every day, and we don't know them. We've never even seen them," Lapp said.

Dunn, Adam Lanza's classmate, fears that may have been at the root of the problem.

"Maybe if someone had tried to reach out to Adam—maybe he needed a friend. Maybe this wouldn't have happened," Dunn said. "He's just one kid who slipped through the cracks."

[From USA Today, December 17, 2012]

#### NEWTOWN PUTS MENTAL SERVICE IN SPOTLIGHT

(By Liz Szabo)

Families and doctors who treat the mentally ill say they hope Friday's tragedy in Newtown, Conn., will refocus the nation's attention on improving mental health services.

Police have not released details about the motives or mental state of shooter Adam Lanza. But perpetrators of similar mass shootings—at Virginia Tech, Northern Illinois University and an event in Tuscon for former congresswoman Gabrielle Giffords—all had serious mental health conditions.

"We wait for things like this to happen and then everyone talks about mental health," says Priscilla Dass-Brailsford, an associate professor of psychology at Georgetown University Medical Center. "But they quickly forget."

There are hundreds of multiple-casualty shootings a year, says forensic psychologist Dewey Cornell, director of the Virginia Youth Violence Project. People have become so desensitized that they pay no attention, he says, yet mental illness contributes to domestic violence, child abuse, drug addiction, homelessness and incarceration. Investing in mental health care could help prevent tragedies, he says.

"Mental health has shrunk down to the level of short-term crisis management," Cornell says. "We can't think about the gunman in the parking lot and what to do with him. We have to get involved a lot earlier."

Schools and communities "have cut their mental health services to the bone. We're paying a price for it."

#### CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE IMPACTED BY THIS TRAGEDY

SPEECH OF

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today with a heart full of sorrow over the horrific violence at Sandy Hook Elementary School in Newtown, Connecticut, which