

180 days thereafter for 5 years” for “not later than 90 days after February 18, 2016, and every 180 days thereafter”.

DELEGATION OF FUNCTIONS

For delegation of certain functions of President under this section, see 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.

§ 9230. Codification of sanctions with respect to North Korean activities undermining cybersecurity

(a) In general

United States sanctions with respect to activities of the Government of North Korea, persons acting for or on behalf of that Government, or persons located in North Korea that undermine cybersecurity provided for in Executive Order 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions with respect to North Korea) or Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), as such Executive Orders are in effect on the day before February 18, 2016, shall remain in effect until the date that is 30 days after the date on which the President submits to Congress a certification that the Government of North Korea, persons acting for or on behalf of that Government, and persons owned or controlled, directly or indirectly, by that Government or persons acting for or on behalf of that Government, are no longer engaged in the illicit activities described in such Executive Orders, including actions in violation of United Nations Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013).

(b) Rule of construction

Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(Pub. L. 114–122, title II, § 210, Feb. 18, 2016, 130 Stat. 111.)

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

§ 9231. Sense of Congress on trilateral cooperation between the United States, South Korea, and Japan

(a) In general

It is the sense of Congress that the President—

(1) should seek to strengthen high-level trilateral mechanisms for discussion and coordination of policy toward North Korea between the Government of the United States, the Government of South Korea, and the Government of Japan;

(2) should ensure that the mechanisms specifically address North Korea’s nuclear, ballistic, and conventional weapons programs, its human rights record, and cybersecurity threats posed by North Korea;

(3) should ensure that representatives of the United States, South Korea, and Japan meet on a regular basis and include representatives of the United States Department of State, the United States Department of Defense, the United States intelligence community, and representatives of counterpart agencies in South Korea and Japan; and

(4) should continue to brief the relevant congressional committees regularly on the status of such discussions.

(b) Relevant committees

The relevant committees referred to in subsection (a)(4) shall include—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(Pub. L. 114–122, title II, § 211, Feb. 18, 2016, 130 Stat. 111.)

SUBCHAPTER III—PROMOTION OF HUMAN RIGHTS

§ 9241. Strategy to promote North Korean human rights

(a) In general

Not later than 120 days after October 25, 2018, and periodically thereafter, the Secretary of State, in coordination with other appropriate Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that details a United States strategy to promote initiatives to enhance international awareness of and to address the human rights situation in North Korea.

(b) Information

The report required under subsection (a) shall include—

(1) a list of countries that forcibly repatriate refugees from North Korea;

(2) a list of countries where North Korean laborers work, including countries the governments of which have formal arrangements with the Government of North Korea or any person acting for or on behalf of that Government to employ North Korean workers; and

(3) a list of foreign persons that knowingly employ North Korean laborers, as described in section 9214(b)(1)(M)¹ of this title.

(c) Strategy

The report required under subsection (a) shall include—

(1) a plan to enhance bilateral and multilateral outreach, including sustained engagement with the governments of partners and allies with overseas posts to routinely demarche or brief those governments on North Korea human rights issues, including forced labor, trafficking, and repatriation of citizens of North Korea;

¹ So in original. The reference probably should be to section 9214(b)(1)(L) of this title.

(2) public affairs and public diplomacy campaigns, including options to work with news organizations and media outlets to publish opinion pieces and secure public speaking opportunities for United States Government officials on issues related to the human rights situation in North Korea, including forced labor, trafficking, and repatriation of citizens of North Korea; and

(3) opportunities to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to raise awareness and provide assistance to North Korean defectors throughout the world.

(Pub. L. 114–122, title III, §302, Feb. 18, 2016, 130 Stat. 112; Pub. L. 115–44, title III, §321(a)(1), Aug. 2, 2017, 131 Stat. 951; Pub. L. 115–272, title III, §303(c)(2), Oct. 25, 2018, 132 Stat. 4157.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–272 substituted “Not later than 120 days after October 25, 2018, and periodically thereafter” for “Not later than 180 days after February 18, 2016”.

2017—Subsec. (b)(3). Pub. L. 115–44 added par. (3).

ADDITIONAL DETERMINATIONS; REPORTS

Pub. L. 115–44, title III, §321(a)(2), Aug. 2, 2017, 131 Stat. 951, provided that: “With respect to any country identified in section 302(b)(2) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9241(b)(2)), as amended by paragraph (1), the report required under section 302(a) of such Act shall—

“(A) include a determination whether each person identified in section 302(b)(3) of such Act (as amended by paragraph (1)) who is a national or a citizen of such identified country meets the criteria for sanctions under—

“(i) section 111 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108) (relating to the prevention of trafficking in persons); or

“(ii) section 104(a) or 104(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214(a)[, (b)(1)]), as amended by section 101 of this Act;

“(B) be included in the report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) (relating to the annual report on trafficking in persons); and

“(C) be considered in any determination that the government of such country has made serious and sustained efforts to eliminate severe forms of trafficking in persons, as such term is defined for purposes of the Trafficking Victims Protection Act of 2000 [22 U.S.C. 7101 et seq.]”

§ 9241a. Rebuttable presumption applicable to goods made with North Korean labor

(a) In general

Except as provided in subsection (b), any significant goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part by the labor of North Korean nationals or citizens shall be deemed to be prohibited under section 1307 of title 19 and shall not be entitled to entry at any of the ports of the United States.

(b) Exception

The prohibition described in subsection (a) shall not apply if the Commissioner of U.S. Customs and Border Protection finds, by clear and convincing evidence, that the goods, wares, articles, or merchandise described in such paragraph

were not produced with convict labor, forced labor, or indentured labor under penal sanctions.

(Pub. L. 114–122, title III, §302A, as added Pub. L. 115–44, title III, §321(b)(1), Aug. 2, 2017, 131 Stat. 952.)

§ 9241b. Sanctions on foreign persons employing North Korean labor

(a) In general

Except as provided in subsection (c), the President shall designate any person identified under section 9241(b)(3) of this title for the imposition of sanctions under subsection (b).

(b) Imposition of sanctions

(1) In general

The President shall impose the sanctions described in paragraph (2) with respect to any person designated under subsection (a).

(2) Sanctions described

The sanctions described in this paragraph are sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to block and prohibit all transactions in property and interests in property of a person designated under subsection (a), if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) Exception

(1) In general

A person may not be designated under subsection (a) if the President certifies to the appropriate congressional committees that the President has received reliable assurances from such person that—

(A) the employment of North Korean laborers does not result in the direct or indirect transfer of convertible currency, luxury goods, or other stores of value to the Government of North Korea;

(B) all wages and benefits are provided directly to the laborers, and are held, as applicable, in accounts within the jurisdiction in which they reside in locally denominated currency; and

(C) the laborers are subject to working conditions consistent with international standards.

(2) Recertification

Not later than 180 days after the date on which the President transmits to the appropriate congressional committees an initial certification under paragraph (1), and every 180 days thereafter, the President shall—

(A) transmit a recertification stating that the conditions described in such paragraph continue to be met; or

(B) if such recertification cannot be transmitted, impose the sanctions described in subsection (b) beginning on the date on which the President determines that such recertification cannot be transmitted.

(Pub. L. 114–122, title III, §302B, as added Pub. L. 115–44, title III, §321(b)(1), Aug. 2, 2017, 131 Stat. 952.)