

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2732
OFFERED BY MR. SHERMAN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “North Korea Travel
3 Restrictions Act”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:

6 (1) In recent years, there has been an increase
7 in tourist travel to North Korea by citizens of West-
8 ern countries, including the United States.

9 (2) In the past ten years, at least 17 United
10 States citizens have been detained in North Korea,
11 and three citizens remain imprisoned in North
12 Korea as of June 2017. These Americans traveled to
13 North Korea for a variety of reasons, including tour-
14 ism, lured in part by its secrecy and decades of clo-
15 sure to the West.

16 (3) In January 2016, United States citizen
17 Otto F. Warmbier traveled through China to North
18 Korea, where he was detained by North Korean au-

1 thorities and prohibited from leaving the country.
2 Warmbier was tried and convicted for allegedly at-
3 tempting to remove a propaganda poster from his
4 hotel and sentenced to 15 years hard labor.
5 Warmbier was denied consular access by the North
6 Korean Government from March 2, 2016, until his
7 return to the United States in June 2017. He was
8 returned to the United States in a coma and died
9 days later.

10 (4) The Government of North Korea has re-
11 peatedly detained United States citizens in order to
12 use them as bargaining chips in negotiations over a
13 variety of issues, including North Korea’s illegal nu-
14 clear weapons program and ballistic missile develop-
15 ment and as a way to extract diplomatic concessions.

16 (5) The United States has undertaken signifi-
17 cant diplomatic efforts to secure the release of
18 Americans detained in North Korea, including
19 through visits by former United States Presidents
20 and cabinet level officials.

21 (6) The Department of State discourages travel
22 to North Korea, stating in a travel warning that be-
23 cause “the United States does not maintain diplo-
24 matic or consular relations with North Korea, the
25 U.S. government has no means to provide normal

1 consular services to U.S. citizens in North Korea”,
2 and that United States citizens are at “serious risk
3 of arrest and long-term detention under North Ko-
4 rea’s system of law enforcement”. In spite of this
5 warning, as many as 1,000 Americans travel to
6 North Korea as tourists each year.

7 (7) The tourism industry in North Korea is run
8 by state-owned enterprises, and foreign travel to
9 North Korea is a source of hard currency for the
10 North Korean Government, helping to perpetuate
11 the North Korean Government’s pursuit of illegal
12 weapons and its brutal violation of the human rights
13 of its own citizens.

14 (8) It remains longstanding United States for-
15 eign policy to authorize the provision of humani-
16 tarian and civil society assistance to vulnerable pop-
17 ulations in sanctioned countries, including by au-
18 thorizing travel and travel-related transactions to
19 support the provision of such assistance.

20 **SEC. 3. DETERMINATION REGARDING RESTRICTIONS ON**
21 **TRAVEL TO NORTH KOREA USING UNITED**
22 **STATES PASSPORTS.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the Secretary of State should—

1 (1) assess the purposes for travel by United
2 States citizens to North Korea;

3 (2) analyze the unique risks posed to United
4 States citizens traveling to North Korea;

5 (3) explore all options for mitigating such risks;
6 and

7 (4) determine whether to restrict tourist and
8 other forms of travel to North Korea because such
9 travel could pose imminent danger to the physical
10 safety of United States citizens.

11 (b) DETERMINATION REQUIRED.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (4), not later than 30 days after the date of
14 the enactment of this Act, the Secretary of State
15 shall submit to the Committee on Foreign Affairs of
16 the House of Representatives and the Committee on
17 Foreign Relations of the Senate a determination, in-
18 cluding a justification for such determination, re-
19 garding whether travel to North Korea would pose
20 an “imminent danger to the public health or the
21 physical safety of United States travelers” or other-
22 wise satisfy the criteria described in section 1 of the
23 Act of July 3, 1926 (22 U.S.C. 211a) commonly
24 known as the “Passport Act of 1926”, for the re-
25 striction of the use of a passport. If the Secretary

1 makes an affirmative determination under this para-
2 graph, the Secretary shall, pursuant to such Act, re-
3 strict the use of a passport for travel to North
4 Korea.

5 (2) FORM.—The determination required by
6 paragraph (1) shall be submitted in unclassified
7 form but may include a classified annex.

8 (3) PUBLIC NOTICE.—If the Secretary of State
9 makes an affirmative determination under para-
10 graph (1), such determination shall be published in
11 the Federal Register in accordance with the require-
12 ments of section 51.63(b) of title 22, Code of Fed-
13 eral Regulations (as in effect on the date of the en-
14 actment of this Act).

15 (4) EXCEPTIONS.—

16 (A) IN GENERAL.—A restriction on travel
17 imposed pursuant to an affirmative determina-
18 tion under paragraph (1) shall not apply under
19 any of the following circumstances:

20 (i) The United States citizen is a pro-
21 fessional reporter or journalist, the purpose
22 of whose trip is to obtain, and make avail-
23 able to the public, information about North
24 Korea.

1 (ii) The United States citizen is a rep-
2 resentative of the International Committee
3 of the Red Cross or the American Red
4 Cross traveling pursuant to an officially-
5 sponsored Red Cross mission.

6 (iii) The United States citizen's travel
7 is justified by compelling humanitarian
8 considerations.

9 (iv) The United States citizen is trav-
10 eling on official business of the United
11 States Government.

12 (v) The United States citizen is trav-
13 eling on official business of an intergovern-
14 mental organization.

15 (vi) The United States citizen is trav-
16 eling for the purpose of family reunifica-
17 tion.

18 (vii) The United States citizen is trav-
19 eling on behalf of an entity that is oper-
20 ating in North Korea under a general li-
21 cense issued by the Department of the
22 Treasury.

23 (B) SPECIAL VALIDATION IN THE NA-
24 TIONAL INTEREST.—

1 (i) IN GENERAL.—The Secretary of
2 State may grant a special validation to
3 permit a United States citizen to travel to
4 North Korea if such travel is otherwise re-
5 stricted pursuant to an affirmative deter-
6 mination under paragraph (1) and not
7 subject to an exception under subpara-
8 graph (A) if the Secretary determines that
9 such travel is in the national interest of
10 the United States.

11 (ii) WRITTEN ACKNOWLEDGMENT.—
12 The Secretary of State shall require any
13 United States citizen seeking to travel to
14 North Korea to state in writing the pur-
15 pose of such citizen’s travel and to ac-
16 knowledge in writing that such citizen un-
17 derstands and accepts—

18 (I) the risks inherent in travel to,
19 from, or within North Korea; and

20 (II) the significant limitations of
21 United States Government assistance
22 to United States citizen travelers in
23 jeopardy in North Korea.

24 (5) PENALTIES.—

1 (A) IN GENERAL.—Any person who travels
2 to or within North Korea using a passport re-
3 stricted pursuant to an affirmative determina-
4 tion under paragraph (1) may be subject to a
5 civil penalty of not more than \$100,000.

6 (B) NON-APPLICABILITY OF CRIMINAL
7 PENALTIES.—The penalties provided for a vio-
8 lation of section 1544 of title 18, United States
9 Code, shall not apply with respect to a person
10 traveling to North Korea using a passport re-
11 stricted pursuant to an affirmative determina-
12 tion under paragraph (1).

