

November 15, 2010

The Honorable Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear President Obama:

I am writing you because four forestry companies that received contracts from the federal government under the American Recovery and Reinvestment Act (ARRA) did not make a good faith effort to hire Oregonians to complete those contracts, but were instead granted temporary labor certifications by the Department of Labor and used H-2B visas to employ foreign workers. In fact, I would argue that by not listing their job openings with the Oregon State Workforce Agency (SWA) and only advertising for workers in small newspapers outside of the state of Oregon, these companies willfully avoided hiring Oregon workers. Given that one of ARRA's primary goals was to create jobs for American workers, I imagine you share my anger in learning these facts.

I imagine you will also be displeased to learn that I have spent the last four months raising these issues with both the Department of Labor and the Forest Service only to be instructed that according to existing Department of Labor regulations, these companies and the federal government reportedly have done nothing wrong, as they both complied with the letter of the law in applying for and granting temporary labor certifications. It is, of course, disappointing that these companies did not also consider the spirit of the law that led to their receiving federal contracts. But given these facts, my conclusion is that the requirements to obtain H2-B visa temporary labor certifications need to be amended so that this does not happen again.

I believe the following requirements – which can be implemented through an Executive Order – will ensure that U.S. workers have the opportunity to apply for job openings before H-2B visa workers are used. Before issuing temporary labor certifications, the Secretary of Labor shall require that:

- job orders must be filed with the State Workforce Agencies for all states listed in the application, rather than only the state “where work has been identified to begin.”
- the employer must run newspaper ads for at least one week.
- the employer must run newspaper ads in the newspaper with the largest circulation in each state listed in the application.
- the employer must run newspaper ads in the newspapers with the largest circulation in the various areas where work will be performed.

Thank you for your attention to this matter. I look forward to working with you and the Department of Labor to ensure that American workers are notified of jobs made available through federal government contracts.

Sincerely,

A handwritten signature in blue ink that reads "Ron Wyden". The signature is written in a cursive, flowing style.

Senator Ron Wyden

cc: Secretary of Labor Hilda Solis  
Assistant Secretary of Labor Jane Oates  
Assistant Secretary of Labor Brian Kennedy