

U.S. Senate proposes labor relief for Guam buildup

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(Photo: Cpl. Amaia Unanue, 31st Marine Expeditionary Unit)

The U.S. Senate version of the fiscal 2018 defense budget bill contains several provisions related to the military buildup on Guam, including a provision that would change the leadership responsibility for the buildup and a provision that would allow Guam to use more temporary foreign labor for the military projects.

As it stands, federal immigration officials for more than a year have rejected nearly all requests by Guam businesses to use skilled temporary foreign labor under the H-2B visa program — a problem that prompted the Guam Chamber of Commerce and 11 individual businesses to sue the federal government late last year in the U.S. District Court of Guam.

The case is ongoing, and federal Magistrate Judge Joaquin Manibusan has recommended that the plaintiffs not be granted a preliminary injunction, stating they have not shown they can win their case.

The federal government on Friday filed a brief in the U.S. District Court of Guam, supporting Manibusan's findings that an injunction, requiring the federal government to approve visa requests, should be denied.

An H-2B labor force on Guam that in recent years exceeded 1,000 workers has since dwindled to fewer than 100.

The problem extends beyond the military's needs for the buildup, according to local contractors and real estate professionals, and has caused a ripple effect on housing prices and limited the ability of contractors to take on new projects.

In a written statement Sept. 7 to the U.S. Senate, summarizing its position on the provisions of the proposed defense budget, the White House stated:

"The administration appreciates the inclusion of section 1264, which would authorize the admission before Dec. 31, 2023, of H-2B workers coming to Guam to perform certain military-related work under modified admission requirements."

The White House further stated. "The administration strongly urges Congress to adopt the administration's request, which would address specified needs in both Guam and the CNMI. The Department of the Navy's current workload projections indicate that approximately 2,300 H-2B workers would be required to supplement the Guam or CNMI workforce on military build-up construction projects. Without additional H-2B workers, limited access to construction workers would harm our ability to relocate Marines to Guam on planned timelines. This could be a factor in meeting the commitment of the United States to return land to Japan."

According to Guam Del. Madeleine Bordallo's office, the visa provisions in the Senate version of the defense bill are similar, but not identical to the provisions in the House version of the bill, but both versions would help ease the foreign labor problem.

"The Senate provision is strictly limited to projects that are related to the Marine relocation, and does not include health care workers, whereas the congresswoman's House provision provides relief for both (Guam Regional Medical City) and (Guam Memorial Hospital)," according to a written statement Friday from Bordallo's office.

According to Bordallo's office, after the Senate debates its version of the bill, a conference committee will reconcile differences between the two bills. Bordallo, because of her role as ranking member of the House Armed Services Readiness Subcommittee, typically is involved in that reconciliation, according to her office.

"Bottom line is that both the House and Senate recognize the importance of rectifying Guam's workforce challenges and have included language in their respective defense authorization bills to resolve these challenges," her office stated.

The White House said it objects to a provision in the budget bill that would remove the Deputy Secretary of Defense as the lead person on the buildup and instead place the Secretary of the Navy in charge of the Guam Oversight Council.

The buildup, which is part of a larger realignment of U.S. forces in the Asia-Pacific region, includes the transfer of about 5,000 Marines and dependents from Okinawa to a new base in Dededo.

Contracts were awarded in August to begin constructing roads and other infrastructure for the new base, and to build a new firing range complex for the

Marines at Northwest Field.

According to the White House, the realignment of U.S. forces and the development of live-fire ranges and training areas in the Commonwealth of the Northern Mariana Islands extends beyond the Navy.

"The interagency coordination necessary to complete required environmental analyses for these complex initiatives is most effectively accomplished with direct oversight by the Deputy Secretary of Defense," the White House stated.

The military's proposed training activities in the CNMI also have been challenged in federal court in the CNMI, in a July 2016 lawsuit filed by Earthjustice on behalf of groups opposed to those activities.

The lawsuit asks the federal court to throw out the 2010 and 2015 records of decision for the buildup, which could stop the military's plans for Guam as well.

Chief Judge Ramona Manglona has stated she intends to issue a decision on whether to dismiss the case by Oct. 19.

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