

1 (d) SENSE OF CONGRESS ON SCOPE OF UTILITY IN-
2 FRASTRUCTURE IMPROVEMENTS.—Section 2821 of the
3 Military Construction Authorization Act for Fiscal Year
4 2009 (division B of Public Law 110–417; 122 Stat. 4729)
5 is amended—

6 (1) by redesignating subsection (c) as sub-
7 section (b); and

8 (2) in such subsection, by striking “should in-
9 corporate the civilian and military infrastructure
10 into a single grid to realize and maximize the effec-
11 tiveness of the overall utility system” and inserting
12 “should support proposed utility infrastructure im-
13 provements on Guam that incorporate the civilian
14 and military infrastructure into a single grid to real-
15 ize and maximize the effectiveness of the overall util-
16 ity system, rather than simply supporting one or
17 more military installations”.

18 **SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY**
19 **CONSTRUCTION AND CERTAIN OTHER**
20 **TRANSACTIONS ON GUAM.**

21 (a) PREVAILING WAGE REQUIREMENTS.—Subsection
22 (c) of section 2824 of the Military Construction Authoriza-
23 tion Act for Fiscal Year 2009 (division B of Public Law
24 110–417; 10 U.S.C. 2687 note) is amended by adding at
25 the end the following new paragraph:

1 “(5) APPLICATION OF PREVAILING WAGE RE-
2 QUIREMENTS.—

3 “(A) IN GENERAL.—The requirements of
4 subchapter IV of chapter 31 of title 40, United
5 States Code, shall apply to any military con-
6 struction project or other transaction author-
7 ized by paragraph (1) that is carried out on
8 Guam using contributions referred to in sub-
9 section (b)(1) or appropriated funds.

10 “(B) SECRETARY OF LABOR AUTHORI-
11 TIES.—In order to carry out the requirements
12 of subparagraph (A) and paragraph (6) (relat-
13 ing to composition of workforce for construction
14 projects), the Secretary of Labor shall have the
15 authority and functions set forth in Reorganiza-
16 tion Plan Number 14 of 1950 and section 3145
17 of title 40, United States Code.

18 “(C) WAGE RATE DETERMINATION.—In
19 making wage rate determinations pursuant to
20 subparagraph (A), the Secretary of Labor shall
21 not include in the wage survey any persons who
22 hold a visa described in section
23 101(a)(15)(H)(ii)(b) of the Immigration and
24 Nationality Act (8 U.S.C.
25 1101(a)(15)(H)(ii)(b)).

1 “(D) ADDITION TO WEEKLY STATEMENT
2 ON THE WAGES PAID.—In the case of projects
3 and other transactions covered by subparagraph
4 (A), the weekly statement required by section
5 3145 of title 40, United States Code, shall also
6 identify each employee working on the project
7 or transaction who holds a visa described in
8 section 101(a)(15)(H)(ii)(b) of the Immigration
9 and Nationality Act (8 U.S.C.
10 1101(a)(15)(H)(ii)(b)).

11 “(E) DURATION OF REQUIREMENTS.—The
12 Secretary of Labor shall make and issue a wage
13 rate determination for Guam annually until 90
14 percent of the funds in the Account and other
15 funds made available for the realignment of
16 military installations and the relocation of mili-
17 tary personnel on Guam have been expended.”.

18 (b) REPORTING REQUIREMENTS REGARDING SUP-
19 PORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of
20 such section is amended—

21 (1) by striking “Not later than” and inserting
22 the following:

23 “(1) MILITARY CONSTRUCTION INFORMA-
24 TION.—Not later than”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) CONSTRUCTION WORKFORCE INFORMA-
4 TION.—The annual report shall also include an as-
5 sessment of the living standards of the construction
6 workforce employed to carry out military construc-
7 tion projects covered by the report, including, at a
8 minimum, the adequacy of contract standards and
9 infrastructure that support temporary housing the
10 construction workforce and their medical needs.”.

11 **SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUC-**
12 **TION PROJECTS FUNDED THROUGH THE SUP-**
13 **PORT FOR UNITED STATES RELOCATION TO**
14 **GUAM ACCOUNT.**

15 (a) COMPOSITION OF WORKFORCE.—Section 2824(c)
16 of the Military Construction Authorization Act for Fiscal
17 Year 2009 (division B of Public Law 110–417; 10 U.S.C.
18 2687 note) is amended by inserting after paragraph (5),
19 as added by section 2833, the following new paragraph:

20 “(6) COMPOSITION OF WORKFORCE FOR CON-
21 STRUCTION PROJECTS.—

22 “(A) LIMITATION.—With respect to each
23 construction project that is carried out using
24 amounts described in subparagraph (B), no
25 work may be performed by a person holding a

1 visa described in section 101(a)(15)(H)(ii)(b) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1101(a)(15)(H)(ii)(b)) unless—

4 “(i) the application for that visa has
5 been approved pursuant to the issuance of
6 a temporary labor certification by the Gov-
7 ernor of Guam as provided under section
8 214.2 of title 8, Code of Federal Regula-
9 tions; and

10 “(ii) the Governor of Guam, in con-
11 sultation with the Secretary of Labor,
12 makes the certification described in sub-
13 paragraph (C) to the Secretary of Defense.

14 “(B) SOURCE OF FUNDS.—Subparagraph
15 (A) applies to—

16 “(i) amounts in the Account used for
17 projects associated with the realignment of
18 military installations and the relocation of
19 military personnel on Guam;

20 “(ii) funds associated with activities
21 under section 2821 of this Act; and

22 “(iii) funds for authorized military
23 construction projects.

