

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate the functions and authorities vested in the President by section 302(b) of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (Public Law 113–150) (the “Act”), to the Secretary of State.

Any reference in this memorandum to the Act shall be deemed to be a reference to any future act that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

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§ 9201. Findings; purposes

(a) Findings

Congress finds the following:

(1) The Government of North Korea—

(A) has repeatedly violated its commitments to the complete, verifiable, and irreversible dismantlement of its nuclear weapons programs; and

(B) has willfully violated multiple United Nations Security Council resolutions calling for North Korea to cease development, testing, and production of weapons of mass destruction.

(2) Based on its past actions, including the transfer of sensitive nuclear and missile technology to state sponsors of terrorism, North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.

(3) The Government of North Korea has been implicated repeatedly in money laundering and other illicit activities, including—

(A) prohibited arms sales;

(B) narcotics trafficking;

(C) the counterfeiting of United States currency;

(D) significant activities undermining cybersecurity; and

(E) the counterfeiting of intellectual property of United States persons.

(4) North Korea has—

(A) unilaterally withdrawn from the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the “Korean War Armistice Agreement”); and

(B) committed provocations against South Korea—

(i) by sinking the warship *Cheonan* and killing 46 of her crew on March 26, 2010;

(ii) by shelling Yeonpyeong Island and killing 4 South Korean civilians on November 23, 2010;

(iii) by its involvement in the “DarkSeoul” cyberattacks against the financial and communications interests of South Korea on March 20, 2013; and

(iv) by planting land mines near a guard post in the South Korean portion of the demilitarized zone that maimed 2 South Korean soldiers on August 4, 2015.

(5) North Korea maintains a system of brutal political prison camps that contain as many as 200,000 men, women, and children, who are—

(A) kept in atrocious living conditions with insufficient food, clothing, and medical care; and

(B) under constant fear of torture or arbitrary execution.

(6) North Korea has prioritized weapons programs and the procurement of luxury goods—

(A) in defiance of United Nations Security Council Resolutions 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013); and

(B) in gross disregard of the needs of the people of North Korea.

(7) Persons, including financial institutions, who engage in transactions with, or provide financial services to, the Government of North Korea and its financial institutions without establishing sufficient financial safeguards against North Korea's use of such transactions to promote proliferation, weapons trafficking, human rights violations, illicit activity, and the purchase of luxury goods—

(A) aid and abet North Korea's misuse of the international financial system; and

(B) violate the intent of the United Nations Security Council resolutions referred to in paragraph (6)(A).

(8) The Government of North Korea has provided technical support and conducted destructive and coercive cyberattacks, including against Sony Pictures Entertainment and other United States persons.

(9) The conduct of the Government of North Korea poses an imminent threat to—

(A) the security of the United States and its allies;

(B) the global economy;

(C) the safety of members of the United States Armed Forces;

(D) the integrity of the global financial system;

(E) the integrity of global nonproliferation programs; and

(F) the people of North Korea.

(10) The Government of North Korea has sponsored acts of international terrorism, including—

(A) attempts to assassinate defectors and human rights activists; and

(B) the shipment of weapons to terrorists and state sponsors of terrorism.

(b) Purposes

The purposes of this chapter are—

(1) to use nonmilitary means to address the crisis described in subsection (a);

(2) to provide diplomatic leverage to negotiate necessary changes in the conduct of the Government of North Korea;

(3) to ease the suffering of the people of North Korea; and

(4) to reaffirm the purposes set forth in section 7802 of this title.

(Pub. L. 114–122, §2, Feb. 18, 2016, 130 Stat. 94.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 114–122, Feb. 18, 2016, 130 Stat. 93, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 114–122, title IV, §406, Feb. 18, 2016, 130 Stat. 116, provided that: “Except as otherwise provided in this Act, this Act [see Short Title note below] and the amendments made by this Act shall take effect on the date of the enactment of this Act [Feb. 18, 2016].”

SHORT TITLE OF 2019 AMENDMENT

Pub. L. 116–92, div. F, title LXXI, §7101, Dec. 20, 2019, 133 Stat. 2244, provided that: “This title [enacting subchapter V of this chapter and sections 262p–13, 286yy, 9221b, and 9221c of this title, amending sections 7103, 9202, 9212, 9214, 9223, 9224, 9228, 9241, and 9251 of this title and section 312 of Title 31, Money and Finance, repealing sections 262p–13 and 286yy of this title, and enacting provisions set out as notes under sections 262p–13, 286yy, and 7101 of this title and section 3305 of Title 12, Banks and Banking] may be cited as the ‘Otto Warmbier North Korea Nuclear Sanctions and Enforcement Act of 2019’.”

SHORT TITLE OF 2017 AMENDMENT

Pub. L. 115–44, title III, §301, Aug. 2, 2017, 131 Stat. 940, provided that: “This title [enacting sections 9221a, 9225, 9241a, 9241b of this title and section 1232c of Title 33, Navigation and Navigable Waters, amending sections 2708, 9202, 9214, 9223, 9228, and 9241 of this title and sections 1223 and 1232 of Title 33, repealing section 9225 of this title, and enacting provisions set out as notes under sections 9202, 9214, and 9241 of this title] may be cited as the ‘Korean Interdiction and Modernization of Sanctions Act’.”

SHORT TITLE

Pub. L. 114–122, §1(a), Feb. 18, 2016, 130 Stat. 93, provided that: “This Act [enacting this chapter and amending section 7814 of this title and sections 981, 983, and 1956 of Title 18, Crimes and Criminal Procedure] may be cited as the ‘North Korea Sanctions and Policy Enhancement Act of 2016’.”

RULE OF CONSTRUCTION FOR PUB. L. 115–232

Nothing in Pub. L. 115–232 [see Tables for classification] to be construed to authorize the use of force against North Korea, see section 1295 of Pub. L. 115–232, set out as a note under section 8784 of this title.

§ 9202. Definitions

In this chapter:

(1) Applicable Executive order

The term “applicable Executive order” means—

(A) Executive Order 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction proliferators and their supporters), Executive Order 13466 (50 U.S.C. 1701 note; relating to continuing certain restrictions with respect to North Korea and North Korean nationals), Executive Order 13551 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to North Korea), Executive Order