

105TH CONGRESS
1ST SESSION

S. 290

To establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1997

Mr. MURKOWSKI (for himself, Mr. INOUE, Mr. AKAKA, Mr. STEVENS, and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a visa waiver pilot program for nationals of Korea who are traveling in tour groups to the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. KOREA VISA WAIVER PILOT PROGRAM.**

4 (a) CONGRESSIONAL FINDINGS.—The Congress finds
5 that—

6 (1) travel and tourism play a major role in re-
7 ducing the United States unfavorable balance of
8 trade;

1 (2) the characteristics of the Korean travel
2 market do not permit long-term planning for longer
3 trips;

4 (3) applications for United States visas cannot
5 now be processed in a reasonable period of time;

6 (4) the Secretary of State has attempted to
7 solve the problem by adding additional staff to the
8 consular section at the United States Embassy in
9 Seoul;

10 (5) unfortunately, these additions have not re-
11 sulted in any discernible improvement in reducing
12 visa processing delays;

13 (6) further, it is unlikely, given the current fis-
14 cal environment, to expect funding to be available
15 for further staff additions in sufficient numbers to
16 effect any significant improvement in the time re-
17 quired to process visa applications;

18 (7) most of the nations of the South Pacific,
19 Europe, and Canada do not currently require Kore-
20 ans entering their countries to have a visa, thus pro-
21 viding them with a serious competitive advantage in
22 the tourism industry;

23 (8) the United States territory of Guam has
24 been permitted by the United States Government to
25 eliminate visa requirements for Koreans visiting

1 Guam, with resultant impressive increases in travel
2 and tourism from citizens of the Republic of Korea;

3 (9) any application under existing procedures to
4 add the Republic of Korea, or any other nation to
5 the group of favored nations exempted from United
6 States visa regulations, would require many years
7 during which time the United States could well lose
8 its competitive advantages in attracting travel and
9 tourism from the Republic of Korea;

10 (10) the Republic of Korea, as a gesture of
11 goodwill, has already unilaterally exempted United
12 States tourists who seek to enter the Republic of
13 Korea from the requirement of obtaining a visa; and

14 (11) growth in Korean travel to the United
15 States has not kept pace with growth in travel to
16 non-United States destinations, and cumbersome
17 and time-consuming visa processing procedures are
18 widely recognized as the cause of this loss of market
19 share and competitiveness with alternative destina-
20 tions.

21 (b) PILOT PROGRAM.—The Secretary of State and
22 the Attorney General jointly shall establish a pilot project
23 (in this section referred to as the “pilot program”) within
24 six months of the date of the enactment of this Act under

1 which the requirement of paragraph (7)(B)(i)(II) of sec-
2 tion 212(a) of the Immigration and Nationality Act (8
3 U.S.C. 1182(a)(7)(B)(i)(II)) is waived during the pilot
4 program period in the case of any alien who meets the
5 following requirements:

6 (1) NATIONAL OF PILOT PROGRAM COUNTRY.—

7 The alien is a national of, and presents a passport
8 issued by, the Republic of Korea. The Republic of
9 Korea is urged to provide machine readable pass-
10 ports to its citizens in the near future.

11 (2) SEEKING ENTRY AS TOURIST.—The alien is
12 applying for admission to the United States during
13 the pilot program period as a nonimmigrant visitor
14 for pleasure (as described in section 101(a)(15)(B)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1101(a)(15)(B))), as part of a group tour to the
17 United States.

18 (3) PERIOD OF STAY.—The alien seeks to stay
19 in the United States for a period of not more than
20 15 days.

21 (4) EXECUTES IMMIGRATION FORMS.—The
22 alien before the time of such admission completes
23 such immigration form as the Attorney General shall
24 establish.

1 (5) ENTRY INTO THE UNITED STATES.—If ar-
2 riving by sea or air, the alien arrives at the port of
3 entry into the United States on a carrier which has
4 entered into an agreement with the Immigration and
5 Naturalization Service to guarantee transport of the
6 alien out of the United States if the alien is found
7 inadmissible or deportable by an immigration officer.

8 (6) NOT A SAFETY THREAT.—The alien has
9 been determined not to represent a threat to the
10 welfare, health, safety, or security of the United
11 States.

12 (7) NO PREVIOUS VIOLATION.—If the alien pre-
13 viously was admitted without a visa under this sec-
14 tion, the alien must not have failed to comply with
15 the conditions of any previous admission as such a
16 nonimmigrant.

