

CONTINUATION OF AND MODIFICATION TO THE NA-
TIONAL EMERGENCY WITH RESPECT TO NORTH
KOREA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF AN EXECUTIVE ORDER THAT TAKES ADDI-
TIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY
DECLARED WITH RESPECT TO BLOCKING PROPERTY OF THE
GOVERNMENT OF NORTH KOREA AND THE WORKERS' PARTY OF
KOREA, AND PROHIBITING CERTAIN TRANSACTIONS WITH RE-
SPECT TO NORTH KOREA IN EXECUTIVE ORDER 13466 OF JUNE
26, 2008, EXPANDED IN SCOPE IN EXECUTIVE ORDER 13551 OF
AUGUST 30, 2010, RELIED UPON FOR ADDITIONAL STEPS IN EX-
ECUTIVE ORDER 13570 OF APRIL 18, 2011, AND FURTHER EX-
PANDED IN EXECUTIVE ORDER 13687 OF JANUARY 2, 2015, PUR-
SUANT TO 50 U.S.C. 1641(b); PUBLIC LAW 94-412, SEC. 401(b); (90
STAT. 1257) AND 50 U.S.C. 1703(b); PUBLIC LAW 95-223, SEC.
204(b); (91 STAT. 1627)



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To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the “order”) with respect to North Korea. The order takes additional steps with respect to the national emergency declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, relied upon for additional steps in Executive Order 13570 of April 18, 2011, and further expanded in scope in Executive Order 13687 of January 2, 2015. The order also facilitates implementation of certain provisions of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122), which I signed on February 18, 2016, and ensures the implementation of certain provisions of United Nations Security Council Resolution (UNSCR) 2270 of March 2, 2016.

In 2008, upon terminating the exercise of certain authorities under the Trading With the Enemy Act (TWEA) with respect to North Korea, the President issued Executive Order 13466 and declared a national emergency pursuant to IEEPA to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. Executive Order 13466 continued certain restrictions on North Korea and North Korean nationals that had been in place under TWEA.

In 2010, I issued Executive Order 13551. In that order, I determined that the Government of North Korea’s continued provocative actions destabilized the Korean peninsula and imperiled U.S. Armed Forces, allies, and trading partners in the region and warranted the imposition of additional sanctions, and I expanded the national emergency declared in Executive Order 13466. In Executive Order 13551, I ordered blocked the property and interests in property of three North Korean entities and one individual listed in the Annex to that order and provided criteria under which the Secretary of the Treasury, in consultation with the Secretary of State, may designate additional persons whose property and interests in property shall be blocked.

In 2011, I issued Executive Order 13570 to further address the national emergency with respect to North Korea and to strengthen the implementation of UNSCRs 1718 and 1874. That Executive Order prohibited the direct or indirect importation of goods, services, and technology from North Korea.

In 2015, I issued Executive Order 13687, in which I determined that the provocative, destabilizing, and repressive actions and policies of the Government of North Korea constitute a continuing threat to the national security, foreign policy, and economy of the United States, and further expanded the national emergency declared in Executive Order 13466. In Executive Order 13687 I pro-

vided additional criteria under which the Secretary of the Treasury, in consultation with the Secretary of State, may designate additional persons whose property and interests in property shall be blocked.

I have now determined that the Government of North Korea's continuing pursuit of its nuclear and missile programs, as evidenced most recently by its February 7, 2016, launch using ballistic missile technology and its January 6, 2016, nuclear test in violation of its obligations pursuant to numerous UNSCRs and in contravention of its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks, increasingly imperils the United States and its allies. The order addresses those actions and takes additional steps with respect to the national emergency declared in Executive Order 13466 of June 26, 2008. The order also facilitates implementation of certain provisions of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114-122), which I signed on February 18, 2016, and ensures the implementation of certain provisions of UNSCR 2270 of March 2, 2016.

The order is not targeted at the people of North Korea, but rather is aimed at the Government of North Korea and its activities that threaten the United States and others. It blocks the property and interests in property of the Government of North Korea and the Workers' Party of Korea and provides additional criteria for blocking the property and interests in property of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

- to operate in such industries in the North Korean economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, such as transportation, mining, energy, or financial services;
- to have sold, supplied, transferred, or purchased, directly or indirectly, to or from North Korea or any person acting for or on behalf of the Government of North Korea or the Workers' Party of Korea, metal, graphite, coal, or software, where any revenue or goods received may benefit the Government of North Korea or the Workers' Party of Korea, including North Korea's nuclear or ballistic missile programs;
- to have engaged in, facilitated, or been responsible for an abuse or violation of human rights by the Government of North Korea or the Workers' Party of Korea or any person acting for or on behalf of either such entity;
- to have engaged in, facilitated, or been responsible for the exportation of workers from North Korea, including exportation to generate revenue for the Government of North Korea or the Workers' Party of Korea;
- to have engaged in significant activities undermining cybersecurity through the use of computer networks or systems against targets outside of North Korea on behalf of the Government of North Korea or the Workers' Party of Korea;
- to have engaged in, facilitated, or been responsible for censorship by the Government of North Korea or the Workers' Party of Korea;
- to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services

to or in support of, any person whose property and interests in property are blocked pursuant to the order;

- to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order; or

- to have attempted to engage in any of the activities described above.

