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GUAM DAILY POST • TUESDAY, FEBRUARY 20, 2018

# USCIS 'will comply' with court decision

## 1,398 petitions for H-2B visas filed

By Kevin Kerrigan  
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John Robertson, chairman of the committee overseeing the Guam Contractors Association's lawsuit on foreign worker hiring under H-2B visas, said yesterday he has been advised that the U.S. Citizenship and Immigration Services will not appeal the decision that the contractors won in federal court last month.

Chief Judge Frances Tydingco-Gatewood of the District Court of Guam issued a preliminary injunction against USCIS on Jan. 23, ordering the agency to reverse its previous denials of H-2B worker petitions, and to stop the blanket denial of future petitions, at least temporarily, until the merits of the case have been decided.

Robertson, who is president of AmOrient Engineering, told The Guam Daily Post that the Colorado-based lead attorney in their lawsuit, Jeffery Joseph, emailed him last week to say that USCIS "will not be pursuing" to get the ruling overturned.

Joseph's email stated that USCIS "will comply" with the judge's order, according to Robertson.

"That's really good news," said Robertson. The email from Joseph also "encouraged employers that need H-2B workers to file right away - get moving."

Many already have, according to Greg Massey, administrator for the Depart-



**DELEGATION:** Rep. Bob Goodlatte, R-VA, chairman of the House Judiciary committee, speaks during the congressional delegation's briefing with Del. Madeleine Bordallo and military leaders yesterday at the Hilton Guam Resort & Spa. Photo courtesy of the office of Del. Madeleine Bordallo

ment of Labor's Alien Labor Processing and Certification Division.

"There's a bunch of positive developments," said Massey, who pointed to the Friday announcement from USCIS that it is now accepting applications for H-2B visas for work directly related to the military buildup. He also pointed to USCIS' recent approval of 1,044 H-2B visas for Imperial Pacific International, the developer of a massive casino on Saipan.

### Petitions filed for 1,398 skilled foreign workers

As of yesterday, Massey said, seven local employers had already filed petitions with DOL for labor certifications for 1,398 skilled foreign workers.

He said these applications were filed beginning in January, in anticipation of the USCIS announcement that it would start accepting H-2B applications specifically for the military buildup. In the 2018 National Defense Authoriza-

tion Act, up to 4,000 H-2B visas are authorized each year.

"We're kind of optimistic," Massey said. "The sigh of relief will come when we see the first worker hit the ground."

Massey said DOL is nearly finished certifying the applications that have been received. The governor then issues a labor certification, which is given to the employer, who in turn takes that certification and files its petition with USCIS for an H-2B visa.

All the applications filed by the employers seeking new H-2B workers have start dates beginning in May, said Massey. He doesn't think any new workers will arrive before May 1, provided that USCIS follows through and approves the applications.

"Both paths are open now," Robertson said. Employers can apply for H-2B workers for military and outside-the-fence jobs.

"My take on this is that (USCIS) finally

woke up that they were going to lose this battle," he said. "They've been ruining our economy and there is no reason for it."

However, the court case will go on, said Robertson. They're still seeking class-action status, he said. The preliminary injunction issued by Tydingco-Gatewood only applies to GCA members and the 11 businesses that joined in the lawsuit. The plaintiffs are also seeking to make her temporary injunction permanent.

More than \$110,000 has been spent on legal fees, Robertson said.

"We're going to have to do more fundraising."

### Labor issues top CODEL meeting


Meanwhile, Del. Madeleine Bordallo met with a visiting congressional delegation Monday at the Hilton Guam Resort & Spa, telling them that "a broader solution is necessary to meet Guam's civilian labor demands."

The delegation, led by Virginia Rep. Bob Goodlatte, is meeting with civilian and military leaders and learning about defense readiness, as well as the "workforce challenges" facing the island.

In a release, Bordallo notes that the provision allowing for 4,000 H-2B visas that she included in the NDAA "provides some relief," for buildup-related projects, but more needs to be done to meet the needs of the civilian community.

"We need additional legislation for civilian workers not related to the Marine relocation," said the delegate.

