

I MINA ' TRENTA NA LIHESLATURAN GUÅHAN

2009 (SECOND) REGULAR SESSION

Bill No. 48 (Cor)

Introduced By:

Matt Rector

2009 JAN 28 PM 4:31 - MW

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

THE MIDDLE-CLASS JOB CREATION ACT OF 2009.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan*

finds that the use of H-2 workers by Guam's employers and now the United States Federal Government has driven down the wages of Guam's workers to half of what they should be, which robs Guam's Working Families and economy of billions of federal and tourism dollars every year; *I Liheslatura* additionally finds that with over thirty-thousand (30,000) adults that have given up looking for work on Guam, and with an estimated 8.3% of those that are looking unable to find jobs, that there is absolutely no excuse for the

1 presence of the thousands of temporary workers currently employed on
2 Guam, and the promise of thousands more in the future;

3 It is therefore the intent of *I Liheslatura* to amend Title 22, Chapter 7
4 article 1 § 7119 of the Guam Legal Code to create thousands of good, middle
5 class jobs for our people by making it no longer profitable for businesses to
6 replace Guam's resident workers with H-2 workers. By implementing a
7 forty-thousand dollar (\$40,000) per year fee for each temporary worker it will
8 make it more profitable to hire local workers at wages comparable to that of
9 their brothers and sisters doing exactly the same work in Hawaii or elsewhere
10 in the Nation. This will also have the effect bringing billions of additional
11 federal dollars to Guam and ensuring that it circulates within our economy. It
12 will also serve to lift the federal prevailing and Davis-Bacon Act wages
13 which will benefit even more families and our economy by forcing up
14 Guam's pay-scale for workers on U.S Government projects.

15 **Section 2. § 7119, Title 22, Chapter 7 Article 1 Subsection (a) of**
16 **the Guam Annotated Legal Code is amended to read as follows:**

17 “ **(a)**: The Guam Department of Labor is authorized to collect a
18 registration fee [~~of One Thousand Dollars (\$1,000.00) annually~~] forty-

1 thousand dollars (\$40,000) annually per non-immigrant temporary
2 worker for each calendar year or a fraction thereof from the employer
3 of each non-immigrant temporary worker. New fee applicable as of
4 March 1st, 2009. This shall include those workers authorized under H-
5 1A, H-1B, H-1C, H-2A, H-2B, L, H-1B1, TN/TD, or J. H1-B status
6 United States Visas. Payable at the time of registration by the non-
7 immigrant worker.”

8 **Section 3. § 7119, Title 22, 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 §7120,~~
12 ~~Chapter 7, 22 GCA (Manpower Development Fund) and Skills~~
13 ~~Training Programs for Guam residents in order to eliminate the need to~~
14 ~~bring non-immigrant temporary workers on Guam.]~~

15 “(b). Funds collected under § 7119 ,Title 22 Ch. 7, article 1
16 Subsection (a) shall be subject to legislative appropriation. Beginning
17 March 1st, 2009, the Government of Guam shall add revenue collected
18 by the Guam Department of Labor under § 7119, title 22, Ch. 7 article
19 1 to the treasury of Guam to the credit of the general funds.”