

117TH CONGRESS
1ST SESSION

H. R. 1504

To expedite the provision of humanitarian assistance, including life-saving medical care, to the people of North Korea, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2021

Mr. LEVIN of Michigan (for himself, Ms. PRESSLEY, and Ms. OMAR) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expedite the provision of humanitarian assistance, including life-saving medical care, to the people of North Korea, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enhancing North
5 Korea Humanitarian Assistance Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Providing humanitarian assistance, includ-
2 ing to countries subject to sanctions imposed by the
3 United States, is an expression of American values
4 that furthers United States interests around the
5 world and is consistent with international humani-
6 tarian law.

7 (2) As of February 2020, roughly 10,100,000
8 people in North Korea are in urgent need of food as-
9 sistance and roughly 10,400,000 need nutrition sup-
10 port and improved access to basic services, including
11 health care, water, sanitation, and hygiene facilities.

12 (3) More than 40 percent of people in North
13 Korea are undernourished, and 1 in 5 children in
14 the country under the age of 5 is stunted in growth.

15 (4) More than $\frac{1}{3}$ of household drinking water
16 in North Korea is contaminated.

17 (5) Independent experts have identified severe
18 deficiencies in North Korea's public health infra-
19 structure, trained medical personnel, ability to com-
20 municate important safety information, and commit-
21 ment to addressing those deficiencies.

22 (6) North Korea has one of the highest burdens
23 of tuberculosis in the world and humanitarian assist-
24 ance is critical for countering the spread of deadly
25 infectious diseases such as tuberculosis, HIV/AIDS,

1 Hepatitis B, and the coronavirus disease 2019 (com-
2 monly known as “COVID–19”).

3 (7) North Korea cannot reliably maintain
4 stocks of drugs to treat diseases such as tuberculosis
5 and HIV/AIDS, posing the risk of interrupted treat-
6 ments, which can lead to treatment failures and de-
7 velopment of resistance to multiple therapies, mak-
8 ing treatment significantly more difficult and costly.

9 (8) The spread of COVID–19 in North Korea
10 is likely having devastating consequences for the
11 people of that country who are especially vulnerable
12 to a pandemic because of deficiencies in public
13 health infrastructure.

14 (9) The 2019 Global Health Security Index
15 shows North Korea is the third least prepared coun-
16 try in the world to combat a health security crisis.

17 (10) While the Government of North Korea has
18 not reported any cases of COVID–19 in the country,
19 the true extent and results of testing are unknown,
20 and government officials have not historically been
21 open or transparent about humanitarian emergencies
22 facing the people of North Korea.

23 (11) Responses to the COVID–19 crisis, includ-
24 ing border closings and quarantines have caused eco-
25 nomic shock and hampered international efforts that

1 would otherwise be providing life-saving support to
2 the people of North Korea.

3 (12) In its final report published on February
4 7, 2020, the United Nations Panel of Experts on
5 North Korea found that “United Nations agencies
6 and humanitarian organizations continue to experi-
7 ence unintended consequences on their humanitarian
8 programmes that make it impossible to operate nor-
9 mally in the Democratic People’s Republic of
10 Korea.”.

11 (13) Barriers to humanitarian access can result
12 from decisions made or delayed by the Government
13 of North Korea, by the governments of other coun-
14 tries, including the governments of the United
15 States and the People’s Republic of China, and by
16 the Committee of the United Nations Security Coun-
17 cil established by United Nations Security Council
18 Resolution 1718 (2006) (in this Act referred to as
19 the “1718 Sanctions Committee”).

