

of the sanction and explaining the relationship between such termination and the cessation of any illicit activity that violates any of the United Nations Security Council resolutions referred to in subsection (a)(1) by such Government or person. The reporting requirement under this paragraph shall terminate on the date that is 5 years after the date of the enactment of this Act [Dec. 31, 2018].

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(C) POLICY OF THE UNITED STATES WITH RESPECT TO NEGOTIATION ON THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA’S NUCLEAR AND BALLISTIC MISSILE PROGRAMS.—It is the policy of the United States that the objective of negotiations with respect to the nuclear and ballistic missile programs of the Democratic People’s Republic of Korea be the complete, verifiable, and irreversible dismantlement of such programs.

“(d) REPORT ON A STRATEGY TO ADDRESS THE THREATS POSED BY, AND THE CAPABILITIES OF, THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 31, 2018], and every 180 days thereafter for the following 5 years, the Secretary of State, or a designee of the Secretary, in consultation with the Secretary of the Treasury, shall submit a report to the appropriate congressional committees that describes actions taken by the United States to address the threats posed by, and the capabilities of, the Democratic People’s Republic of Korea.

“(2) ELEMENTS.—Each report required under paragraph (1) shall include—

“(A) a summary of ongoing efforts by the United States to identify strategies and policies, including an assessment of the strengths and weaknesses of such strategies and policies—

“(i) to achieve peaceful denuclearization of the Democratic People’s Republic of Korea; and

“(ii) to eliminate the threat posed by the ballistic missile program of the Democratic People’s Republic of Korea;

“(B) an assessment of—

“(i) potential road maps toward peaceful denuclearization of the Democratic People’s Republic of Korea and the elimination of the nuclear and ballistic missile threats posed by the Democratic People’s Republic of Korea; and

“(ii) specific actions that the Democratic People’s Republic of Korea would need to take for each such roadmap to become viable;

“(C) a summary of the United States strategy to increase international coordination and cooperation, whether unilaterally, bilaterally, or multilaterally, including sanctions enforcement and interdiction, to address the threat posed by the nuclear and ballistic missile programs of the Democratic People’s Republic of Korea, which shall include—

“(i) a description of the actions taken by the Secretary of State, or designees of the Secretary, to consult with governments around the world, with the purpose of inducing such governments to fully implement the United Nations Security Council resolutions referred to in subsection (a)(1);

“(ii) a description of the actions taken by such governments to fully implement United Nations Security Council resolutions related to the Democratic People’s Republic of Korea;

“(iii) a list of countries with governments that the Secretary has determined are noncooperative with respect to implementing the United Nations Security Council resolutions referred to in subsection (a)(1); and

“(iv) a plan of action to engage, and increase cooperation with respect to the Democratic People’s Republic of Korea, with the governments of the countries on the list described in clause (iii);

“(D) an assessment of the adequacy of the national export control regimes of countries that are members of the United Nations, and multilateral export control regimes, that are necessary to enforce sanctions imposed with respect to the Democratic People’s Republic of Korea pursuant to the United Nations Security Council resolutions referred to in subsection (a)(1); and

“(E) an action plan to encourage and assist countries in adopting and using authorities necessary to enforce export controls required by United Nations Security Council resolutions.

“(3) FORM OF REPORT.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(e) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) representatives of the United States shall use the voice and vote of the United States in all international organizations, as appropriate, to advocate for the expulsion of the Democratic People’s Republic of Korea from such organizations, until such time as the Democratic People’s Republic of Korea meets its commitments under the United Nations Security Council resolutions referred to in subsection (a)(1); and

“(2) the Secretary of State should work to induce countries to meet their commitments under the United Nations Security Council resolutions referred to in subsection (a)(1), including by considering appropriate adjustments to the diplomatic posture and foreign assistance of the United States with governments that the Secretary has determined are noncooperative with respect to implementing the United Nations Security Council resolutions referred to in subsection (a)(1).”

[Nothing in section 210 of Pub. L. 115–409, set out above, to be construed as authorizing the use of military force, see section 412 of Pub. L. 115–409, set out as a note under section 2656 of this title.]

SUBCHAPTER I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

§ 9211. Statement of policy

In order to achieve the peaceful disarmament of North Korea, Congress finds that it is necessary—

(1) to encourage all member states of the United Nations to fully and promptly implement United Nations Security Council Resolution 2094 (2013);

(2) to sanction the persons, including financial institutions, that facilitate proliferation, illicit activities, arms trafficking, cyberterrorism, imports of luxury goods, serious human rights abuses, cash smuggling, and censorship by the Government of North Korea;

(3) to authorize the President to sanction persons who fail to exercise due diligence to ensure that such financial institutions and member states do not facilitate proliferation, arms trafficking, kleptocracy, or imports of luxury goods by the Government of North Korea;

(4) to deny the Government of North Korea access to the funds it uses to develop or obtain nuclear weapons, ballistic missiles, cyberwarfare capabilities, and luxury goods instead of providing for the needs of the people of North Korea; and

(5) to enforce sanctions in a manner that does not significantly hinder or delay the efforts of legitimate United States or foreign humanitarian organizations from providing

assistance to meet the needs of civilians facing humanitarian crisis, including access to food, health care, shelter, and clean drinking water, to prevent or alleviate human suffering.

