

IMPOSING ADDITIONAL SANCTIONS WITH RESPECT
TO NORTH KOREA

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF AN EXECUTIVE ORDER ISSUED WITH RESPECT TO NORTH KOREA THAT EXPANDS THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, AS AMENDED BY EXECUTIVE ORDER 13551 OF AUGUST 30, 2010, AND EXECUTIVE ORDER 13570 OF APRIL 18, 2011, PURSUANT TO 50 U.S.C. 1703(b); PUBLIC LAW 95-223 SEC. 204(b); (91 STAT. 1627)



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THE WHITE HOUSE,
Washington, September 21, 2017.

Hon. PAUL D. RYAN,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued the enclosed Executive Order (the “order”) with respect to North Korea. The order takes further steps with respect to the national emergency declared in Executive Order 13466 of June 26, 2008, as modified in scope by and relied upon for additional steps in subsequent Executive Orders.

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, declaring a national emergency under IEEPA and the National Emergencies Act (50 U.S.C. 1601 *et seq.*) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the existence of weapons-usable fissile material on the Korean Peninsula and the attendant risk of its proliferation. Executive Order 13466 continued certain restrictions on North Korea and North Korean nationals that had been in place under TWEA.

In 2010, the President issued Executive Order 13551. In that Executive Order, the President determined that the Government of North Korea’s continued provocative actions had destabilized the Korean Peninsula and imperiled the Armed Forces, allies, and trading partners of the United States in the region and warranted the imposition of additional sanctions. The President, therefore, expanded the national emergency declared in Executive Order 13466 and blocked the property and interests in property of three North Korean entities and one individual listed in the Executive Order’s Annex and provided criteria under which the Secretary of the Treasury, in consultation with the Secretary of State, could designate additional persons whose property and interests in property could be blocked.

In 2011, the President issued Executive Order 13570 to further address the national emergency with respect to North Korea and to strengthen the implementation of United Nations Security Council Resolution (UNSCR) 1718 of October 4, 2006, and UNSCR 1874 of June 12, 2009. In that Executive Order, the President prohibited the direct and indirect importation of goods, services, and technology from North Korea.

In 2015, the President issued Executive Order 13687. In that Executive Order, the President determined that North Korea’s provocative, destabilizing, and repressive actions and policies constituted

a continuing threat to the national security, foreign policy, and economy of the United States. He therefore further expanded the national emergency declared in Executive Order 13466 in order to block the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be agencies, instrumentalities, controlled entities, or officials of the Government of North Korea or the Workers' Party of Korea.

In 2016, the President found that the Government of North Korea's continuing pursuit of its nuclear and missile programs, as evidenced by its launch using ballistic missile technology on February 7, 2016, and its nuclear test on January 6, 2016, in violation of its obligations under numerous UNSCRs and in contravention of its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks, increasingly imperiled the United States and its allies. In order to address those actions and take additional steps with respect to the national emergency declared in Executive Order 13466, the President issued Executive Order 13722, which blocked all property and interests in property of the Government of North Korea and the Workers' Party of Korea, as well as of persons determined to meet certain criteria. Executive Order 13722 also prohibited certain North Korea-related exports and investments, facilitated implementation of certain provisions of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122), and enhanced the implementation of certain provisions of UNSCR 2270 of March 2, 2016.

I have now found that the provocative, destabilizing, and repressive actions and policies of the Government of North Korea, including its intercontinental ballistic missile launches of July 3 and July 28, 2017, and its nuclear test of September 2, 2017, which violated its obligations pursuant to numerous UNSCRs and contravened its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks; its commission of serious human rights abuses; and its use of funds generated through international trade to support its nuclear and missile programs and weapons proliferation, constitute a continuing threat to the national security, foreign policy, and economy of the United States and a disturbance of the international relations of the United States. The order I have issued addresses that threat and takes additional steps with respect to the national emergency declared in Executive Order 13466. The order also facilitates the implementation and furthers the purposes of UNSCR 2321 of November 30, 2016, UNSCR 2356 of June 2, 2017, UNSCR 2371 of August 5, 2017, and UNSCR 2375 of September 11, 2017.