20 (14) Nongovernmental organizations that pro-
21 vide humanitarian assistance in North Korea must
22 typically seek simultaneous authorizations from the
23 Department of the Treasury, the Department of
24 State, the Department of Commerce, the 1718 Sanc-
25 tions Committee, customs officials in the People’s

1 Republic of China, and the Government of North
2 Korea, adding further delays to humanitarian ac-
3 cess.

4 (15) The 1718 Sanctions Committee issued the
5 document entitled “Implementation Assistance No-
6 tice No. 7” on August 6, 2018, to clarify the process
7 for granting requests for humanitarian exemptions
8 by the United Nations and to reaffirm that sanc-
9 tions are not intended to have adverse humanitarian
10 consequences for civilians in North Korea, and this
11 guidance was updated on December 1, 2020 to help
12 streamline permissions for COVID–19-related aid
13 and to extend humanitarian waivers from six to nine
14 months.

15 (16) United States Government travel restric-
16 tions impede the access of United States employees
17 of humanitarian organizations inside North Korea
18 and can complicate the monitoring and evaluation
19 procedures that nongovernmental organizations have
20 used to ensure that aid reaches the most vulnerable
21 populations.

22 (17) Humanitarian exceptions in comprehensive
23 sanctions programs, such as the exceptions under
24 section 510.512 of the North Korea Sanctions Regu-
25 lations, are not effective unless the persons who pro-

1 vide assistance along with their financial institu-
2 tions, suppliers, shippers, and other entities can
3 make practical use of the exceptions.

4 **SEC. 3. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the interagency review mandated by the
7 President’s January 21, 2021 National Security
8 Memorandum 1, offers an opportunity to make ap-
9 propriate adjustments to United States and multilat-
10 eral sanctions to ensure that such sanctions do not
11 inadvertently hinder humanitarian access to the peo-
12 ple of North Korea;

13 (2) national governments and multilateral au-
14 thorities must take action to mitigate documented
15 delays and ensure that sanctions imposed with re-
16 spect to North Korea do not hinder efforts to pro-
17 vide humanitarian relief, including life-saving med-
18 ical care to combat COVID–19, to the people of
19 North Korea;

20 (3) the Department of the Treasury should pro-
21 vide timely and meaningful responses to requests for
22 specific licenses given that humanitarian organiza-
23 tions typically have a limited time to execute
24 projects that must be approved by multiple United

1 States Government agencies and foreign govern-
2 ments;

3 (4) because humanitarian assistance is unlikely
4 to enable large-scale sanctions evasion and revenue
5 generation, sanctions enforcement should focus on
6 ongoing North Korean activities, including ship-to-
7 ship transfers of coal and other goods, cyberattacks,
8 and the use of forced labor abroad, all highlighted
9 in reports issued by the United Nations Panel of Ex-
10 perts on North Korea and other authoritative
11 sources;

12 (5) financial institutions should recognize and
13 consider the reputational and practical costs of im-
14 peding legitimate efforts to deliver life-saving aid to
15 North Korea; and

16 (6) the Department of State's travel ban for
17 humanitarian missions to North Korea is incon-
18 sistent with the intent of the North Korea Sanctions
19 and Policy Enhancement Act of 2016 (Public Law
20 114–122), which explicitly exempts work related to
21 the repatriation of United States veterans' remains.

22 **SEC. 4. ENHANCING EXEMPTIONS FROM UNITED STATES**
23 **SANCTIONS.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date of the enactment of this Act, the Secretary of Treas-

1 ury, acting through the Director of the Office of Foreign
2 Assets Control, shall take one or more of the following
3 actions:

4 (1) Modify the humanitarian exception under
5 section 510.512 of the North Korea Sanctions Regu-
6 lations to cover, in addition to the food and medicine
7 already exempted, goods and other items that are
8 not subject to the Export Administration Regula-
9 tions and that support humanitarian projects to
10 meet basic human needs in North Korea so that no
11 specific license is required for such items.