(Pub. L. 114–122, title I, § 101, Feb. 18, 2016, 130 Stat. 98.)

§ 9212. Investigations

(a) Initiation

The President shall initiate an investigation into the possible designation of a person under section 9214(a) or (g) of this title upon receipt by the President of credible information indicating that such person has engaged in conduct described in section 9214(a) or (g) of this title.

(b) Personnel

The President may direct the Secretary of State, the Secretary of the Treasury, and the heads of other Federal departments and agencies as may be necessary to assign sufficient experienced and qualified investigators, attorneys, and technical personnel—

(1) to investigate the conduct described in subsections (a), (b), and (g) of section 9214 of this title; and

(2) to coordinate and ensure the effective enforcement of this chapter.

(Pub. L. 114–122, title I, § 102, Feb. 18, 2016, 130 Stat. 98; Pub. L. 116–92, div. F, title LXXI, § 7122(b)(2), Dec. 20, 2019, 133 Stat. 2248.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(2), 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 set out under section 9201 of this title and Tables.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116–92, § 7122(b)(2)(A), inserted “or (g)” after “section 9214(a)” in two places.

Subsec. (b)(1). Pub. L. 116–92, § 7122(b)(2)(B), substituted “(a), (b), and (g)” for “(a) and (b)”.

DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITIES UNDER THE NORTH KOREA SANCTIONS AND POLICY ENHANCEMENT ACT OF 2016

Memorandum of President of the United States, May 18, 2016, 81 F.R. 37479, provided:

Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Director of National Intelligence[, and] the Secretary of Commerce

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 order as follows:

I hereby delegate to the Secretary of State, in consultation with the Secretary of the Treasury, functions and authorities vested in the President by section 103(a) of the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114–122, 22 U.S.C. 9201 note [22 U.S.C. 9201 et seq.] (the “Act”).

I hereby delegate to the Secretary of State the functions and authorities vested in the President by sections 208(b), 208(c), 401(a), 401(b), and 402. These functions and authorities shall be executed in consultation with the Secretary of the Treasury when affecting actions undertaken by the Department of the Treasury pursuant to authorities delegated herein or pursuant to authorities conferred by the Act.

I hereby delegate to the Secretary of State the functions and authorities vested in the President by section

301 of the Act and direct the Secretary of State to develop, in coordination with other executive departments and agencies, as appropriate, the strategy described in section 202(c) of the Act.

I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State, the functions and authorities vested in the President by sections 104(a), 104(b), 104(d), 209(b), and 304(b) of the Act.

I hereby delegate to the Secretary of the Treasury the functions and authorities vested in the President by sections 102(a), 104(c), 104(e), and 208(d) of the Act.

I hereby delegate to the Director of National Intelligence, in consultation with the Secretary of State, the functions and authorities vested in the President by section 205(a) of the Act.

I hereby delegate the functions and authorities vested in the President by section 209(a) as follows:

The Secretary of the Treasury, in consultation with the Secretary of State and the Director of National Intelligence, shall have the responsibility for submitting the report described in subsection 209(a)(1) and for providing the information described in subsections 209(a)(2)(A) and (B).

The Director of National Intelligence, in consultation with the Secretary of the Treasury and the Secretary of State, shall have the responsibility for providing the description of significant activities described by subsection 209(a)(1) and the assessment described in subsection 209(a)(2)(C).

The Secretary of State, in consultation with the Secretary of the Treasury and the Director of National Intelligence, shall have the responsibility for providing the strategy described in subsection 209(a)(2)(D).

I hereby delegate to the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, and the Director of National Intelligence the functions and authorities vested in the President by section 404(a) of the Act as may be necessary to carry out the provisions of the Act, including the foregoing delegations.

Any reference herein to provisions of any act related to the subject of this memorandum shall be deemed to include references to any hereafter-enacted provisions of law that are the same or substantially the same as such provisions.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 9213. Reporting requirements

(a) Presidential briefings to Congress

Not later than 180 days after February 18, 2016, and periodically thereafter, the President shall provide a briefing to the appropriate congressional committees on efforts to implement this chapter.

(b) Report from Secretary of State

Not later than 180 days after February 18, 2016, the Secretary of State shall conduct, coordinate, and submit to Congress a comprehensive report on United States policy towards North Korea that—

(1) is based on a full and complete inter-agency review of current policies and possible alternatives, including with respect to North Korea’s weapons of mass destruction and missile programs, human rights atrocities, and significant activities undermining cybersecurity; and

(2) includes recommendations for such legislative or administrative action as the Secretary considers appropriate based on the results of the review.

(Pub. L. 114–122, title I, § 103, Feb. 18, 2016, 130 Stat. 98.)