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Office of Foreign Assets Control

31 CFR Part 500

Foreign Assets Control Regulations; Humanitarian Donations to North Korea

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendments.

SUMMARY: This rule amends the Foreign Assets Control Regulations to authorize by general license all transactions with respect to the donation of funds to the United Nations and the American and International Red Cross for humanitarian assistance in the Democratic People's Republic of Korea, as well as all transactions incident to the donation of goods to meet basic human needs to the Democratic People's Republic of Korea from third countries by persons subject to U.S. jurisdiction.

EFFECTIVE DATE: March 5, 1996.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing, tel.: 202/622-2480, or William B. Hoffman, Chief Counsel, tel.: 202/622-2410, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

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Background

As part of the October 21, 1994 United States-Democratic People's Republic of Korea ("DPRK") Agreed Framework, the United States undertook to ease economic sanctions against the DPRK. Since that time, the DPRK has experienced severe flooding and is in need of emergency disaster assistance. As a separate measure, to facilitate the provision of humanitarian aid to the DPRK by private and nongovernmental persons, the Treasury Department is amending the Foreign Assets Control Regulations, 31 CFR part 500 (the "Regulations"), by amending § 500.573 to authorize, by general license, the donation of funds for humanitarian assistance to the United Nations, related UN programs and specialized agencies, the American Red Cross and the International Committee of the Red Cross. Amended § 500.573 also authorizes by general license transactions incident to the donation to the DPRK from third countries of goods to meet basic human needs by persons subject to U.S. jurisdiction. Goods meeting basic human needs are defined by reference to § 773.5 and supplement no. 7 to part 773 of the Commerce Department's Export Administration Regulations, 15 CFR parts 768-799.

Because the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601-612, does not apply.

List of Subjects in 31 CFR Part 500

Administrative practice and procedure, Banks, banking, Cambodia, Exports, Fines and penalties, Finance, Foreign investment in the United States, Foreign trade, Imports, Information and informational materials, International organizations, North Korea, Reporting

and recordkeeping requirements, Securities, Services, Travel restrictions, Trusts and estates, Vietnam.

For the reasons set forth in the preamble, 31 CFR part 500 is amended as set forth below:

1. The authority citation for part 500 continues to read as follows:

T4Authority: 50 U.S.C. App. 1-44; E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

2. Section 500.573 is revised to read as follows:

§ 500.573 Certain donations of funds and goods to meet basic human needs authorized.

(a) The donation of funds for the purpose of contributing to the provision of humanitarian assistance to victims of natural disasters in North Korea is authorized, provided that such donations may only be made through the United Nations, related UN programs and specialized agencies, the American Red Cross and the International Committee of the Red Cross.

(b) With respect to transactions not within the scope of the general license contained in § 500.533 of this part, all transactions incident to the donation to North Korea of goods to meet basic human needs are authorized. For purposes of this section, *goods to meet basic human needs* shall be defined by reference to the Humanitarian License Procedure set forth in 15 CFR 773.5 (c) and (d) and supplement no. 7 to part 773 of the Export Administration Regulations.

(c) Note: Exports from the United States to North Korea or reexports to North Korea of U.S.-origin goods, or foreign goods containing U.S.-origin content or produced from U.S.-origin technical data, to meet basic human needs in North Korea may require authorization from the U.S. Department of Commerce.

Dated: February 28, 1996.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: February 29, 1996.

Dennis M. O'Connell

Acting Deputy Assistant Secretary

(Regulatory, Tariff & Law Enforcement).

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