

Administration of Donald J. Trump, 2017

Letter to Congressional Leaders on Imposing Additional Sanctions With Respect to North Korea

September 21, 2017

Dear Mr. Speaker: (Dear Mr. President:)

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

Sincerely,

DONALD J. TRUMP

NOTE: Identical letters were sent to Paul D. Ryan, Speaker of the House of Representatives, and Michael R. Pence, President of the Senate.

Categories: Communications to Congress : North Korea, additional U.S. sanctions, letter.

Subjects: North Korea : Ballistic missiles, testing and development; North Korea : Nuclear weapons development; North Korea : U.S. sanctions.

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