

119TH CONGRESS
1ST SESSION

H. R. 3646

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

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2025

Mr. MOYLAN introduced the following bill; which was referred to the
Committee on the Judiciary

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 CFR 214.2 unless other-
12 wise contradicted by this Act) prior to filing a peti-
13 tion.

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 CFR 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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