24 “(C) CERTIFICATION.—The certification
25 referred to in subparagraph (A) is a certifi-

1 cation, in addition to the certifications required
2 by section 214.2 of title 8, Code of Federal
3 Regulations, that—

4 “(i) there are not sufficient United
5 States workers who are able, willing, quali-
6 fied, and available at the time of applica-
7 tion for a visa and admission to the United
8 States and at the place where the persons
9 holding visas described in section
10 101(a)(15)(H)(ii)(b) of the Immigration
11 and Nationality Act (8 U.S.C.
12 1101(a)(15)(H)(ii)(b)) are to perform such
13 skilled or unskilled labor; and

14 “(ii) the employment of such persons
15 holding visas described in section
16 101(a)(15)(H)(ii)(b) of the Immigration
17 and Nationality Act (8 U.S.C.
18 1101(a)(15)(H)(ii)(b)) will not adversely
19 affect the wages and working conditions of
20 workers in Guam similarly employed.

21 “(D) SOLICITATION OF WORKERS.—In
22 order to ensure compliance with subparagraph
23 (A), as a condition of a contract covered by
24 such subparagraph, the contractor shall be re-
25 quired to advertise and solicit for construction

1 workers in the United States, including Guam,
2 the Commonwealth of the Northern Mariana Is-
3 lands, American Samoa, the Virgin Islands, and
4 the Commonwealth of Puerto Rico, in accord-
5 ance with a recruitment plan approved by the
6 Secretary of Labor. The contractor shall submit
7 a copy of the employment offer, including a de-
8 scription of wages and other terms and condi-
9 tions of employment, to the Secretary of Labor
10 at least 60 days before the start date of the
11 workers under a contract. The contractor shall
12 authorize the Secretary of Labor to post a no-
13 tice of the employment offer on a website, with
14 State, territorial, and local job banks, with
15 State and territorial workforce agencies, and
16 with any other referral and recruitment sources
17 the Secretary of Labor determines may be per-
18 tinent to the employment opportunity.

19 “(E) RECRUITMENT PERIOD.—The Sec-
20 retary of Labor shall ensure that a contractor’s
21 recruitment of construction workers complies
22 with the recruitment plan required by subpara-
23 graph (D) for a period beginning 60 days be-
24 fore the start date of workers under a contract
25 and continuing for the next 28 days. During

1 the recruitment period, the contractor shall
2 interview all qualified and available United
3 States construction workers who have applied
4 for the employment opportunity, and, at the
5 close of the recruitment period, the contractor
6 shall provide the Secretary of Labor with a re-
7 cruitment report providing any reasons for
8 which the contractor did not hire an applicant
9 who is a qualified United States construction
10 worker. Not later than 21 days before the start
11 date of the workers under a contract, the Sec-
12 retary of Labor shall certify to the Governor of
13 Guam whether the contractor has satisfied the
14 recruitment plan created under subparagraph
15 (D).

16 “(F) LIMITATION.—An employer, its attor-
17 ney or agent, the Secretary of Labor, the Gov-
18 ernor of Guam, and any designee thereof, may
19 not seek or receive payment of any kind from
20 any worker for any activity related to obtaining
21 an H-2B labor certification with respect to any
22 construction project that is carried out using
23 amounts described in subparagraph (B).”.

24 (b) REPORTING REQUIREMENTS.—

1 (1) SECRETARY OF DEFENSE.—Not later than
2 June 30, 2010, the Secretary of Defense shall sub-
3 mit to the congressional committees specified in
4 paragraph (3) a report containing an assessment of
5 efforts to establish a Project Labor Agreement for
6 construction projects associated with the Guam re-
7 alignment as encouraged by Executive Order 13502,
8 entitled “Use of Project Labor Agreements for Fed-
9 eral Construction Projects” (74 Fed. Reg. 6985), as
10 a means of complying with the requirements of para-
11 graph (6) of section 2824(c) of the Military Con-
12 struction Authorization Act for Fiscal Year 2009, as
13 added by subsection (a).

14 (2) SECRETARY OF LABOR.—Not later than
15 June 30, 2010, the Secretary of Labor shall submit
16 to the congressional committees specified in para-
17 graph (3) a report containing an assessment of—

18 (A) the opportunities to expand the re-
19 cruitment of construction workers in the United
20 States, including Guam, the Commonwealth of
21 the Northern Mariana Islands, American
22 Samoa, the Virgin Islands, and the Common-
23 wealth of Puerto Rico, to support the realign-
24 ment of military installations and the relocation
25 of military personnel on Guam, consistent with

1 the requirements of paragraph (6) of section
2 2824(c) of the Military Construction Authoriza-
3 tion Act for Fiscal Year 2009, as added by sub-
4 section (a);

5 (B) the ability of labor markets to support
6 the Guam realignment;

7 (C) the sufficiency of efforts to recruit
8 United States construction workers; and

9 (D) The costs to the United States for re-
10 cruitment plans required by such paragraph (6)
11 and a proposed method to cover such costs.

12 (3) COVERED CONGRESSIONAL COMMITTEES.—

13 The reports required by this subsection shall be sub-
14 mitted to the congressional defense committees, the
15 Committee on Education and Labor of the House of
16 Representatives, and the Committee on Health, Edu-
17 cation, Labor, and Pensions of the Senate.

18 **SEC. 2835. INTERAGENCY COORDINATION GROUP OF IN-**
19 **SPECTORS GENERAL FOR GUAM REALIGN-**
20 **MENT.**

21 (a) INTERAGENCY COORDINATION GROUP.—There is
22 hereby established the Interagency Coordination Group of
23 Inspectors General for Guam Realignment (in this section
24 referred to as the “Interagency Coordination Group”)—