

REFERENCES IN TEXT

The Tariff Act of 1930, referred to in subsec. (d)(2), is act June 17, 1930, ch. 497, 46 Stat. 590. Part V of title IV of the Act is classified generally to part V (§1581 et seq.) of subtitle III of chapter 4 of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 1654 of Title 19 and Tables.

PRIOR PROVISIONS

A prior section 9225, Pub. L. 114-122, title II, §205, Feb. 18, 2016, 130 Stat. 108, related to enhanced inspection authorities, prior to repeal by Pub. L. 115-44, title III, §314, Aug. 2, 2017, 131 Stat. 946.

DELEGATION OF FUNCTIONS

Functions and authorities of President under subsec. (a) of this section delegated to Director of National Intelligence, in consultation with Secretary of State, by Memorandum of President of the United States, May 18, 2016, 81 F.R. 37479, set out as a note under section 9212 of this title.

§ 9226. Travel sanctions

The Secretary of State may deny a visa to, and the Secretary of Homeland Security may deny entry into the United States of, any alien who is—

- (1) a designated person;
- (2) a corporate officer of a designated person;
- or
- (3) a principal shareholder with a controlling interest in a designated person.

(Pub. L. 114-122, title II, §206, Feb. 18, 2016, 130 Stat. 108.)

§ 9227. Travel recommendations for United States citizens to North Korea

The Secretary of State shall expand the scope and frequency of issuance of travel warnings for all United States citizens to North Korea. The expanded travel warnings, which should be issued or updated not less frequently than every 90 days, should include—

- (1) publicly released or credible open source information regarding the detention of United States citizens by North Korean authorities, including available information on circumstances of arrest and detention, duration, legal proceedings, and conditions under which a United States citizen has been, or continues to be, detained by North Korean authorities, including present-day cases and cases occurring during the 10-year period ending on February 18, 2016;
- (2) publicly released or credible open source information on the past and present detention and abduction or alleged abduction of citizens of the United States, South Korea, or Japan by North Korean authorities;
- (3) unclassified information about the nature of the North Korean regime, as described in congressionally mandated reports and annual reports issued by the Department of State and the United Nations, including information about North Korea's weapons of mass destruction programs, illicit activities, international sanctions violations, and human rights situation; and
- (4) any other information that the Secretary deems useful to provide United States citizens with a comprehensive picture of the nature of the North Korean regime.

(Pub. L. 114-122, title II, §207, Feb. 18, 2016, 130 Stat. 108.)

§ 9228. Exemptions, waivers, and removals of designation**(a) Exemptions**

The following activities shall be exempt from sanctions under sections 9214, 9221a, 9226, 9229, 9241a, 9241b, and 9243 of this title:

(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

(2) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(3) Any activities incidental to the POW/MIA accounting mission in North Korea, including activities by the Defense POW/MIA Accounting Agency and other governmental or non-governmental organizations tasked with identifying or recovering the remains of members of the United States Armed Forces in North Korea.

(b) Humanitarian waiver**(1) In general**

The President may waive, for renewable periods of between 30 days and 1 year, the application of the sanctions authorized under section 9214, 9221a, 9224, 9225, 9226, 9229(b), 9241a, 9241b, or 9243(b) of this title if the President submits to the appropriate congressional committees a written determination that the waiver is necessary for humanitarian assistance or to carry out the humanitarian purposes set forth section 7802 of this title.

(2) Content of written determination

A written determination submitted under paragraph (1) with respect to a waiver shall include a description of all notification and accountability controls that have been employed in order to ensure that the activities covered by the waiver are humanitarian assistance or are carried out for the purposes set forth in section 7802 of this title and do not entail any activities in North Korea or dealings with the Government of North Korea not reasonably related to humanitarian assistance or such purposes.

(3) Clarification of permitted activities under waiver

An internationally recognized humanitarian organization shall not be subject to sanctions under section 9214, 9221a, 9224, 9225, 9226, 9229(b), 9241a, 9241b, or 9243(b) of this title for—

- (A) engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes pursuant to a waiver issued under paragraph (1);
- (B) transporting goods or services that are necessary to carry out operations relating to