

ous statutory provisions that restrict or otherwise impede normal relations between the United States and the Russian Federation, Ukraine, and the other independent states of the former Soviet Union. All of the statutory provisions amended or repealed by this Act were relevant and appropriate at the time of enactment, but with the end of the Cold War, they have become obsolete. It is not the purpose of this Act to rewrite or erase history, or to forget those who suffered in the past from the injustices or repression of communist regimes in the Soviet Union, but rather to update United States law to reflect changed international circumstances and to demonstrate for reformers and democrats in the independent states of the former Soviet Union the resolve of the people of the United States to support the process of democratic and economic reform and to conduct business with those states in a new spirit of friendship and cooperation.

“SEC. 102. FINDINGS.

“The Congress finds and declares as follows:

“(1) The Vancouver Declaration issued by President Clinton and President Yeltsin in April 1993 marked a new milestone in the development of the spirit of cooperation and partnership between the United States and Russia. The Congress affirms its support for the principles contained in the Vancouver Declaration.

“(2) The Vancouver Declaration underscored that—

“(A) a dynamic and effective partnership between the United States and Russia is vital to the success of Russia’s historic transformation;

“(B) the rapid integration of Russia into the community of democratic nations and the world economy is important to the national interest of the United States; and

“(C) cooperation between the United States and Russia is essential to the peaceful resolution of international conflicts and the promotion of democratic values, the protection of human rights, and the solution of global problems such as environmental pollution, terrorism, and narcotics trafficking.

“(3) The Congress enacted the FREEDOM Support Act (Public Law 102-511) [see Short Title note above], as well as other legislation such as the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) [22 U.S.C. 2551 note] and the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484) [22 U.S.C. 5901 et seq.], to help meet the historic opportunities and challenges presented by the transformation that has taken place, and is continuing to take place, in what once was the Soviet Union.

“(4) The process of reform in Russia, Ukraine, and the other independent states of the former Soviet Union is ongoing. The holding of a referendum in Russia on April 25, 1993, that was free and fair, and that reflected the support of the Russian people for the process of continued and strengthened democratic and economic reform, represents an important and encouraging hallmark in this ongoing process.

“(5) There remain in force many United States laws that are relics of the Cold War, and repeals or revisions of these provisions can play an important role in efforts to foster and strengthen the bonds of trust and friendship, as well as mutually beneficial trade and economic relations, between the United States and Russia, the United States and Ukraine, and the United States and the other independent states of the former Soviet Union.

“SEC. 103. STATUTORY PROVISIONS THAT HAVE BEEN APPLICABLE TO THE SOVIET UNION.

“(a) IN GENERAL.—There are numerous statutory provisions that were enacted in the context of United States relations with a country, the Soviet Union, that are fundamentally different from the relations that now exist between the United States and Russia, between the United States and Ukraine, and between the United States and the other independent states of the former Soviet Union.

“(b) EXTENT OF SUCH PROVISIONS.—Many of the provisions referred to in subsection (a) imposed limitations specifically with respect to the Soviet Union, and its constituent republics, or utilized language that reflected the tension that existed between the United States and the Soviet Union at the time of their enactment. Other such provisions did not refer specifically to the Soviet Union, but nonetheless were directed (or may be construed as having been directed) against the Soviet Union on the basis of the relations that formerly existed between the United States and the Soviet Union, particularly in its role as the leading communist country.

“(c) FINDINGS AND AFFIRMATION.—The Congress finds and affirms that provisions such as those described in this section, including—

“(1) section 216 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4316).

“(2) sections 136 [22 U.S.C. 3943 note] and 804 [99 Stat. 449] of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93).

“(3) section 1222 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 101 Stat. 1411 [1414]).

“(4) the Multilateral Export Control Enhancement Amendments Act (50 [App.] U.S.C. 2410 note, et seq.) [probably means former 50 U.S.C. App. 2410a note, see Short Title of 1988 Amendment note now set out under former section 4601 of Title 50, War and National Defense].

“(5) the joint resolution providing for the designation of ‘Captive Nations Week’ (Public Law 86-90) [73 Stat. 212].

“(6) the Communist Control Act of 1954 (Public Law 83-637) [see Short Title note set out under section 781 of Title 50].