12 (2)(A) Modify the North Korea Sanctions Reg-
13 ulations to exempt from a requirement for a specific
14 license a published list of nonsensitive items, in addi-
15 tion to the food and medicine already covered by sec-
16 tion 510.512 of the North Korea Sanctions Regula-
17 tions, used in humanitarian operations in North
18 Korea in furtherance of the purposes set forth in
19 section 4 of the North Korean Human Rights Act
20 of 2004 (22 U.S.C. 7802);

21 (B) ensure that the list reflects the relevant
22 recommendations included in the final report, pub-
23 lished on February 7, 2020, of the Panel of Experts
24 established pursuant to United Nations Security
25 Council Resolution 1874 (2009); and

1 (C) review and republish the list, in consulta-
2 tion with the Secretary of State and the Adminis-
3 trator of the United States Agency for International
4 Development, every 180 days and in response to re-
5 quests by nongovernmental organizations that have
6 previously engaged in authorized humanitarian ac-
7 tivities in North Korea.

8 (3) Modify the North Korea Sanctions Regula-
9 tions so that—

10 (A) a specific license from the Office of
11 Foreign Assets Control of the Department of
12 the Treasury is not required for partnerships
13 and partnership agreements between non-
14 governmental organizations and persons owned
15 or controlled by the Government of North
16 Korea that are necessary for nongovernmental
17 organizations to provide otherwise authorized
18 services related to humanitarian activity in
19 North Korea; and

20 (B) a specific license is still required for
21 any partnerships and partnership agreements
22 with persons on the list of specially designated
23 nationals and blocked persons maintained by
24 the Office of Foreign Assets Control.

1 (b) BRIEFING.—Not later than 120 days after the
2 date of the enactment of this Act, the Secretary of the
3 Treasury shall provide to the appropriate congressional
4 committees a briefing—

5 (1) for each action described in subsection (a),
6 describing whether the action was taken and pro-
7 viding a justification for the decision to take or not
8 take the action; and

9 (2) detailing the benefits and risks associated
10 with establishing a category of recognized non-
11 governmental organizations that would be exempt
12 from requirements for specific licenses related to
13 dealings with the Government of North Korea or
14 persons on the list of specially designated nationals
15 and blocked persons maintained by the Office of
16 Foreign Assets Control for purposes of transactions
17 involving goods other than food or medicine to sup-
18 port authorized humanitarian activities in North
19 Korea.

20 (c) MODIFICATION TO NORTH KOREA SANCTIONS
21 REGULATIONS.—Not later than 90 days after the date of
22 the enactment of this Act, the Secretary of the Treasury
23 shall modify the North Korea Sanctions Regulations so
24 that personal computers and related peripherals that sup-
25 port authorized humanitarian activities by nongovern-

1 mental organizations are not considered to be “luxury
2 goods”.

3 (d) GUIDANCE.—Not later than 120 days after the
4 date of the enactment of this Act, the Secretary of the
5 Treasury, acting through the Director of the Office of
6 Foreign Assets Control, shall issue plainly worded guid-
7 ance intended for financial institutions, shipping compa-
8 nies, foreign customs officials, and others involved in
9 transactions related to humanitarian assistance that—

10 (1) clarifies the applicability of the humani-
11 tarian exception under the North Korea Sanctions
12 Regulations; and

13 (2) describes best practices for ensuring that
14 activities are consistent with that exception.

15 (e) REPORT REQUIRED.—Not later than 90 days
16 after the date of the enactment of this Act, and every 120
17 days thereafter, the Secretary of the Treasury, acting
18 through the Director of the Office of Foreign Assets Con-
19 trol and in consultation with the Secretary of State, shall
20 submit to the appropriate congressional committees a re-
21 port that includes—

22 (1) a list of specific licenses related to humani-
23 tarian assistance in North Korea issued by the Of-
24 fice of Foreign Assets Control in the 120 days pre-
25 ceding submission of the report;

1 (2) a list of requests for specific licenses related
2 to humanitarian assistance in North Korea denied
3 by the Office of Foreign Assets Control in the 120
4 days preceding submission of the report, with expla-
5 nations for the denials;

6 (3) a list of requests for specific licenses related
7 to humanitarian assistance in North Korea that
8 have been pending for 30 days or more as of the
9 date of the report, with explanations for the delays;

10 (4) a list of requests by persons who are not
11 United States citizens, lawful permanent residents,
12 or entities, for sanctions waivers related to humani-
13 tarian assistance in North Korea that have been
14 pending for 30 days or more as of the date of the
15 report, with explanations for the delays; and

16 (5) a description of recent efforts to streamline
17 the process by which nongovernmental organizations
18 engaged in humanitarian activity in North Korea
19 apply for and are granted specific licenses or waiv-
20 ers.

