



Fact Sheet
Office of the Spokesman
Washington, DC
October 11, 2008

Existing Sanctions and Reporting Provisions Related to North Korea

For Proliferation Activities:

- **Iran, North Korea, and Syria Nonproliferation Act of 2000:** Requires reporting to Congress of certain proliferation-related transfers to or from North Korea and allows for: a procurement ban; an assistance ban; a prohibition against certain arms-related sales under the Arms Export Control Act (AECA); and denial of licenses for export of certain "dual use" items.
- **Missile Sanctions:** Depending on the nature of the transfer, U.S. Missile sanction laws require the President to deny export licenses for missile equipment or technology controlled under the AECA, and the Export Administration Act, or, in certain cases, all items on the U.S. Munitions List (USML), and potentially a ban on all licenses for imports into the United States of all products produced by the foreign person or entity.
- **Executive Orders 12938 and 13382:** E.O. 13382 allows for the blocking of the assets of designated proliferators. E.O. 12938 allows for an assistance ban, a procurement ban, and import ban, State and Commerce export controls, U.S. opposition to multilateral development bank assistance, denial of U.S. credit, prohibition of arms sales, and denial of landing rights.
- **Section 530(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995:** Prohibits assistance under the Foreign Assistance Act, notwithstanding any other provision of law, to any non-nuclear weapon state that is found by the President to have terminated, abrogated or materially violated an IAEA full-scope safeguards agreement or materially violated a bilateral United States nuclear cooperation agreement entered into after the date of enactment of the Nuclear Nonproliferation Act of 1978.
- **Section 129 of the Atomic Energy Act of 1954, as amended:** Mandatory ban on significant nuclear cooperation with any non-nuclear-weapon state that has engaged in specified activities of significance from a nuclear nonproliferation standpoint, including detonating a nuclear device or materially violating an IAEA safeguards agreement. The same sanction applies to any state that has assisted, encouraged or induced a non-nuclear weapon state to engage in such activities (unless the President's concludes that it has made sufficient progress in terminating such activities). The President may waive these sanctions.
- **Section 101 of the AECA ("Symington Amendment"):** Mandatory sanctions against a foreign country that delivers or receives uranium enrichment equipment, materials or technology, except pursuant to safeguards and other nonproliferation controls. Sanction consists of cut-off of certain economic and military assistance. Can be waived by the President, but there is a high threshold for waiver.

For Human Rights Violations:

- **Gross Violations of Internationally Recognized Human Rights:** Section 116(a) of the Foreign Assistance Act prohibits development assistance to the government of any country that engages in a consistent pattern of gross violations of internationally recognized human rights. Section 502B of the Foreign Assistance Act prohibits security assistance (defined to include export licenses for defense articles and services and sale of such articles and services) to any country whose government engages in a consistent pattern of gross violations of internationally recognized human rights.
- **Tier 3 Status in Trafficking in Persons Report:** Section 110 of the Trafficking Victims Protection Act of 2000 sanctions countries placed on Tier 3 on the annual Trafficking in Persons Report. The DPRK has been placed on Tier 3 since 2003. For FY 2008, the President has determined that participation by DPRK government officials in cultural exchanges is prohibited except for exchange programs that are aimed at improving U.S.-DPRK relations.
- **International Religious Freedom Act Country of Particular Concern:** The DPRK has been designated a "country of particular concern" under the International Religious Freedom Act of 1998, and the Secretary has designed the restrictions under Jackson-Vanik as the Presidential Action applied to the DPRK under this Act.

For Status as a Communist State:

- **Section 620(f) of the Foreign Assistance Act:** Denies most non-humanitarian foreign assistance to any Communist country, and the DPRK is specifically designated under this provision.
- **Export-Import Bank Act of 1945:** Prohibits transactions with Marxist-Leninist countries, including North Korea. Ex-Im financing can be provided to Marxist-Leninist countries if the President determines either: (1) that the country has ceased to be a Marxist-Leninist country; or (2) the transaction is in the "national interest."
- **Gramm Amendment:** Requires the USG to actively oppose (abstain or vote NO) any facility involving use of IMF credit by a Communist dictatorship unless the Secretary of the Treasury certifies that it provides a basis for correcting balance of payment difficulties, would reduce severe constraints on labor and capital mobility or other labor and capital rigidities, advances market-oriented forces and is in the best economic interest of the people of North Korea.

For the DPRK's October 9 Nuclear Detonation:

- **UNSCR 1718:** Imposes a multilateral ban on exports to and procurement from the DPRK of specified WMD and missile-related items, heavy conventional arms and "luxury goods," invoking Chapter VII of the UN Charter. The US implements this obligation by requiring licenses for virtually all exports of US-origin goods to the DPRK.
- **"Glenn Amendment" sanctions:** Prohibits any foreign assistance (except humanitarian, food, and other agricultural products), USG sales of defense articles and services, licenses for exports of items on the USML, foreign military financing, credit guarantees or other financial assistance; requires U.S. opposition to assistance from IFIs and restricts certain U.S. dual-use exports.

Sanctions by Recent Executive Orders:

- DPRK-related assets that were frozen under the Trading with the Enemy Act (TWEA) as of June 26, 2008 remain frozen.

- U.S. persons are prohibited from engaging in transactions involving vessels registered in or flagged by North Korea.

Other Sanctions Not Tied to Specific Activities:

- Section 607 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 prohibits financial assistance or reparations to the DPRK. The prohibition includes direct loans, credits, insurance and guarantees of the Exim Bank or its agents.
- The International Traffic in Arms Regulations (ITAR) deny U.S. licenses and other approvals for exports and imports of defense articles and defense services covered by UNSCR 1718, destined for or originating in the DPRK.
- Section 307 of the Foreign Assistance Act requires that the U.S. proportionate share for programs for the DPRK be withheld from contributions to international organizations funded from the International Organizations and Programs account (with an exception for UNICEF).

2008/867



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