“(7) provisions in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including sections 101(a)(40), 101(e)(3), and 313(a)(3) [8 U.S.C. 1101(a)(40), (e)(3), 1424(a)(3)].

“(8) section 2 of the joint resolution entitled ‘A joint resolution to promote peace and stability in the Middle East’, approved March 9, 1957 (Public Law 85-7) [22 U.S.C. 1961 et seq.], and

“(9) section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa),

should not be construed as being directed against Russia, Ukraine, or the other independent states of the former Soviet Union, connoting an adversarial relationship between the United States and the independent states, or signifying or implying in any manner unfriendliness toward the independent states.”

DEFINITIONS FOR PUB. L. 103-199

Pub. L. 103-199, § 3, Dec. 17, 1993, 107 Stat. 2318, provided that: “As used in this Act [see Short Title of 1993 Amendment note above] (including the amendments made by this Act), the terms ‘independent states of the former Soviet Union’ and ‘independent states’ have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).”

SUBCHAPTER I—GENERAL PROVISIONS

§ 5811. Findings

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet

Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical, and food assistance programs, by assisting in the development of democratic institutions, and by fostering conditions that will encourage the United States business community to engage in trade and investment;

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible;

(5) the independent states of the former Soviet Union face unprecedented environmental problems that jeopardize the quality of life and the very existence of not only their own peoples but also the peoples of other countries, and it is incumbent on the international community to assist the independent states in addressing these problems and in promoting sustainable use of resources and development;

(6) the success of United States assistance for the independent states of the former Soviet Union depends on—

(A) effective coordination of United States efforts with similar activities of friendly and allied donor countries and of international financial institutions, and

(B) reciprocal commitments by the governments of the independent states to work toward the creation of democratic institutions and an environment hospitable to foreign investment based upon the rule of law, including negotiation of bilateral and multilateral agreements on open trade and investment, adoption of commercial codes, establishment of transparency in regulatory and other governmental decision making, and timely payment of obligations carried over from previous governmental entities; and

(7) trade and investment opportunities in the independent states of the former Soviet Union will generate employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin to realize their enormous potential as both customers and suppliers.

(Pub. L. 102-511, title I, §101, Oct. 24, 1992, 106 Stat. 3321.)

Statutory Notes and Related Subsidiaries

SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY

Pub. L. 112-208, title IV, Dec. 14, 2012, 126 Stat. 1502, provided that:

“SEC. 401. SHORT TITLE.

“This title may be cited as the ‘Sergei Magnitsky Rule of Law Accountability Act of 2012’.

“SEC. 402. FINDINGS; SENSE OF CONGRESS.

“(a) FINDINGS.—Congress finds the following:

“(1) The United States aspires to a mutually beneficial relationship with the Russian Federation based

on respect for human rights and the rule of law, and supports the people of the Russian Federation in their efforts to realize their full economic potential and to advance democracy, human rights, and the rule of law.

“(2) The Russian Federation—

“(A) is a member of the United Nations, the Organization for Security and Co-operation in Europe, the Council of Europe, and the International Monetary Fund;

“(B) has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the United Nations Convention against Corruption; and

“(C) is bound by the legal obligations set forth in the European Convention on Human Rights.

“(3) States voluntarily commit themselves to respect obligations and responsibilities through the adoption of international agreements and treaties, which must be observed in good faith in order to maintain the stability of the international order. Human rights are an integral part of international law, and lie at the foundation of the international order. The protection of human rights, therefore, particularly in the case of a country that has incurred obligations to protect human rights under an international agreement to which it is a party, is not left exclusively to the internal affairs of that country.

“(4) Good governance and anti-corruption measures are instrumental in the protection of human rights and in achieving sustainable economic growth, which benefits both the people of the Russian Federation and the international community through the creation of open and transparent markets.

“(5) Systemic corruption erodes trust and confidence in democratic institutions, the rule of law, and human rights protections. This is the case when public officials are allowed to abuse their authority with impunity for political or financial gains in collusion with private entities.

“(6) The Russian nongovernmental organization INDEM has estimated that bribes by individuals and businesses in the Russian Federation amount to hundreds of billions of dollars a year, an increasing share of the country’s gross domestic product.

