

**Congress of the United States**  
**Washington, DC 20515**

November 5, 2021

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

We write concerning the need to expand humanitarian aid to North Korea. According to reports, since North Korea closed its borders in January 2020 in response to the COVID-19 pandemic, medical supplies in the country have run low or are nonexistent, and it may face a “food gap” of as much as 860,000 tons of food, equivalent to more than two months of food use.<sup>1</sup> The dire situation in North Korea warrants a reversal of U.S. policies that block private humanitarian aid shipments and prevent private aid workers from traveling there. Both will be urgently needed when North Korea reopens its borders.

The U.S. nongovernmental organizations that provide humanitarian assistance to North Korea have long track records of doing so successfully and safely. Currently, most of these organizations are faith-based and provide this aid with private funds, as an expression of their religious values. We should encourage their efforts and remove obstacles to their work so that it can resume as soon as North Korea’s borders reopen.

Standing in the way of those goals are regulations that the Trump administration issued. Those regulations restrict humanitarian access, impede the delivery of aid, and complicate procedures for nonprofit aid organizations to monitor aid delivery to North Korea. Your Administration can best demonstrate its commitment to humanitarian cooperation with North Korea by directing the Department of the Treasury to modify its humanitarian exemption under existing sanctions regulations and instructing the State Department to expeditiously respond to requests for special validation passports for humanitarian travel.

Specifically, we call upon your Administration to take the following steps:

1. Modify the humanitarian exemption under section 510.512(a)(1) of the regulations governing North Korean sanctions to cover — in addition to “[a]ctivities to support humanitarian projects to meet basic human needs in North Korean” — items such as treatments for disease — including tuberculosis — and laptops for humanitarian aid workers (so long as they are not subject to the Export Administration Regulations).<sup>2</sup> Items that do not meet the strict definitions of food or medicine under section 510.512

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<sup>1</sup> Fact sheet, GIEWS Update - The Democratic People’s Republic of Korea, Food and Agriculture Organization of the United Nations (Jun. 14, 2021), <http://www.fao.org/documents/card/en/c/CB5146EN>.

<sup>2</sup> Certain Services in Support of Nongovernmental Organizations’ Activities, 31 CFR § 510.512; Export Administration Regulations 15 CFR Part 730-774.

and are currently subject to onerous licensing requirements.

2. Modify section 510.512(d) so that nongovernmental organizations that provide otherwise authorized humanitarian-aid-related services in North Korea do not require a license from the Treasury Department's Office of Foreign Assets Control (OFAC) for partnerships and partnership agreements between them and the North Korean government or other blocked persons.<sup>3</sup>
3. Expand eligibility for special validation to travel to North Korea to repatriate the remains of U.S. veterans of the Korean War or for people-to-people exchanges supporting conflict reduction or family reunification.
4. Expedite and simplify the process for obtaining a special permit to travel to North Korea to deliver or oversee humanitarian assistance on behalf of a humanitarian organization or using a U.S. passport.
5. Direct the Treasury Department — through the Director of OFAC — to issue plainly worded guidance for financial institutions, shipping companies, foreign customs officials, and others involved in transactions related to humanitarian assistance that —
  - A. clarifies the applicability of the humanitarian exception under the North Korea Sanctions Regulations; and
  - B. describes best practices for ensuring that activities are consistent with that exception.

We applaud your appointment of a Special Envoy for North Korea and support your efforts to begin negotiations with Pyongyang using the 2018 Singapore Summit Communique as a framework for action. At a time of heightened tension on the Peninsula, removing barriers to the provision of private humanitarian aid in North Korea — while a worthy objective in its own right — can help create a more conducive environment for the resumption of those talks.

We thank you for your attention to this matter and look forward to your response.

Sincerely,



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Edward J. Markey  
UNITED STATES SENATOR



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Andy Levin  
MEMBER OF CONGRESS

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<sup>3</sup> 31 CFR § 510.512(d) and Note 3 to paragraph (d).