
I MINA ' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) REGULAR SESSION

Bill No. 48 (COR)

As substituted by:

The Committee on Labor,

The public Structure, Public Libraries and Technology

Introduced by:

Matt Rector

AN ACT TO AMEND § 7119 OF 22 GCA CHAPTER 7
ARTICLE 1 SUBSECTION A, TO REPEAL AND REENACT
§ 7119 OF GCA CHAPTER 7 ARTICLE 1 SUBSECTION B,
AND TO ENACT A NEW SUBSECTION C OF § 7119, 22
GCA CHAPTER 7. THIS ACT SHALL BE HEREIN
REFERRED TO AS:

THE MIDDLE-CLASS JOB CREATION ACT OF 2009.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 finds that the use of H-2 workers by Guam's employers and now the United
4 States Federal Government has driven down the wages of Guam's workers to
5 half of what they should be, which robs Guam's Working Families and
6 economy of billions of federal and tourism dollars every year; *I Liheslatura*

1 additionally finds that with over thirty-thousand (30,000) adults that have
2 given up looking for work on Guam, and with an estimated 8.3% of those
3 that are looking unable to find jobs, that there is absolutely no excuse for the
4 presence of the thousands of temporary workers currently employed on
5 Guam, and the promise of thousands more in the future;

6 It is therefore the intent of *I Liheslatura* to amend Title 22, Chapter 7
7 article 1 § 7119 of the Guam Code Annotated to create thousands of good,
8 middle class jobs for our people by making it no longer profitable for
9 businesses to replace Guam's resident workers with H-2 workers. By
10 implementing a fee of up to Twenty-Thousand dollars (\$20,000) per year
11 gradually over a period of several years_for each temporary worker it will
12 make it more profitable to hire local workers at wages comparable to that of
13 their brothers and sisters doing exactly the same work in Hawaii or elsewhere
14 in the Nation. This will also have the effect bringing billions of additional
15 federal dollars to Guam and ensuring that it circulates within our economy. It
16 will also serve to lift the federal prevailing and Davis-Bacon Act wages
17 which will benefit even more families and our economy by forcing up
18 Guam's pay-scale for workers on U.S Government projects.

1 **Section 2. § 7119, Title 22 GCA, Chapter 7 Article 1**

2 **Subsection (a) is amended to read as follows:**

3 **“ § 7119. Registration fee.**

4 **(a):** The Guam Department of Labor is authorized to collect [a]
5 an annual registration fee [of One Thousand Dollars (\$1,000.00)
6 annually] per each and every non-immigrant temporary worker
7 for each calendar year or a fraction thereof from the employer of
8 each non-immigrant temporary worker. This fee shall be set at
9 rates in accordance with the following fee schedule:

10 (i) Beginning October 1st, 2009, the annual fee per non-
11 immigrant temporary worker shall be set at a rate of
12 Five Thousand dollars (\$5000).

13 (ii) Beginning October 1st, 2010, the annual fee per non-
14 immigrant temporary worker shall be set at a rate of
15 Ten Thousand dollars (\$10,000).

16 (iii) Beginning October 1st, 2011, the annual fee per non-
17 immigrant temporary worker shall be set at a rate of
18 Twenty-Thousand dollars (\$20,000).

1 This new fee shall be applicable as of October 1st, 2009. This fee
2 shall be extended to include those workers authorized under H-
3 1A, H-1B, H-1C, H-2A, H-2B, L, H-1B1, TN/TD, or J. H1-B
4 status United States Visas, whose employers will be obligated to
5 pay said fee in accordance with this section. Payable at the time
6 of registration by the non-immigrant worker[-] with the Guam
7 Department of Labor.”

8 **Section 3. § 7119, Title 22 GCA, Chapter 7 Article 1 subsection (b) is**
9 **hereby repealed and re-enacted to read as follows:**

10 ~~“(b). Funds collected pursuant hereto shall be subject to~~
11 ~~legislative appropriation, and shall be used solely to support~~
12 ~~§7120, Chapter 7, 22 GCA (Manpower Development Fund) and~~
13 ~~Skills Training Programs for Guam residents in order to eliminate~~
14 ~~the need to bring non-immigrant temporary workers on Guam.]”~~

15 “(b). Two-Thousand dollars of every individual fee collected
16 pursuant hereto shall be used to support the § 7120, Chapter 7,
17 Title 22 GCA Manpower Development Fund provided that the
18 Manpower Development Fund created under § 7120 of this
19 chapter shall be subject to annual audit by the Office of the

1 Public Auditor. Said funds shall be subject to legislative
2 appropriation. The remainder of any and all funds collected
3 pursuant to § 7119, Chapter 7 Title 22 GCA aside from this
4 amount of Two-Thousand dollars (\$2000) per each and every fee
5 collected to be remitted to the Manpower Development Fund
6 shall be added to the Treasury of Guam to the credit of the
7 General Funds.”

8 **Section 4. § 7119, Title 22 GCA, Chapter 7 Article 1 subsection**
9 **(c) is hereby enacted to read:**

10 “(c) Should any provision of this section or application of any
11 provision of this section to any individual or circumstance be
12 found to be invalid, such invalidity shall not affect other
13 provisions or application, and to this end, the provisions of this
14 section are severable.”