In addition, the order prohibits:

- the exportation of goods, services, and technology to North Korea;
- new investment in North Korea; and
- the approval, financing, facilitation, or guarantee of such exports and investments.

Finally, the order suspends entry into the United States of any alien determined to meet one or more of the above criteria.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *March 15, 2016.*

EXECUTIVE ORDER

BLOCKING PROPERTY OF THE GOVERNMENT OF NORTH KOREA AND THE WORKERS' PARTY OF KOREA, AND PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO NORTH KOREA

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the United Nations Participation Act of 1945 (22 U.S.C. 287c) (UNPA), the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 2270 of March 2, 2016,

I, BARACK OBAMA, President of the United States of America, find that the Government of North Korea's continuing pursuit of its nuclear and missile programs, as evidenced most recently by its February 7, 2016, launch using ballistic missile technology and its January 6, 2016, nuclear test in violation of its obligations pursuant to numerous UNSCRs and in contravention of its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks, increasingly imperils the United States and its allies. To address those actions, and to take additional steps with respect to the national emergency declared in Executive Order 13466 of June 26, 2008, as modified in scope and relied upon for additional steps in subsequent Executive Orders, I hereby order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the Government of North Korea or the Workers' Party of Korea are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order or pursuant to the export control authorities implemented by the Department of Commerce, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.

Sec. 2. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt

in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) to operate in any industry in the North Korean economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be subject to this subsection, such as transportation, mining, energy, or financial services;

(ii) to have sold, supplied, transferred, or purchased, directly or indirectly, to or from North Korea or any person acting for or on behalf of the Government of North Korea or the Workers' Party of Korea, metal, graphite, coal, or software, where any revenue or goods received may benefit the Government of North Korea or the Workers' Party of Korea, including North Korea's nuclear or ballistic missile programs;

(iii) to have engaged in, facilitated, or been responsible for an abuse or violation of human rights by the Government of North Korea or the Workers' Party of Korea or any person acting for or on behalf of either such entity;

(iv) to have engaged in, facilitated, or been responsible for the exportation of workers from North Korea, including exportation to generate revenue for the Government of North Korea or the Workers' Party of Korea;

(v) to have engaged in significant activities undermining cybersecurity through the use of computer networks or systems against targets outside of North Korea on behalf of the Government of North Korea or the Workers' Party of Korea;

(vi) to have engaged in, facilitated, or been responsible for censorship by the Government of North Korea or the Workers' Party of Korea;

(vii) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any person whose property and interests in property are blocked pursuant to this order;

(viii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order; or

(ix) to have attempted to engage in any of the activities described in subsections (a) (i)–(viii) of this section.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order. The prohibitions in subsection (a) of this section are in addition to export control authorities implemented by the Department of Commerce.

Sec. 3. (a) The following are prohibited:

(i) the exportation or reexportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services, or technology to North Korea;

(ii) new investment in North Korea by a United States person, wherever located; and

(iii) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a

foreign person where the transaction by that foreign person would be prohibited by this section if performed by a United States person or within the United States.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order or pursuant to the export control authorities implemented by the Department of Commerce, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order.

Sec. 4. I hereby find that the unrestricted immigrant and non-immigrant entry into the United States of aliens determined to meet one or more of the criteria in subsection 2(a) of this order would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants or nonimmigrants, of such persons. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 5. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 or 2 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13466, and I hereby prohibit such donations as provided by sections 1 and 2 of this order.

Sec. 6. The prohibitions in sections 1 and 2 of this order include but are not limited to:

- (a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and
- (b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 7. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 8. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government or the United Nations (including its specialized agencies, programmes, funds, and related organizations) by employees, grantees, or contractors thereof.

Sec. 9. For the purposes of this order:

- (a) the term “person” means an individual or entity;
- (b) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;
- (c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term “Government of North Korea” means the Government of the Democratic People’s Republic of Korea and its agencies, instrumentalities, and controlled entities.

Sec. 10. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13466, there need be no prior notice of a listing or determination made pursuant to section 1 or 2 of this order.

Sec. 11. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 12. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 13. This order is effective at 12:01 a.m. eastern daylight time on March 16, 2016.

BARACK OBAMA.

THE WHITE HOUSE, *March 15, 2016.*

