

H-2B bans have far reaching impact, says Guam Contractors Association

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The construction community fears a bleak future in development if the H-2B ban persists, Guam Contractors Association representatives said Wednesday.

Officials from the Guam Contractors Association, the Guam Department of Labor and Guam Chamber of Commerce convened at a legislative informational briefing Wednesday to express increasing concerns over the federal H-2B bans.

More: [Guam braces for project delays, other impacts of H-2B 'crisis' \(/story/news/2019/01/21/us-removes-philippines-list-countries-new-h-2-b-workers/2635716002/\)](#)

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The Department of Homeland Security announced last month that the Philippines is no longer on the list of countries eligible to send workers to the U.S. under the federal H-2A and H-2B programs at least for a year. This is in addition to the federal government's blanket denial of H-2B petitions for Guam starting late 2015, which saw slight relief from the 2017 National Defense Authorization Act, which permits up to 4,000 H-2B workers to support military buildup-related projects on Guam.

Chairman of the Guam Contractors Association board and accounting vice president of Black Construction Mark Mamczarz said the fluctuating H-2B rules bring only uncertainty.



Representatives from the Guam Department of Labor and Guam Contractors Association present their comments and concerns to senators at an informational briefing held on Wednesday, Feb. 6. (Photo: Anumita Kaur/ PDN)

"The military has been extremely cooperative in helping us get approval for projects in and outside the fence," Mamczarz said. "However, we don't know when USCIS will turn that faucet off."

This results lost development opportunities, Mamczarz said.

"Which project do I take on? What projects do I not take on?" Mamczarz said. "You don't want to risk taking a project you might not have the labor to finish."

The loss, he says, is in what's not built on Guam.

"You don't see a lot of the construction going on that should be going on," he said, referring to the lack of businesses and homes outside of the fence.

Outside labor

The problem isn't that Guam has no native construction population, but that Guam specifically lacks carpenters, iron workers and cement masons, Mamczarz said.

"If we don't have these workers, we don't build anything on this island," he said.

The majority of workers welcomed to Guam via the H-2B program, most of which are historically from the Philippines, fill this gap.

More: [New H-2B ban saddening, 5M Construction says \(/story/money/2019/01/24/new-h-2-b-ban-saddening-5-m-construction-says/2662745002/\)](https://www.guampdn.com/story/money/2019/01/24/new-h-2-b-ban-saddening-5-m-construction-says/2662745002/)

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Guam lacks these specific types workers, according to Mamczarz, because these are types of labor traditionally trained for and performed outside in the heat. With Guam's year-round weather, it's hard to come by residents willing and able to pursue these lines of outside labor.

The proximity of the Philippines to Guam makes the country's workers logistically the best choice for Guam projects, he stated. Travel costs and travel time are minimal for workers from the Philippines, keeping construction costs from rising.

Mamczarz also points to the large Filipino community already living on Guam, which provides a cultural ease that may not be present if workers from other countries were brought in for projects.

Low overstay

In addition, Guam's small size means that there is more direct interaction with H-2B workers due to in-person site checks and meetings, said Guam Department of Labor Administrator Greg Massey, which prevents breaches of the law.

According to Massey, there is at most a 3 percent H-2B overstay rate on Guam. A 40 percent overstay rate from workers from the Philippines was cited as a reason for the ban in the Federal Register.

The policy also states there are large numbers of human trafficking victims from the Philippines.

"We've not had one human trafficking case with the Philippines," Massey said. "We're not sure where they're getting these numbers, we haven't been able to get any data from the federal government."

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