

115TH CONGRESS  
2D SESSION

# H. R. 6480

To allow the Governor of Guam to determine temporary need of nonimmigrant workers on Guam, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2018

Ms. BORDALLO introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To allow the Governor of Guam to determine temporary need of nonimmigrant workers on Guam, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guam Temporary  
5 Workforce Act”.

6 **SEC. 2. NONIMMIGRANT WORKERS IN THE TERRITORY OF**  
7 **GUAM.**

8 (a) IN GENERAL.—The following shall apply in the  
9 case of an alien who seeks admission to Guam under sec-

1 tion 101(a)(15)(H)(ii)(b) of the Immigration and Nation-  
2 ality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)):

3 (1) An employer must file a petition with the  
4 Secretary for endorsement of the alien's eligibility  
5 for classification as a H-2B temporary employee be-  
6 fore the alien may apply for a visa or seek admission  
7 to the United States.

8 (2) In the Territory of Guam, an employer peti-  
9 tioning for H-2B temporary employees shall apply  
10 for a temporary labor certification with the Governor  
11 of Guam (as described in 8 C.F.R. 214.2 unless oth-  
12 erwise contradicted by this Act) prior to filing a pe-  
13 tition.

14 (3) The Secretary will conclude the following  
15 when presented with an employer petition containing  
16 an approved temporary labor certification issued by  
17 the Governor of Guam:

18 (A) United States workers capable of per-  
19 forming the temporary services or labor as de-  
20 scribed in the temporary labor certification are  
21 not available.

22 (B) The alien's employment will not ad-  
23 versely affect the wages and working conditions  
24 of similarly employed United States workers.

1           (C) The employer has a one-time occur-  
2           rence, seasonal need, peakload need, intermit-  
3           tent need, or other qualified need for temporary  
4           employees.

5           A completed employer petition for H-2B temporary  
6           employees on Guam shall be approved by the Sec-  
7           retary so long as the petition includes an approved  
8           temporary labor certification issued by the Governor  
9           of Guam within the last 365 days.

10           (4) An approved temporary labor certification  
11           issued by the Governor of Guam may only be invali-  
12           dated if it is determined by a court of law that the  
13           temporary labor certification request involved fraud,  
14           willful misrepresentation, or gross misconduct.

15 **SEC. 3. DEFINITIONS.**

16           (a) **IN GENERAL.**—Unless otherwise contradicted in  
17 this Act, all terms, including H-2B, intermittent need,  
18 one-time occurrence, peakload need, petition, seasonal  
19 need, temporary employees, and temporary labor certifi-  
20 cation, are as described or defined in the Regulations pro-  
21 mulgated by the Department of Homeland Security (8  
22 C.F.R. 1.2 and 214.2) as in effect on July 24, 2018.

23           (b) **OTHER DEFINITIONS.**—The following terms are  
24 defined as below:

1           (1) SECRETARY.—Secretary means the Sec-  
2           retary of the Department of Homeland Security or  
3           any official to which the Secretary of the Depart-  
4           ment of Homeland Security has delegated his or her  
5           authority.

6           (2) QUALIFIED NEED.—The Governor of Guam  
7           shall establish procedures for determining what con-  
8           stitutes a “qualified need” under this Act.

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