“(7) Sergei Leonidovich Magnitsky died on November 16, 2009, at the age of 37, in Matrosskaya Tishina Prison in Moscow, Russia, and is survived by a mother, a wife, and 2 sons.

“(8) On July 6, 2011, Russian President Dmitry Medvedev’s Human Rights Council announced the results of its independent investigation into the death of Sergei Magnitsky. The Human Rights Council concluded that Sergei Magnitsky’s arrest and detention was illegal; he was denied access to justice by the courts and prosecutors of the Russian Federation; he was investigated by the same law enforcement officers whom he had accused of stealing Hermitage Fund companies and illegally obtaining a fraudulent \$230,000,000 tax refund; he was denied necessary medical care in custody; he was beaten by 8 guards with rubber batons on the last day of his life; and the ambulance crew that was called to treat him as he was dying was deliberately kept outside of his cell for one hour and 18 minutes until he was dead. The report of the Human Rights Council also states the officials falsified their accounts of what happened to Sergei Magnitsky and, 18 months after his death, no officials had been brought to trial for his false arrest or the crime he uncovered. The impunity continued in April 2012, when Russian authorities dropped criminal charges against Larisa Litvinova, the head doctor at the prison where Magnitsky died.

“(9) The systematic abuse of Sergei Magnitsky, including his repressive arrest and torture in custody by officers of the Ministry of the Interior of the Russian Federation that Mr. Magnitsky had implicated in the embezzlement of funds from the Russian Treasury and the misappropriation of 3 companies from his

client, Hermitage Capital Management, reflects how deeply the protection of human rights is affected by corruption.

“(10) The politically motivated nature of the persecution of Mr. Magnitsky is demonstrated by—

“(A) the denial by all state bodies of the Russian Federation of any justice or legal remedies to Mr. Magnitsky during the nearly 12 full months he was kept without trial in detention; and

“(B) the impunity since his death of state officials he testified against for their involvement in corruption and the carrying out of his repressive persecution.

“(11) The Public Oversight Commission of the City of Moscow for the Control of the Observance of Human Rights in Places of Forced Detention, an organization empowered by Russian law to independently monitor prison conditions, concluded on December 29, 2009, ‘A man who is kept in custody and is being detained is not capable of using all the necessary means to protect either his life or his health. This is a responsibility of a state which holds him captive. Therefore, the case of Sergei Magnitsky can be described as a breach of the right to life. The members of the civic supervisory commission have reached the conclusion that Magnitsky had been experiencing both psychological and physical pressure in custody, and the conditions in some of the wards of Butyrka can be justifiably called torturous. The people responsible for this must be punished.’.

“(12) Sergei Magnitsky’s experience, while particularly illustrative of the negative effects of official corruption on the rights of an individual citizen, appears to be emblematic of a broader pattern of disregard for the numerous domestic and international human rights commitments of the Russian Federation and impunity for those who violate basic human rights and freedoms.

“(13) The second trial, verdict, and sentence against former Yukos executives Mikhail Khodorkovsky and Platon Lebedev evoke serious concerns about the right to a fair trial and the independence of the judiciary in the Russian Federation. The lack of credible charges, intimidation of witnesses, violations of due process and procedural norms, falsification or withholding of documents, denial of attorney-client privilege, and illegal detention in the Yukos case are highly troubling. The Council of Europe, Freedom House, and Amnesty International, among others, have concluded that they were charged and imprisoned in a process that did not follow the rule of law and was politically influenced. Furthermore, senior officials of the Government of the Russian Federation, including First Deputy Prime Minister Igor Shuvalov, have acknowledged that the arrest and imprisonment of Khodorkovsky were politically motivated.

“(14) According to Freedom House’s 2011 report entitled ‘The Perpetual Battle: Corruption in the Former Soviet Union and the New EU Members’, ‘[t]he highly publicized cases of Sergei Magnitsky, a 37-year-old lawyer who died in pretrial detention in November 2009 after exposing a multimillion-dollar fraud against the Russian taxpayer, and Mikhail Khodorkovsky, the jailed business magnate and regime critic who was sentenced at the end of 2010 to remain in prison through 2017, put an international spotlight on the Russian state’s contempt for the rule of law * * *. By silencing influential and accomplished figures such as Khodorkovsky and Magnitsky, the Russian authorities have made it abundantly clear that anyone in Russia can be silenced.’.