The buildup involves building a base for almost 5,000 Marines and their dependents who are being moved from Okinawa.




**Notice of Special Meeting of the Board of Trustees of GUAHAN ACADEMY CHARTER SCHOOL**

Notice is hereby given that a Special Meeting of the Board of Trustees is scheduled as follows:

**Date:** February 27, 2018  
**Time:** 6:00 P.M.  
**Place:** GACS Tiyán Secondary Campus

Individuals requiring special accommodations or services should submit their request to the Board Liaison at 483-3044 or email at [info.gacsbot@gmail.com](mailto:info.gacsbot@gmail.com).

/s/  
**Fe Valencia-Ovalles**  
 Chairwoman, Board of Trustees



**GUAM PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.) COMMISSION MEETING**

**9:00 a.m., Thurs., February 22, 2018**  
 Guam Community College, MangRao, Guam  
**Learning Resource Center Room 112 (GCC LIBRARY - Bldg. 4000)**

Individuals requiring special accommodations, auxiliary aids, or services should contact 735-5597.

(Advertisement paid for with government funds)

**GUAM BOARD OF EXAMINERS FOR OPTOMETRY**

**Regular Board Meeting, Tuesday, February 27, 2018 at 8:30 AM** at the Terlaje Professional Building, 194 Herman Cortez Avenue, 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagatna, Guam.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call Jimmy Sian at 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

**EMERGENCY MEDICAL SERVICES COMMISSION MEETING**

**Thursday, February 22, 2018 at 9 AM**  
 at Health Professional Licensing Office Board Conference Room, Terlaje Professional Bldg, 2nd Floor Suite 209, Hagatna.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call Jimmy Sian at 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

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**HOUSING** continued from page 1

According to Makio, each building will have approximately 70 units for a total of 420 for all six buildings, with more than 920 parking spaces for residents and guests. A typical unit will have three bedrooms and two bathrooms, with a larger footprint set aside for the penthouse units. Makio said the property developers are hoping to sell the units.

Makio said the team has been in the process of putting together the design concept for two years now, so the estimated construction cost of around \$7.2 million per building may change.

"That number has to be updated based on the cost environment estimator right now," he said. "We are anticipating that it might probably go up just because of the nature of construction."

The estimate was made prior to the onset of the H-2B visa issues on Guam, Makio said.

He said sustainable smart-growth principles have been applied in the master plan to create a neighborhood environment with onsite services such as recreational amenities.

According to Makio, the residential complex will have a community garden, and walking and jogging paths. An area will offer neighborhood services such as a day-care center, convenience store, pharmacy and coffee shop.

Makio said the developers also have decided to "build taller" to optimize the utility infrastructure.

The property development site is on remediated land, according to Makio. He said the site was part of the Harmon Annex developed by the U.S. Air Force in the mid-1940s for housing and administrative facilities. The lots were returned in 2002, with the record of decision report noting that some of the properties within the Harmon Annex were found to contain brownfield contamination. According to Makio, the contamination has been mitigated and the property complies with U.S. Environmental Protection Agency standards.

"This is a remediated brownfield. So it became really important for us to mitigate or prioritize the health aspect of it," he said.

As an example, Makio said they designed the units for radon mitigation by raising the first level of residential units off the ground floor.

Dededo Mayor Melissa Savares, a member of the hybrid commission, made the motion to approve the application.

Guam Land Use Commission member Tae Oh amended the motion. One of the amendments requires the developer to adhere to all of the conditions set by the application review committee.

**RACE** continued from page 1

**Open seats**

Another Democrat, Sen. Tom Ada, also has announced he would not seek re-election.

Republican Sen. Fernando Esteves said during legislative session last night he, too, isn't seeking re-election.

Sen. Mike San Nicolas, a Democrat, also is out of the legislative race as he is running for congressional delegate.

With Democratic Sens. Frank Aguon Jr. and Dennis Rodriguez Jr. competing in the gubernatorial race, the open seats that would be vacated by incumbents have now increased to six.

