

## RULE OF CONSTRUCTION

Pub. L. 115–44, title III, §332, Aug. 2, 2017, 131 Stat. 954, provided that: “Nothing in this title [see Short Title of 2017 Amendment note set out under section 9201 of this title] shall be construed to limit—

“(1) the authority or obligation of the President to apply the sanctions described in section 104 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9214), as amended by section 311 of this Act, with regard to persons who meet the criteria for designation under such section, or in any other provision of law; or

“(2) the authorities of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).”

## AUTHORITY TO CONSOLIDATE REPORTS

Pub. L. 115–44, title III, §331, Aug. 2, 2017, 131 Stat. 954, provided that: “Any reports required to be submitted to the appropriate congressional committees [see Definitions note below] under this title [see Short Title of 2017 Amendment note set out under section 9201 of this title] or any amendment made by this title that are subject to deadlines for submission consisting of similar units of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to the earlier of such deadlines. The consolidated reports must contain all information required under this title or any amendment made by this title, in addition to all other elements mandated by previous law.”

## DEFINITIONS

Pub. L. 115–44, title III, §302(b), Aug. 2, 2017, 131 Stat. 941, provided that: “In this title [see Short Title of 2017 Amendment note set out under section 9201 of this title]:

“(1) APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION; LUXURY GOODS.—The terms ‘applicable United Nations Security Council resolution’ and ‘luxury goods’ have the meanings given those terms, respectively, in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202), as amended by subsection (a).

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES; GOVERNMENT OF NORTH KOREA; UNITED STATES PERSON.—The terms ‘appropriate congressional committees’, ‘Government of North Korea’, and ‘United States person’ have the meanings given those terms, respectively, in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).

“(3) FOREIGN PERSON; NORTH KOREAN PERSON.—The terms ‘foreign person’ and ‘North Korean person’ have the meanings given those terms, respectively, in paragraph (5) and paragraph (13) of section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202(5) and 9202(13)), as added by subsection (a).

“(4) PROHIBITED WEAPONS PROGRAM.—The term ‘prohibited weapons program’ means—

“(A) any program related to the development of nuclear, chemical, or biological weapons, and their means of delivery, including ballistic missiles; and

“(B) any program to develop related materials with respect to a program described in subparagraph (A).”

## § 9203. Strategy on North Korea

## (a) Report on strategy required

Not later than 90 days after December 12, 2017, the President shall submit to Congress a report setting forth the strategy of the United States with respect to North Korea.

## (b) Elements

The report required by subsection (a) shall include the following:

(1) A description and assessment of the primary threats to United States national security interests from North Korea.

(2) A description of known foreign nation, foreign entity, or individual violations of current United Nations sanctions against North Korea, together with parameters for determining whether and on what timeline it serves United States interests to target such violators with unilateral secondary sanctions.

(3) A description of the diplomatic, economic, and trade relationships between China and North Korea and between Russia and North Korea, including trends in such relationships and their impact on the Government of North Korea.

(4) An identification of the diplomatic, economic, and security objectives for the Korean Peninsula and the desired end state in North Korea with respect to the security threats emanating from North Korea.

(5) A detailed roadmap to reach the objectives and end state identified pursuant to paragraph (4), including timelines for each element of the roadmap.

(6) A description of the unilateral and multilateral options available to the United States regarding North Korea, together with an assessment of the degree to which such options would impose costs on North Korea.

(7) A description of the resources and authorities necessary to carry out the roadmap described in paragraph (5).

(8) A description of operational plans and associated military requirements for the protection of United States interests with respect to North Korea.

(9) An identification of any capability or resource gaps that would affect the implementation of the strategy described in subsection (a), and a mitigation plan to address such gaps.

(10) An assessment of current and desired partner contributions to countering threats from North Korea, and a plan to enhance cooperation among countries with shared security interests with respect to North Korea.

(11) Any other matters the President considers appropriate.

## (c) Annual updates

The President shall submit to Congress in writing on an annual basis a report describing and assessing progress in the implementation of the strategy described in subsection (a).

## (d) Form

The report under subsection (a) and each report under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 115–91, div. A, title XII, §1256, Dec. 12, 2017, 131 Stat. 1682.)

## Editorial Notes

## CODIFICATION

Section enacted as part of the National Defense Authorization Act for Fiscal Year 2018, and not as part of the North Korea Sanctions and Policy Enhancement Act of 2016 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

## NORTH KOREA STRATEGY

Pub. L. 115-409, title II, §210, Dec. 31, 2018, 132 Stat. 5398, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) The Government of the Democratic People’s Republic of Korea has flagrantly defied the international community by illicitly developing its nuclear and ballistic missile programs, in violation of United Nations Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2371 (2017), 2375 (2017), and 2397 (2017).

“(2) The Government of the Democratic People’s Republic of Korea engages in gross human rights abuses against its own people and citizens of other countries, including the United States, the Republic of Korea, and Japan.

“(3) The United States is committed to pursuing a peaceful denuclearization of the Democratic People’s Republic of Korea through a policy of maximum pressure and engagement, in close concert with its partners.

“(b) POLICY OF THE UNITED STATES WITH RESPECT TO SANCTIONS AGAINST THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA.—

“(1) STATEMENT OF POLICY.—It is the policy of the United States to continue to impose sanctions with respect to activities of the Government of the Democratic People’s Republic of Korea, persons acting for or on behalf of such government, or other persons in accordance with Executive Order No. 13551 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to North Korea), Executive Order No. 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions), Executive Order No. 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyberenabled activities), Executive Order No. 13722 (50 U.S.C. 1701 note; relating to blocking the property of the Government of North Korea and the Workers’ Party of Korea, and prohibiting certain transactions with respect to North Korea), and Executive Order No. 13810 (82 Fed. Reg. 44705; relating to imposing additional sanctions with respect to North Korea) [50 U.S.C. 1701 note], as such Executive orders are in effect on the day before the date of the enactment of this Act [Dec. 31, 2018], until the Democratic People’s Republic of Korea is no longer engaged in the illicit activities described in such Executive orders, including actions in violation of the United Nations Security Council resolutions referred to in subsection (a)(1).

“(2) REPORT.—Not later than 30 days after terminating any sanction with respect to the activities of the Government of the Democratic People’s Republic of Korea, a person acting for or on behalf of such government, or any other person provided for in an Executive order listed in subsection (a), the Secretary of State, in consultation with the Secretary of the Treasury, shall submit a report to the appropriate congressional committees justifying the termination 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 non-cooperative 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.)

#### Editorial Notes

##### 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)”.

#### Executive Documents

##### 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.