

(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, 9221b, 9221c, 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, 9221b, 9221c, 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, 9221b, 9221c, 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 humanitarian assistance or humanitarian purposes pursuant to such a waiver; or

(C) having merely incidental contact, in the course of providing humanitarian assistance or aid for humanitarian purposes pursuant to such a waiver, with individuals who are under the control of a foreign person subject to sanctions under this chapter.

(c) Waiver

The President may waive, on a case-by-case basis, for renewable periods of between 30 days and 1 year, the application of the sanctions authorized under section 9214, 9221a, 9221b, 9221c, 9221(c)(2), 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—

(1) is important to the national security interests of the United States; or

(2) will further the enforcement of this chapter or is for an important law enforcement purpose.

(d) Financial services for humanitarian and consular activities

The President may promulgate such regulations, rules, and policies as may be necessary to facilitate the provision of financial services by a foreign financial institution that is not a North Korean financial institution in support of activities conducted pursuant to an exemption or waiver under this section.

(Pub. L. 114-122, title II, §208, Feb. 18, 2016, 130 Stat. 109; Pub. L. 115-44, title III, §322, Aug. 2, 2017, 131 Stat. 953; Pub. L. 116-92, div. F, title LXXI, §7143(a), Dec. 20, 2019, 133 Stat. 2255.)

Editorial Notes

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (a)(1), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsecs. (b)(3)(C) and (c)(2), was in the original “this Act”, meaning Pub. L. 114-122, Feb. 18, 2016, 130 Stat. 93, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

AMENDMENTS

2019—Subsecs. (a), (b)(1), (3), (c). Pub. L. 116-92 inserted “9221b, 9221c,” after “9221a.”

2017—Subsec. (a). Pub. L. 115-44, §322(a), inserted “9221a,” after “sections 9214,” and “9241a, 9241b,” after “9229,” in introductory provisions.

Subsec. (b)(1), (3). Pub. L. 115-44, §322(b), inserted “9221a,” after “section 9214,” and “9241a, 9241b,” after “9229(b).”

Subsec. (c). Pub. L. 115-44, §322(c), inserted “9221a,” after “section 9214,” and “9241a, 9241b,” after “9229(b),” in introductory provisions.

Executive Documents

DELEGATION OF FUNCTIONS

Functions and authorities of President under section 7143 of Pub. L. 116-92 with respect to this section dele-

gated to Secretary of State, in consultation with the Secretary of the Treasury, by section 1(a)(vi) of Memorandum of President of the United States, Feb. 21, 2020, 85 F.R. 13717, set out as a note under section 286yy of this title.

Functions and authorities of President under subsecs. (b) and (c) of this section delegated to Secretary of State, to be executed in consultation with Secretary of the Treasury when appropriate, and functions and authorities of President under subsec. (d) of this section delegated to Secretary of the Treasury, 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.

§ 9229. Report on and imposition of sanctions to address persons responsible for knowingly engaging in significant activities undermining cybersecurity

(a) Report required

(1) In general

The President shall submit to the appropriate congressional committees a report that describes significant activities undermining cybersecurity aimed against the United States Government or any United States person and conducted by the Government of North Korea, or a person owned or controlled, directly or indirectly, by the Government of North Korea or any person acting for or on behalf of that Government.

(2) Information

The report required under paragraph (1) shall include—

(A) the identity and nationality of persons that have knowingly engaged in, directed, or provided material support to conduct significant activities undermining cybersecurity described in paragraph (1);

(B) a description of the conduct engaged in by each person identified;

(C) an assessment of the extent to which a foreign government has provided material support to the Government of North Korea or any person acting for or on behalf of that Government to conduct significant activities undermining cybersecurity; and

(D) a United States strategy to counter North Korea's efforts to conduct significant activities undermining cybersecurity against the United States, that includes efforts to engage foreign governments to halt the capability of the Government of North Korea and persons acting for or on behalf of that Government to conduct significant activities undermining cybersecurity.

(3) Submission and form

(A) Submission

The report required under paragraph (1) shall be submitted not later than 90 days after October 25, 2018, and every 180 days thereafter for 5 years.

(B) Form

The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(b) Designation of persons

The President shall designate under section 9214(a) of this title any person identified in the

report required under subsection (a)(1) that knowingly engages in significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities on behalf of the Government of North Korea.

(Pub. L. 114-122, title II, §209, Feb. 18, 2016, 130 Stat. 110; Pub. L. 115-272, title III, §303(c)(1), Oct. 25, 2018, 132 Stat. 4157.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a)(3)(A). Pub. L. 115-272 substituted “not later than 90 days after October 25, 2018, and every 180 days thereafter for 5 years” for “not later than 90 days after February 18, 2016, and every 180 days thereafter”.

Executive Documents

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.)

Editorial Notes

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 Na-