The order is targeted at specific activities of the Government of North Korea and other individuals and entities that defy UNSCRs 1718, 1874, 2087, 2094, 2270, 2321, 2356, 2371, and 2375 and international norms, and is not focused on the North Korean people. The order also targets the international trade network that supports the Government of North Korea and the Workers' Party of Korea and their illegal weapons programs.

The order blocks the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State:

- to operate in the construction, energy, financial services, fishing, information technology, manufacturing, medical, mining, textiles, or transportation industries in North Korea;
- to own, control, or operate any port in North Korea, including any seaport, airport, or land port of entry;
- to have engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology;
- to be a North Korean person, including a North Korean person that has engaged in commercial activity that generates revenue for 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; or
- 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.

The order also prohibits any aircraft or vessel in which a foreign person has an interest that has landed or called at a place or port in North Korea, and any vessel in which a foreign person has an interest that has engaged in a ship-to-ship transfer with such a vessel, from landing or calling at a place or port in the United States within 180 days after its departure from North Korea. Further, the order provides authority to the Secretary of the Treasury to block funds that originate from, are destined for, or pass through a foreign bank account determined to be owned or controlled by a North Korean person or to have been used to transfer funds in which any North Korean person has an interest.

Finally, the order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to impose correspondent and payable-through account-related sanctions on, or to block all property and interests in property of, a foreign financial institution determined to have, on or after the effective date of the order:

- knowingly conducted or facilitated any significant transaction on behalf of any person whose property and interests in property are blocked pursuant to Executive Order 13551, Executive Order 13687, Executive Order 13722, or the enclosed order, or of any person whose property and interests in property are blocked pursuant to Executive Order 13382 in connection with North Korea; or
- knowingly conducted or facilitated any significant transaction in connection with trade with North Korea.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the adoption of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act (22 U.S.C. 287c), as may be necessary to implement the order. I also directed all executive departments and agen-

cies to take all appropriate measures within their authority to implement the order.

Sincerely,

DONALD J. TRUMP.

EXECUTIVE ORDER

IMPOSING ADDITIONAL SANCTIONS 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), section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), sections 212(f) and 215(a) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f) and 1185(a)), and section 301 of title 3, United States Code; and in view of United Nations Security Council Resolution (UNSCR) 2321 of November 30, 2016, UNSCR 2356 of June 2, 2017, UNSCR 2371 of August 5, 2017, and UNSCR 2375 of September 11, 2017, I, DONALD J. TRUMP, President of the United States of America, find that:

The provocative, destabilizing, and repressive actions and policies of the Government of North Korea, including its intercontinental ballistic missile launches of July 3 and July 28, 2017, and its nuclear test of September 2, 2017, each of which violated its obligations under numerous UNSCRs and contravened its commitments under the September 19, 2005, Joint Statement of the Six-Party Talks; its commission of serious human rights abuses; and its use of funds generated through international trade to support its nuclear and missile programs and weapons proliferation, constitute a continuing threat to the national security, foreign policy, and economy of the United States, and a disturbance of the international relations of the United States.

In order to take further steps with respect to the national emergency declared in Executive Order 13466 of June 26, 2008, as modified in scope by and relied upon for additional steps in subsequent Executive Orders, I hereby find, determine, and 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 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 the construction, energy, financial services, fishing, information technology, manufacturing, medical, mining, textiles, or transportation industries in North Korea;
- (ii) to own, control, or operate any port in North Korea, including any seaport, airport, or land port of entry;

(iii) to have engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology;

(iv) to be a North Korean person, including a North Korean person that has engaged in commercial activity that generates revenue for the Government of North Korea or the Workers' Party of Korea;

(v) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, any 3 person whose property and interests in property are blocked pursuant to this order; or

(vi) 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.

(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 before 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.

(c) I hereby determine that the making of donations of the types 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 subsection (a) of this section 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 subsection (a) of this section.

