



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

April 13, 2017

President Donald J. Trump
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Trump:

I have been one of the Department of Defense's staunchest supporters of the shift of military forces from Okinawa to Guam, but I have recently been left with no option but to withdraw my support to avoid a potential economic crisis to our island. With all due respect, I appeal to you in the strongest terms possible for relief from the unanticipated and inexplicable change in H-2B visa policy, initiated by the Obama Administration that is strangling our island economy and threatening U.S. national security.

Beginning in late 2015, the Guam Department of Labor began to notice an increase in the rejection of H-2B visa applications and renewal requests by the U.S. Customs and Immigration Service (USCIS). After 20 years of 95% approval, USCIS revised its interpretation of existing H-2B visa policies to now result in a 95% rejection rate. At the end of 2015, we had about 1,700 H-2B workers on Guam. Today, we are left with only 169. There was no new law or regulation, only a revision in interpretation.

As a result, the shortfall in labor has caused the cost of residential home construction to **double**. Ongoing projects are being significantly **delayed**. Many contractors have stopped **bidding on new projects**, government or private. Our realtors are worried. Our contractors are worried. Our business community is worried. I am worried.

As the **only jurisdiction with certifying authority** for the Temporary Labor Certification required for H-2B I29 petitions, Guam has promulgated strenuous local rules, and inspections are conducted at H-2B worksites to ensure conformance. Our local Department of Labor knows what it is doing, and as a result, we enjoyed the 95% visa approval rate for several decades.

However, the Obama administration's sudden arbitrary reversal of federal immigration policies has caused a labor shortfall on Guam that is quickly grinding our economy to halt. Throughout 2016, my administration and I sent letters to and met with everyone that had anything to do with the H-2B visa process, asking for relief and/or assistance. Then-DHS Secretary Johnson would

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never meet with me. We watched with growing alarm as construction companies started significantly paring down their workforce. I appeal to you now for relief.

In the interest of national security, in 2009, Guam was exempted from the national H-2B visa cap under the Consolidated Natural Resources Act of 2008 (CNRA). This was done to increase the H-2B workforce needed to support the movement of Marines from Okinawa to Guam. The Department of Navy's Record of Decision issued in 2015, and every economic impact study that preceded it, showed that we need at least 4,000 foreign laborers, almost all of whom would come from Asia, to augment our local pool of skilled workers to support the overall island construction needs during the anticipated military buildup.

These studies recognized that Guam's workforce is unique in that we cannot simply rely on laborers driving over from a neighboring state to fill employment vacancies. The initial cost just to get to Guam is generally prohibitive for the type of laborer needed. Compounding the problem, people from the U.S. mainland are hesitant to move so far from family and stateside conveniences. Without a foreign labor workforce, the cost of the associated defense projects would skyrocket beyond their current estimates.

Accordingly, I cannot comprehend why the Department of Defense and USCIS officials are not in sync on this issue. I have assumed that the 180-degree reversal of immigration decisions of the Obama administration in 2015 and 2016 were motivated by political considerations. I was supportive of your campaign and happy when you were elected, as I foresaw the end to the arbitrary application of federal regulations under your administration.

Mr. President, I am bound to ensure and promote the economic interests of our residents and the future of our island. I cannot, in good conscience, continue my support of the shift in Marine Corps forces to Guam without some immediate relief on this front. Because Guam is so remote, and it lacks voting representation in Congress, we are often overlooked or outright ignored. We look to you, Mr. President, for your swift action to stem the growing financial crisis and help us restore the labor pool needed to sustain our growing economy and the security of our nation.

Guam is a patriotic island. It boasts the highest enlistment rate in the nation, and the highest percentage of its residents who are veterans. As the only inhabited U.S. soil occupied during World War II, we know from experience the cost of war.

Ironically, it was in the immediate aftermath of World War II that the U.S. military started bringing thousands of skilled workers from Asia to provide the necessary labor to build the existing military bases on Guam. Foreign workers from Asia have continued to play a critical role in supporting the construction of military facilities on Guam because of our remoteness from the rest of the United States.

Guam has always supported the nation's effort to protect our borders and her people. I have staunchly supported the Defense Department's rebalance to the Asia-Pacific region in acknowledgement of Guam's role in the nation's defense.



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When I first came into office in 2011, I met with a Department of Navy group, led by then-Under Secretary of the Navy Robert Work. I was assured by the Department of Navy that a military buildup on Guam would not just benefit Americans inside the fence, but outside the fence as well. We agreed to four pillars that would shape the buildup on Guam — one of them being the “One Guam” approach — the buildup should benefit the people inside and outside of the military installations.

Mr. President, this shortage of labor comes at a time when Guam is seeing unprecedented growth in our local economy. The sudden reversal in the number of requests approved — from a near 100 percent approval to a near 100 percent rejection in about a year’s time — is strangling our local economy.

Sincerely,



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