

WASHINGTON, DC— U.S. Congressman Peter DeFazio (D-Springfield) on Friday sent a letter to the Department of Labor’s Acting Inspector General, Daniel Petrole, requesting a review of the use of foreign workers on several Forest Service contracts funded by the American Recovery and Reinvestment Act (ARRA), or so-called stimulus funds. The Bend Bulletin recently reported that several companies that were awarded Forest Service contracts funded by ARRA filed H-2B applications to use foreign workers for the contracts. Federal regulations require that employers who file H-2B petitions must include a certification from the Department of Labor stating that qualified workers are not available in the U.S. and that the foreign workers employment will not adversely affect wages and working conditions of similarly employed U.S. workers.

“Oregonians have been logging our forest for over a century. Our workforce is among the best in the world,” DeFazio said. “I find it hard to believe that federal contractors paying prevailing wages cannot find Oregonians to take these forestry jobs. Rural Oregon has suffered from long-term unemployment of well above 20%. There is no excuse to not be hiring these hard working Americans in the current recession. We cannot allow U.S. companies to abuse immigration laws to undercut American workers.”

A copy of DeFazio’s letter to the Inspector General follows:

September 3, 2010

Daniel R. Petrole, Deputy Inspector General, Acting Inspector General Office of Inspector
General 200
Constitution Avenue, NW

Room S-5502

Washington, DC 20210

Telephone: (202) 693-5100

Dear Inspector General Petrole:

I was very concerned to read a recent Bend Bulletin article highlighting possible H-2B Visa irregularities related to Forest Service contacts in central Oregon funded by the American Recovery and Reinvestment Act [see Foreigners snag forest stimulus jobs. Keith Chu. The Bend Bulletin. July 25, 2010.]

As you know, federal regulations require that employers who file H-2B petitions must include a certification from the Department of Labor stating that qualified workers are not available in the U.S. and that the foreign worker's employment will not adversely affect wages and working conditions of similarly employed U.S. workers.

I find it hard to believe that federal contractors paying prevailing wages in rural Oregon which has suffered from long-term double digit unemployment cannot find Oregonians to take these forestry jobs. I also find it illogical to allow federal contractors to "self attest" that they could not hire Oregonians to perform this work.

As such, I ask that you review the Department of Labor's certification of these the H-2B applications in question and review the H-2B applications submitted by these companies for any improprieties.

The Bend Bulletin identified two local forestry companies who easily dispelled the myth that Americans are were not available.

- Mike Wheelock, owner of Grayback Forestry said "Right now, if I put an ad in, I could get anywhere from 200 to 400 applications from local workers."
- Darst Atherly owner of Atherly Contracting in Bend and Burns, said "I get three to five calls a week from people seeking employment, despite having no ads and despite telling people I'm not hiring."

We should not underestimate the motivation for using the H-2B Visa to undercut the competition. According to the Bend Bulletin article, Mr. Atherly was outbid by 50 percent on a recent federal contract by a competitor using foreign labor.

We cannot let U.S companies abuse the immigration laws of our nation to undercut their lawful competitors or American workers. Oregonians have been logging for over a century and in the current recession there is no excuse to not be hiring these hard working Americans.

Sincerely,

PETER A. DEFAZIO

Member of Congress