

“(C) evaluate the extent to which the United States Government procures goods or services from any commercial entity identified under subparagraph (B);

“(D) provide a list of commercial entities identified under subparagraph (B) that provide defense goods or services for the Department of Defense; and

“(E) evaluate the ramifications to United States national security, including any impacts to the defense industrial base, Department of Defense acquisition programs, and Department of Defense logistics or supply chains, of prohibiting procurements from commercial entities listed under subparagraph (D).

“(3) REPORT.—Not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], the Secretary of Defense shall submit to Congress a report on the assessment required by paragraph (1). The report shall be submitted in unclassified form, but may contain a classified annex.

“(b) AUTHORITY.—The Secretary of Defense may terminate existing contracts or prohibit the award of contracts for the procurement of goods or services for the Department of Defense from a Chinese commercial entity included on the list described under subsection (a)(2)(D) based on a determination informed by the assessment required under subsection (a)(1).

“(c) NOTIFICATION.—The Secretary of Defense shall submit to the appropriate committees of Congress a notification of, and detailed justification for, any exercise of the authority in subsection (b) not less than 30 days before the date on which the authority is exercised.

“(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

“(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.”

§ 9225. Enhanced inspection authorities

(a) Report required

(1) In general

Not later than 180 days after August 2, 2017, and annually thereafter for 5 years, the President shall submit to the appropriate congressional committees a report—

(A) identifying the operators of foreign sea ports and airports that knowingly—

(i) significantly fail to implement or enforce regulations to inspect ships, aircraft, cargo, or conveyances in transit to or from North Korea, as required by applicable United Nations Security Council resolutions;

(ii) facilitate the transfer, transshipment, or conveyance of significant types or quantities of cargo, vessels, or aircraft owned or controlled by persons designated under applicable United Nations Security Council resolutions; or

(iii) facilitate any of the activities described in section 9214(a) of this title;

(B) describing the extent to which the requirements of applicable United Nations Security Council resolutions to de-register any vessel owned, controlled, or operated by or on behalf of the Government of North Korea have been implemented by other foreign countries;

(C) describing the compliance of the Islamic Republic of Iran with the sanctions

mandated in applicable United Nations Security Council resolutions;

(D) identifying vessels, aircraft, and conveyances owned or controlled by the Reconnaissance General Bureau of the Workers’ Party of Korea; and

(E) describing the diplomatic and enforcement efforts by the President to secure the full implementation of the applicable United Nations Security Council resolutions, as described in subparagraphs (A) through (C).

(2) Form

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

(b) Specific findings

Each report required under subsection (a) shall include specific findings with respect to the following ports and airports:

(1) The ports of Dandong, Dalian, and any other port in the People’s Republic of China that the President deems appropriate.

(2) The ports of Abadan, Bandar-e-Abbas, Chabahar, Bandar-e-Khomeini, Bushehr Port, Asaluyeh Port, Kish, Kharg Island, Bandar-e-Lenge, and Khorramshahr, and Tehran Imam Khomeini International Airport, in the Islamic Republic of Iran.

(3) The ports of Nakhodka, Vanino, and Vladivostok, in the Russian Federation.

(4) The ports of Latakia, Baniyas, and Tartous, and Damascus International Airport, in the Syrian Arab Republic.

(c) Enhanced security targeting requirements

(1) In general

Except as provided in paragraph (2), the Secretary of Homeland Security may, using a layered approach, require enhanced screening procedures to determine whether physical inspections are warranted of any cargo bound for or landed in the United States that—

(A) has been transported through a sea port or airport the operator of which has been identified by the President in accordance with subsection (a)(1) as having repeatedly failed to comply with applicable United Nations Security Council resolutions;

(B) is aboard a vessel or aircraft, or within a conveyance that has, within the last 365 days, entered the territory or waters of North Korea, or landed in any of the sea ports or airports of North Korea; or

(C) is registered by a country or jurisdiction whose compliance has been identified by the President as deficient pursuant to subsection (a)(2).

(2) Exception for food, medicine, and humanitarian shipments

Paragraph (1) shall not apply to any vessel, aircraft, or conveyance that has entered the territory or waters of North Korea, or landed in any of the sea ports or airports of North Korea, exclusively for the purposes described in section 9228(b)(3)(B) of this title, or to import food, medicine, or supplies into North Korea to meet the humanitarian needs of the North Korean people.

(d) Seizure and forfeiture

A vessel, aircraft, or conveyance used to facilitate any of the activities described in section

9214(a) of this title under the jurisdiction of the United States may be seized and forfeited, or subject to forfeiture, under—

(1) chapter 46 of title 18; or

(2) part V of title IV of the Tariff Act of 1930 (19 U.S.C. 1581 et seq.).

(Pub. L. 114–122, title II, §205, as added Pub. L. 115–44, title III, §314, Aug. 2, 2017, 131 Stat. 946.)

Editorial Notes

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.

Executive Documents

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, 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