(d) The prohibitions in subsection (a) of this section include:

(i) 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 subsection (a) of this section; and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. (a) No aircraft in which a foreign person has an interest that has landed at a place in North Korea may land at a place in the United States within 180 days after departure from North Korea.

(b) No vessel in which a foreign person has an interest that has called at a port in North Korea within the previous 180 days, and no vessel in which a foreign person has an interest that has engaged in a ship-to-ship transfer with such a vessel within the previous 180 days, may call at a port in the United States.

(c) The prohibitions in subsections (a) and (b) 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 before the effective date of this order.

Sec. 3. (a) All funds 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 and that

originate from, are destined for, or pass through a foreign bank account that has been determined by the Secretary of the Treasury to be owned or controlled by a North Korean person, or to have been used to transfer funds in which any North Korean person has an interest, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) No United States person, wherever located, may approve, finance, facilitate, or guarantee a transaction by a foreign person where the transaction by that foreign person would be prohibited by subsection (a) of this section if performed by a United States person or within the United States.

(c) The prohibitions in subsections (a) and (b) 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 before the effective date of this order.

Sec. 4. (a) The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to impose on a foreign financial institution the sanctions described in subsection (b) of this section upon determining that the foreign financial institution has, on or after the effective date of this order:

(i) knowingly conducted or facilitated any significant transaction on behalf of any person whose property and interests in property are blocked pursuant to Executive Order 13551 of August 30, 2010, Executive Order 13687 of January 2, 2015, Executive Order 13722 of March 15, 2016, or this order, or of any person whose property and interests in property are blocked pursuant to Executive Order 13382 in connection with North Korea-related activities; or

(ii) knowingly conducted or facilitated any significant transaction in connection with trade with North Korea.

(b) With respect to any foreign financial institution determined by the Secretary of the Treasury, in consultation with the Secretary of State, in accordance with this section to meet the criteria set forth in subsection (a)(i) or (a)(ii) of this section, the Secretary of the Treasury may:

(i) prohibit the opening and prohibit or impose strict conditions on the maintenance of correspondent accounts or payable-through accounts in the United States; or

(ii) block 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 such foreign financial institution, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(c) The prohibitions in subsection (b) 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 before the effective date of this order.

(d) I hereby determine that the making of donations of the types 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 subsection (b)(ii) of this section 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 subsection (b)(ii) of this section.

(e) The prohibitions in subsection (b)(ii) of this section include:

(i) 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 7 are blocked pursuant to subsection (b)(ii) of this section; and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 5. The unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 1(a) of this order would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is therefore hereby suspended. 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. 6. (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. 7. 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. 8. 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;

(d) the term “North Korean person” means any North Korean citizen, North Korean permanent resident alien, or entity organized under the laws of North Korea or any jurisdiction within North Korea (including foreign branches). For the purposes of section 1 of this order, the term “North Korean person” shall not include any United States citizen, any permanent resident alien of the United States, any alien lawfully admitted to the United States, or any alien holding a valid United States visa;

(e) the term “foreign financial institution” means any foreign entity that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent. The term includes, among other entities, deposi-

tory institutions; banks; savings banks; money service businesses; trust companies; securities brokers and dealers; commodity futures and options brokers and dealers; forward contract and foreign exchange merchants; securities and commodities exchanges; clearing corporations; investment companies; employee benefit plans; dealers in precious metals, stones, or jewels; and holding companies, affiliates, or subsidiaries of any of the foregoing. The term does not include the international financial institutions identified in 22 U.S.C. 262r(c)(2), the International Fund for Agricultural Development, the North American Development Bank, or any other international financial institution so notified by the Secretary of the Treasury; and

(f) the term “knowingly,” with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

Sec. 9. 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 this order.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including adopting rules and regulations, and to employ all powers granted to me by IEEPA and UNPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions to other officers and agencies of the United States. All agencies shall take all appropriate measures within their authority to implement this order.

Sec. 11. This order is effective at 12:01 a.m., Eastern Daylight Time, September 21, 2017.

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.

DONALD J. TRUMP.

THE WHITE HOUSE, *September 20, 2017.*