*(Daily Post Staff)*

# GovGuam 'living paycheck to paycheck'

By Kevin Kerrigan  
kevin@postguam.com

Gov. Eddie Calvo's proposed 50 percent increase to the business privilege tax is the only revenue bill left on the table now after Speaker Benjamin Cruz withdrew his rival measure Thursday.

Lawmakers are now scheduled to go into session this morning at 10 a.m. to vote on the governor's proposal. However, the speaker said he still intends to introduce some amendments before calling for a final vote on Bill 245, which would raise the business privilege tax from 4 percent to 6 percent for the next two years.

The speaker pulled his bill from consideration in the face of overwhelming opposition from employees of the government of Guam, who turned out in droves Wednesday to oppose the proposed salary rollback and 25 percent tax increase proposed in Bill 244.

However, reluctant lawmakers continued raising questions and doubts about the governor's proposal. They called the administration's fiscal team Thursday.

"I strongly urge this body not to go there," said Lester Carlson, acting director of the Bureau of Budget and Management Research. "I wouldn't consider anything but the full 50

percent increase."

"You're saying nothing less," said Sen. Dennis Rodriguez Jr. "I don't see it that way because I think there are other options."

The shortfall facing the government of Guam in the remaining seven months of this fiscal year is projected to be \$67 million.

The governor's fiscal team calculated a 50 percent increase that went into effect in March could raise \$54 million by the end of September. A delay until April 1 would make just \$49 million available.

**'This revenue loss is for real, senators'**

Department of Administration Deputy Director Vince Arriola said no vendor payments had been made for the first three weeks of February.

"We're averaging about \$5 million in our accounts. That's dire," said Arriola. "I lay awake at night sometimes hoping the Bank of Guam doesn't call me and say, 'You're overdrawn.'"

Benita Manglona, chief financial officer at Guam Memorial Hospital, said the hospital's bank account was overdrawn just last weekend when an employee presented a check for \$2,000 that was denied.

"This revenue loss is for real, senators," Arriola said. "We are living paycheck to paycheck."

**CONTRACTS** continued from page 1

There are smaller military construction contracts in the pipeline for Guam, including a \$98 million contract that will open for competitive proposals this quarter; a \$90 million contract in the third quarter; and a \$75 million contract that will open competitive proposals by September.

Those four contracts alone add up to more than \$1.1 billion.

Within hours of these projects being announced, a few senators raised the possibility of paring down the governor's 50 percent tax increase proposal on the business privilege tax in the hope that military spending might mean more revenues without raising taxes.

Some of the senators wanted to get additional information and time on the possible tax benefit from these military projects, so island lawmakers last night postponed a possible vote on the tax increase.

In addition, up to \$375 million worth of military construction proj-

ects at Andersen Air Force Base is expected to be awarded between the remainder of this fiscal year and the next, which starts in October.

Up to \$100 million in military construction projects is expected to be awarded on Naval Base Guam this quarter.

The projects on the Navy and Air Force bases that are ready for award were funded from fiscal 2017 funds.

The government of Japan is helping to fund the projects related to the relocation of Marines from Okinawa to Guam.

The total cost of the relocation, Jones confirmed, is still \$8.7 billion.

**Joint meeting**

Jones spoke at a joint meeting of architects, engineers, land surveyors and construction contractors yesterday at the Hyatt Regency Guam.

"We are at the very beginning," she said, of the projects to develop a Marine Corps base on Guam. The base will be built on existing U.S. government property near Andersen.

*(Daily Post Staff)*

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**GUAM BOARD OF ALLIED HEALTH EXAMINERS**

**Regular Session Meeting, Friday, March 2, 2018 at 12:00 PM** at Terlaje Professional Building, 194 Hernan Cortez Avenue, 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagatna, Guam.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call Jimmy Sian at 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

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Edoee Raza Calvo  
Governor of Guam  
Ray Terono  
Lieutenant Governor

The Port Authority of Guam Board of Directors will hold its regular Board Meeting on **Tuesday, February 27, 2018 at 11:45 a.m.**, at the Board Conference Room, Port Authority of Guam, Cabras Island, Piti. Individuals with disabilities who may need special accommodations may contact Mr. Simeon Delos Santos, ADA Coordinator at 477-5931-4, ext. 430.