

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.)

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b)(2), 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.

§ 9242. Report on North Korean prison camps

(a) In general

The Secretary of State shall submit to the appropriate congressional committees a report that describes, with respect to each political prison camp in North Korea, to the extent information is available—

(1) the camp's estimated prisoner population;

(2) the camp's geographical coordinates;

(3) the reasons for the confinement of the prisoners;

(4) the camp's primary industries and products, and the end users of any goods produced in the camp;