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CONTINUATION OF A NATIONAL EMERGENCY WITH RESPECT TO RESTRICTIONS ON NORTH KOREA AND NORTH KOREAN NATIONALS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION THAT AN EXECUTIVE ORDER HAS BEEN ISSUED CONTINUING CERTAIN RESTRICTIONS ON NORTH KOREA AND NORTH KOREAN NATIONALS IMPOSED PURSUANT TO THE EXERCISE OF AUTHORITIES UNDER THE TRADING WITH THE ENEMY ACT, PURSUANT TO 50 U.S.C. 1622(d)



JUNE 26, 2008.—Message and accompanying papers referred to the Committee on Foreign Affairs and ordered to be printed

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To the Congress of the United States:

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 an Executive Order continuing certain restrictions on North Korea and North Korean nationals imposed pursuant to the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 *et seq*.) (TWEA). In the order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. I ordered the continuation of certain restrictions on North Korea and North Korean nationals as we deal with that threat through multilateral diplomacy.

These restrictions were first imposed pursuant to authorities found in section 5(b) of TWEA, following the declaration of a national emergency in 1950 in Proclamation 2914 (15 *FR* 9029), and continued annually, after the enactment of IEEPA in 1977, in accordance with section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note). The most recent continuation of such TWEA authorities is found in Presidential Determination 2007–32 of September 13, 2007. In a proclamation, which I signed the same day as the order, I terminated, effective the following day, the exercise of TWEA authorities with respect to North Korea.

The order I have issued continues the blocking of certain property and interests in property of North Korea or a North Korean national that were blocked as of June 16, 2000, and that remained blocked immediately prior to the date of my order. Absent this order, my proclamation terminating the exercise of TWEA authorities with respect to North Korea would have resulted in the unblocking of that property.

The order also continues restrictions relating to North Korea-flagged vessels that would otherwise have been terminated by my proclamation. These restrictions prohibit United States persons from owning, leasing, operating, or insuring any vessel flagged by North Korea and from registering vessels in North Korea or otherwise obtaining authorization for a vessel to fly the North Korean flag. For the reasons set forth above, I found that it was necessary to continue these restrictions.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I am enclosing a copy of the Executive Order and proclamation I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 26, 2008.*

EXECUTIVE ORDER

CONTINUING CERTAIN RESTRICTIONS WITH RESPECT TO NORTH KOREA AND NORTH KOREAN NATIONALS

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*.) (NEA) , and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, find that the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby declare a national emergency to deal with that threat. I further find that, as we deal with that threat through multilateral diplomacy, it is necessary to continue certain restrictions with respect to North Korea that would otherwise be lifted pursuant to a forthcoming proclamation that will terminate the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 *et seq*.) (TWEA) with respect to North Korea.

Accordingly, I hereby order:

Section 1. Except to the extent provided in 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 prior to the date of this order, the following are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

> all property and interests in property of North Korea or a North Korean national that, pursuant to the President's authorities under the TWEA, the exercise of which has been continued in accordance with section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), were blocked as of June 16, 2000, and remained blocked immediately prior to the date of this order.

Sec. 2. Except to the extent provided in 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 prior to the date of this order, United States persons may not register a vessel in North Korea, obtain authorization for a vessel to fly the North Korean flag, or own, lease, operate, or insure any vessel flagged by North Korea.

Sec. 3. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, 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. 4. 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; and

(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.

Sec. 5. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 6. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 7. 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, instrumentalities, or entities, its officers or employees, or any other person.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 26, 2008.*

TERMINATION OF THE EXERCISE OF AUTHORITIES UNDER THE TRADING WITH THE ENEMY ACT WITH RESPECT TO NORTH KOREA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), hereby find that the continuation of the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 *et seq*.) (TWEA) with respect to North Korea, as authorized in Proclamation 2914 of December 16, 1950, most recently continued under Presidential Determination 2007–32 of September 13, 2007 (72 *FR* 53407), and implemented by the regulations set forth below, is no longer in the national interest of the United States.

Section 1. The exercise of TWEA authorities with respect to North Korea, which were implemented by the Foreign Assets Control Regulations, 31 C.F.R. part 500, and the Transaction Control Regulations, 31 C.F.R. part 505, and that were continued by Presidential Determination 2007–32 of September 13, 2007, is terminated, and Presidential Determination 2007–32 is rescinded with respect to North Korea.

Sec. 2. The Secretary of the Treasury is authorized and directed to take all appropriate measures within the Secretary's authority to give effect to this proclamation.

Sec. 3. This proclamation is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 4. This proclamation is effective at 12:01 a.m. eastern daylight time on June 27, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of June, in the year of our Lord two thousand eight, and of the Independence of the United States of America the two hundred and thirty-second.

GEORGE W. BUSH.

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