17 (8) ROUND-TRIP TICKET.—The alien is in pos-
18 session of a round-trip transportation ticket (unless
19 this requirement is waived by the Attorney General
20 under regulations).

21 (c) WAIVER OF RIGHTS.—An alien may not be pro-
22 vided a waiver under the pilot program unless the alien
23 has waived any right—

1 (1) to review or appeal under this Act of an im-
2 migration officer's determination as to the admissi-
3 bility of the alien at the port of entry into the
4 United States, or

5 (2) to contest, other than on the basis of an ap-
6 plication for asylum, any action for deportation
7 against the alien.

8 (d) TERMINATION OF AUTHORITY.—Notwithstanding
9 any other provision of this section, the Attorney General
10 and the Secretary of State, acting jointly, may terminate
11 the pilot program under this section on or after a date
12 which is one year after the date of the establishment of
13 the pilot program if—

14 (1) during the preceding fiscal year, the over-
15 stay rate for nationals of the Republic of Korea en-
16 tering the United States under the pilot program ex-
17 ceeds the overstay rate of such nationals entering
18 the United States with valid visas; and

19 (2) the Attorney General and the Secretary of
20 State have jointly determined that the pilot program
21 is leading to a significant increase in the number of
22 overstays by such nationals.

23 (e) SPECIAL BOND AND NOTIFICATION REQUIRE-
24 MENTS FOR TOUR OPERATORS.—

1 (1) IN GENERAL.—Nationals of the Republic of
2 Korea may not enter the United States under the
3 terms of this section unless they are accompanied
4 for the duration of their authorized admission period
5 by a tour operator who has fulfilled the following re-
6 quirements:

7 (A) The tour operator has posted a bond
8 of \$200,000 with the Secretary of State.

9 (B) The Secretary of State, under such
10 regulations as the Secretary may prescribe, has
11 approved an application by the tour operator to
12 escort tour groups to the United States.

13 (C) The tour operator provides the name,
14 address, birthdate, passport number, and citi-
15 zenship of all prospective tour group members
16 to the Secretary of State no less than one busi-
17 ness day prior to the departure date of the
18 group, under such regulations as he may pre-
19 scribe, in order to determine that the prospec-
20 tive travelers do not represent a threat to the
21 welfare, health, safety, and security of the
22 United States.

23 (D) The tour operator excludes from the
24 tour group any person whom the Secretary of

1 State denies permission to travel to the United
2 States.

3 (E) The tour operator provides written cer-
4 tification or other such evidence prescribed by
5 the Secretary of State and Attorney General
6 which documents the return to Korea of each
7 tour group member.

8 (2) FORFEITURE OF BONDS.—Bonds posted in
9 accordance with this subsection shall be forfeited in
10 whole or in part and a tour operator’s authorization
11 to escort tours to the United States may be sus-
12 pended or revoked if the Secretary of State finds
13 that the tour operator—

14 (A) has failed to disclose a material fact in
15 connection with the application required under
16 paragraph (1)(B);

17 (B) fails to comply with the advance notifi-
18 cation and refusal requirements of paragraphs
19 (1)(C) and (1)(D);

20 (C) has failed to take adequate steps to en-
21 sure that visitors who are being escorted to the
22 United States under the terms of an approved
23 application return to their country of residence;
24 or

1 (D) is found at any time to have commit-
2 ted a felony or any offense under the immigra-
3 tion laws of the United States.

4 (f) PARTICIPATION BY TOUR AGENTS.—The Sec-
5 retary of State shall periodically review the overstay rate
6 of nationals of the Republic of Korea that corresponds to
7 each tour agent participating in the program under this
8 section. The Secretary may terminate the participation in
9 the program of any tour agent if the Secretary determines
10 that the corresponding overstay rate is excessive.

11 (g) DEFINITIONS.—For purposes of this section—

12 (1) GROUP TOUR.—The term “group tour”
13 means travelers who take advantage of group-pur-
14 chased hotel or airfare packages, as guided, super-
15 vised, and arranged by a tour agent in the Republic
16 of Korea approved or licensed by the Department of
17 State.

18 (2) OVERSTAY RATE.—The term “overstay
19 rate” means, during a specified period of time, the
20 proportion that the number of aliens remaining in
21 the United States after the expiration of their visas
22 bears to the total number of aliens entering the
23 United States during that period of time.

24 (3) PILOT PROGRAM PERIOD.—The term “pilot
25 program period” means the three-year period im-

- 1 mediately following the establishment of the pilot
- 2 program.

