

(i) abducted or unlawfully held captive by the Government of North Korea; or

(ii) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the “Korean War Armistice Agreement”).

(Pub. L. 114–122, title IV, §402, Feb. 18, 2016, 130 Stat. 115.)

Editorial Notes

REFERENCES IN TEXT

Subchapter I, II, or III (or any amendment made by such subchapters), referred to in subsec. (a), was in the original “title I, II, or III (or any amendment made by such titles)”, meaning titles I, II, and III of Pub. L. 114–122, Feb. 18, 2016, 130 Stat. 98, 101, 112. Titles I and III are classified principally to subchapters I and III, respectively, of this chapter. Title II is classified generally to subchapter II of this chapter. For complete classification of titles I, II, and III of Pub. L. 114–122 to the Code, see Tables.

Executive Documents

DELEGATION OF FUNCTIONS

Functions and authorities of President under this section delegated to Secretary of State, to be executed in consultation with Secretary of the Treasury when appropriate, 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.

§ 9253. Repealed. Pub. L. 115–198, §9, July 20, 2018, 132 Stat. 1525

Section, Pub. L. 114–122, title IV, §403, Feb. 18, 2016, 130 Stat. 115, authorized appropriations for fiscal years 2017 through 2021 to carry out provisions in chapter 85 of this title.

§ 9254. Rulemaking

(a) In general

The President is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter (which may include regulatory exceptions), including under section 205 of the International Emergency Economic Powers Act (50 U.S.C. 1704).

(b) Rule of construction

Nothing in this chapter, or in any amendment made by this Act, may be construed to limit the authority of the President to designate or sanction persons pursuant to an applicable Executive order or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(Pub. L. 114–122, title IV, §404, Feb. 18, 2016, 130 Stat. 116.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, 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.

Any amendment made by this Act, referred to in subsec. (b), means the amendments made by Pub. L.

114–122. See Short Title note set out under section 9201 of this title and Tables.

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.

Executive Documents

DELEGATION OF FUNCTIONS

Functions and authorities of President under subsec. (a) of this section delegated to Secretary of State, Secretary of the Treasury, Secretary of Commerce, and Director of National Intelligence 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.

§ 9255. Authority to consolidate reports

Any and all reports required to be submitted to appropriate congressional committees under this chapter or any amendment made by this Act that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to such deadline. The consolidated reports must contain all information required under this chapter or any amendment made by this Act, in addition to all other elements mandated by previous law.

(Pub. L. 114–122, title IV, §405, Feb. 18, 2016, 130 Stat. 116.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, 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.

Any amendment made by this Act, referred to in text, means the amendments made by Pub. L. 114–122. See Short Title note set out under section 9201 of this title and Tables.

SUBCHAPTER V—AUTHORITIES AND REQUIREMENTS RELATED TO EXPANDED SANCTIONS

Editorial Notes

CODIFICATION

This subchapter was enacted as part of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019, and also as part of the National Defense Authorization Act for Fiscal Year 2020, and not as part of the North Korea Sanctions and Policy Enhancement Act of 2016 which comprises this chapter.

§ 9261. Definitions

In this subtitle,¹ the terms “applicable Executive order”, “applicable United Nations Security Council resolution”, “appropriate congressional committees”, “Government of North Korea”, “North Korea”, “North Korean financial institution”, and “North Korean person” have the

¹ See References in Text note below.

meanings given those terms in section 9202 of this title.

(Pub. L. 116–92, div. F, title LXXI, § 7112, Dec. 20, 2019, 133 Stat. 2244.)

Editorial Notes

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle A of title LXXI of div. F of Pub. L. 116–92, Dec. 20, 2019, 133 Stat. 2244, which enacted this subchapter and sections 262p–13, 286yy, 9221b, and 9221c of this title, amended sections 9202, 9212, 9214, 9223, 9224, 9228, 9241, and 9251 of this title, repealed sections 262p–13 and 286yy of this title, and enacted provisions set out as notes under sections 262p–13 and 286yy of this title. For complete classification of this subtitle to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019, and also as part of the National Defense Authorization Act for Fiscal Year 2020, and not as part of the North Korea Sanctions and Policy Enhancement Act of 2016 which comprises this chapter.

PART I—CONGRESSIONAL REVIEW AND OVERSIGHT

§ 9265. Notification of termination or suspension of sanctions

Before taking any action to terminate or suspend the application of sanctions under this subtitle¹ or an amendment made by this subtitle, the President shall notify the appropriate congressional committees of the President’s intent to take the action and the reasons for the action.

(Pub. L. 116–92, div. F, title LXXI, § 7131, Dec. 20, 2019, 133 Stat. 2252.)

Editorial Notes

REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle A of title LXXI of div. F of Pub. L. 116–92, Dec. 20, 2019, 133 Stat. 2244, which enacted this subchapter and sections 262p–13, 286yy, 9221b, and 9221c of this title, amended sections 9202, 9212, 9214, 9223, 9224, 9228, 9241, and 9251 of this title, repealed sections 262p–13 and 286yy of this title, and enacted provisions set out as notes under sections 262p–13 and 286yy of this title. For complete classification of this subtitle to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019, and also as part of the National Defense Authorization Act for Fiscal Year 2020, and not as part of the North Korea Sanctions and Policy Enhancement Act of 2016 which comprises this chapter.

Executive Documents

DELEGATION OF FUNCTIONS

Functions and authorities of President under this section delegated to Secretary of State, in consultation with the Secretary of the Treasury, by section 1(a)(v) 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.

¹ See References in Text note below.

§ 9265a. Reports on certain licensing actions

(a) Report required

(1) In general

Not later than 180 days after December 20, 2019, and every 180 days thereafter, the President shall submit to the committees specified in paragraph (2) a report on the operation of the system for issuing licenses for transactions under covered regulatory provisions during the preceding 180-day period that includes—

(A) the number and types of such licenses applied for during that period; and

(B) the number of such licenses issued during that period and information identifying the person receiving each such license.

(2) Committees specified

The committees specified in this paragraph are the following:

(A) The Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(B) The Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate.

(b) Submission of copies of licenses on request

The Secretary of the Treasury shall expeditiously provide a copy of any license identified in a report required by subsection (a)(1) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate if an appropriate Member of Congress requests a copy of that license not later than 30 days after submission of the report.

(c) Form

Each report required by subsection (a), and each copy of a license submitted under subsection (b), shall be submitted in unclassified form but may include a classified annex.

(d) Definitions

In this section:

(1) Appropriate Member of Congress

The term “appropriate Member of Congress” means—

(A) the chairman or ranking member of the Committee on Financial Services of the House of Representatives; or

(B) the chairman or ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) Covered regulatory provision

The term “covered regulatory provision” means any of the following provisions, as in effect on the day before December 20, 2019, and as such provisions relate to North Korea:

(A) Part 743, 744, or 746 of title 15, Code of Federal Regulations.

(B) Part 510 of title 31, Code of Federal Regulations.

(C) Any other provision of title 31, Code of Federal Regulations.

(Pub. L. 116–92, div. F, title LXXI, § 7132, Dec. 20, 2019, 133 Stat. 2252.)