

## 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 JA- COBS 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.