21 **SEC. 5. ENHANCING MULTILATERAL SANCTIONS EXEMP-**
22 **TIONS.**

23 (a) IN GENERAL.—The Secretary of State shall di-
24 rect the United States Permanent Representative to the

1 United Nations to use the voice, vote, and influence of the
2 United States to urge the United Nations—

3 (1) to extend the period for humanitarian ex-
4 emptions from the 1718 Sanctions Committee to 1
5 year and remove the limitation on exemption appli-
6 cations per organization per year; and

7 (2) to modify applications for humanitarian ex-
8 emptions from the 1718 Sanctions Committee to be
9 less burdensome for nongovernmental organizations,
10 drawing as appropriate on successes in approaches
11 taken by other United Nations sanctions commit-
12 tees.

13 (b) REPORTING.—Not later than 90 days after the
14 date of the enactment of this Act, and every 180 days
15 thereafter, the Secretary of State shall submit to the ap-
16 propriate congressional committees a report—

17 (1) describing any requests for humanitarian
18 exemptions to the 1718 Sanctions Committee known
19 to have been denied in the 180 days preceding sub-
20 mission of the report or known to have been in proc-
21 ess for more than 30 days as of the date of the re-
22 port, and any known explanations for such denials
23 and delays;

24 (2) detailing any action by a foreign govern-
25 ment in the 180 days preceding submission of the

1 report that has delayed or impeded humanitarian as-
2 sistance approved by the 1718 Sanctions Committee,
3 including the status of obstacles to humanitarian as-
4 sistance posed by customs officials in the People's
5 Republic of China; and

6 (3) describing efforts in the 180 days preceding
7 submission of the report to establish or maintain an
8 approved banking channel for transactions related to
9 humanitarian assistance for North Korea.

10 **SEC. 6. STREAMLINING HUMANITARIAN TRAVEL AUTHOR-**
11 **IZATIONS.**

12 Not later than 90 days after the date of the enact-
13 ment of this Act, the Secretary of State shall offer to pro-
14 vide to the appropriate congressional committees a brief-
15 ing—

16 (1) detailing the benefits and risks associated
17 with issuing a “multi-entry special validation pass-
18 port” to individuals employed by a nongovernmental
19 organization and known to be engaged in authorized
20 humanitarian activity in North Korea, with the pur-
21 pose of reducing costs and delays associated with re-
22 peated passport applications;

23 (2) detailing plans to expand eligibility for spe-
24 cial validation to travel to North Korea with respect
25 to the repatriation of United States veterans' re-

1 mains from the Korean War or for appropriate peo-
2 ple-to-people exchange related to conflict reduction
3 or family reunification; and

4 (3) setting forth a strategy to otherwise expe-
5 dite and simplify the process to obtain a special
6 travel permit to travel to North Korea on behalf of
7 a humanitarian organization or to travel to North
8 Korea using a United States passport to deliver or
9 oversee humanitarian assistance.

10 **SEC. 7. DEFINITIONS.**

11 In this Act:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means the Committee on Foreign Relations
15 of the Senate and the Committee on Foreign Affairs
16 of the House of Representatives.

17 (2) EXPORT ADMINISTRATION REGULATIONS.—
18 The term “Export Administration Regulations”
19 means the regulations set forth in subchapter C of
20 chapter VII of title 15, Code of Federal Regulations,
21 or successor regulations.

22 (3) NORTH KOREA SANCTIONS REGULATIONS.—
23 The term “North Korea Sanctions Regulations”
24 means the regulations set forth in part 510 of title

- 1 31, Code of Federal Regulations, or successor regu-
- 2 lations.

