



Testimony of Lamonte J. (Jim) Beighley  
Vice Chairman  
Guam Visitors Bureau (GVB)  
Committee on Natural Resources  
Subcommittee on Insular Affairs, Oceans & Wildlife  
U.S. House of Representatives  
1324 Longworth House Office Building  
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Chairwoman Bordallo and other distinguished members of the Committee, it is a pleasure to appear before you today on behalf of the Guam Visitors Bureau and provide testimony on implementation of the Consolidated Natural Resources Act (CNRA). As you know, I had the honor of testifying before you earlier this year. At that time, I urged you to enact legislation that would clarify and correct some of the technical errors in the CNRA.

On behalf of the Guam Visitors Bureau (GVB), I am pleased that many members of this Committee have listened to the tourism community and introduced legislation, H.R. 6015, which would provide technical changes to the Visa Waiver title of the CNRA, among other things. Thank you Chairwoman Bordallo, Ranking Member Brown, Congressman Faleomavaega, Congresswoman Christiansen, as well as many others in the House of cosponsoring this important legislation. Madame Chairwoman, Guam is fortunate to have you as our Representative in Congress. This legislation is yet another sign that you are able to tackle tough issues in a bipartisan manner, while at the same time gaining broad support among your colleagues and nearly all the other Delegates.

#### The Marianas Region Should Have Equal Access to Tourists as Intended by Congress

Madame Chairwoman, we believe that the bill you introduced is vital to the future success of the Marianas tourism economy. The current bifurcated system in place for Guam and the Commonwealth of the Northern Mariana Islands (CNMI) should be equalized throughout the Marianas region as Congress intended. Indeed, when Congress combined the Guam Visa Waiver Program with the CNMI in 2008 as part of the CNRA, it was clear that Congress intended a unified application of the law in the region. While some may say that Washington is 15 square miles surrounded by logic and reason, I think Congress got it right by combining these programs. After all, why should DHS be responsible for administering two separate programs on islands that are only 90 miles apart and both part of the United States have two different systems of immigration?

One of the driving forces behind the CNRA was to not only equalize the visa program, but to also equalize federal immigration law for the region. Unfortunately, the current system is not that different than before enactment of this law-- one system for the CNRA and another for Guam. We are grateful that federal law now prevails in the region, but the current bifurcated system is cumbersome and confusing, not only for those





working in the industry, but its incredibly confusing for the tourists. As a result, over this past year, the CNMI has been unable to expand its tourism market as was expected. This is a key fact. Although the countries of China and Russia were deemed by the Department of Homeland Security (DHS) as being of significant economic benefit, the uncertainty surrounding the parole program and its confusing nature for tourists and tourism professionals deters investment and marketing potential. To illustrate this point, in Continental Airlines written testimony on May 18, 2010, Charles Duncan testified that "uncertainties surrounding the Guam/CNMI Visa Waiver Program, [Continental] has not added nonstop service from China or Russia to Guam/Saipan."

The confusing and cumbersome nature of this program was made clear to me a few months ago when I was flying from Tokyo to Saipan. On the flight, the flight attendants passed out the custom/landing forms. After the announcement was made, there had to have been at least 50 buzzers go off asking questions about which forms to fill out, whether these people were to apply under the Guam-CNMI VWP, or whether they were to apply for the other program. In sum, it does not make sense to have one system in the CNMI and another in Guam. While we are grateful to Secretary Napolitano and her colleagues at DHS for extending parole authority to the CNMI in November of last year, we need a regional solution (full Visa Waiver implementation) in order to fully harness the economic opportunity that these source markets present to Guam and the CNMI.

#### Visa Waiver Implementation

Last year, when I appeared before this Committee, I testified on how Guam's Visa Program is worse now than it was prior to enactment of the CNRA. The new Guam-CNMI Visa Waiver Program is now *more* rigorous than the mainland Visa Waiver Program<sup>1</sup> and a monumental departure from settled law dating back to 1986. In 1986, when Congress first created the Guam Visa Waiver Program, Congress emphasized the "unique conditions prevailing on Guam and its isolated location" which "justify a broad application of the visa waiver system."<sup>2</sup> The Interim Final Rule turns that "broad application" on its head. During the hearing last year, we had an opportunity to hear from DHS on this issue. At that time, it was made clear to members of this Committee that DHS took this restrictive approach in the Interim Rule because they wanted to work on enhanced security measures, such as extending the Electronic System for Travel Authorization (ESTA) to the Marianas Region. While the ESTA program applies to every other state and territory in the union, we are still exempt from it. I recall that DHS also testified at that time that there was concern with "onward leakage" of passengers from Guam to the mainland and Hawaii. With only one 7-hour flight per day from Guam to Hawaii, and a full compliment of federal CBP officials on Guam since the beginning, we disputed this fact and still have seen no data to support this assertion. Nearly a year later, these issues are still unaddressed, and Congress must act. The Interim Final Rule has not expanded tourism, will not expand tourism and must be corrected. We believe Congress must expeditiously pass H.R. 6015.

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<sup>1</sup> The Interim Final Rule includes humanitarian concerns and other criteria that do not apply to countries seeking entry to the mainland Visa Waiver Program.

<sup>2</sup> 132 Cong. Rec. S4844 (Apr. 24, 1986).





Madame Chairwoman, as you know, your constituents rely heavily on the tourism economy for jobs to support their families. Our industry has been the backbone of Guam's economy since the island was first settled many years ago, and it is now on the decline. With your help, as well as the other cosponsors of this legislation, Congress has the authority to finish what we started under the CNRA. You have the authority to enable an economic transformation in the Marianas Region with no cost to the taxpayer. You have the authority to demand that federal agencies tasked with administering the laws you enact do so consistent with your intent.

I believe that with Guam and the CNMI working together-- as one Marianas Region-- to market these beautiful islands as a destination, we will bring millions in investment, create hundreds of new jobs and many other opportunities for our struggling local economies. We can accomplish this with your help, simply by enacting H.R. 6015.

Madame Chairwoman and other members of this Committee, thank you again for the honor of appearing before you today, and I welcome any questions that you might have.