“(15) The tragic and unresolved murders of Nustap Abdurakhmanov, Maksharip Aushev, Natalya Estemirova, Akhmed Hadjimamedov, Umar Israilov, Paul Klebnikov, Anna Politkovskaya, Saihadji Saihadjiev, and Magomed Y. Yevloyev, the death in custody of Vera Trifonova, the disappearances of Mokhmadalakh Masaev and Said-Saleh Ibragimov, the torture of Ali Israilov and Islam Umarpashaev, the near-fatal beatings of Mikhail

Beketov, Oleg Kashin, Arkadiy Lander, and Mikhail Vinyukov, and the harsh and ongoing imprisonment of Mikhail Khodorkovsky, Alexei Kozlov, Platon Lebedev, and Fyodor Mikheev further illustrate the grave danger of exposing the wrongdoing of officials of the Government of the Russian Federation, including Chechen leader Ramzan Kadyrov, or of seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to strongly support, and provide assistance to, the efforts of the Russian people to establish a vibrant democratic political system that respects individual liberties and human rights, including by enhancing the provision of objective information through all relevant media, such as Radio Liberty and the internet. The Russian Government’s suppression of dissent and political opposition, the limitations it has imposed on civil society and independent media, and the deterioration of economic and political freedom inside Russia are of profound concern to the United States Government and to the American people.

“SEC. 403. DEFINITIONS.

“In this title:

“(1) ADMITTED; ALIEN.—The terms ‘admitted’ and ‘alien’ have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

“(B) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

“(3) FINANCIAL INSTITUTION.—The term ‘financial institution’ has the meaning given that term in section 5312 of title 31, United States Code.

“(4) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

“(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

“SEC. 404. IDENTIFICATION OF PERSONS RESPONSIBLE FOR THE DETENTION, ABUSE, AND DEATH OF SERGEI MAGNITSKY AND OTHER GROSS VIOLATIONS OF HUMAN RIGHTS.

“(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act [Dec. 14, 2012], the President shall submit to the appropriate congressional committees a list of each person who the President determines, based on credible information—

“(1) is responsible for the detention, abuse, or death of Sergei Magnitsky, participated in efforts to conceal the legal liability for the detention, abuse, or death of Sergei Magnitsky, financially benefitted from the detention, abuse, or death of Sergei Magnitsky, or was involved in the criminal conspiracy uncovered by Sergei Magnitsky;

“(2) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking—

“(A) to expose illegal activity carried out by officials of the Government of the Russian Federation; or

“(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, asso-

ciation, and assembly, and the rights to a fair trial and democratic elections, in Russia; or

“(3) acted as an agent of or on behalf of a person in a matter relating to an activity described in paragraph (1) or (2).

“(b) UPDATES.—The President shall submit to the appropriate congressional committees an update of the list required by subsection (a) as new information becomes available.

“(c) FORM.—

“(1) IN GENERAL.—The list required by subsection (a) shall be submitted in unclassified form.

“(2) EXCEPTION.—The name of a person to be included in the list required by subsection (a) may be submitted in a classified annex only if the President—

“(A) determines that it is vital for the national security interests of the United States to do so;

“(B) uses the annex in such a manner consistent with congressional intent and the purposes of this Act; and

“(C) 15 days prior to submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including or continuing to include each person in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in paragraph (1), (2), or (3) of subsection (a).

“(3) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by subsection (a), the President shall consider information provided by the chairperson and ranking member of each of the appropriate congressional committees and credible data obtained by other countries and nongovernmental organizations, including organizations inside Russia, that monitor the human rights abuses of the Government of the Russian Federation.

“(4) PUBLIC AVAILABILITY.—The unclassified portion of the list required by subsection (a) shall be made available to the public and published in the Federal Register.

“(d) REMOVAL FROM LIST.—A person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not less than 15 days prior to the removal of the person from the list that—

“(1) credible information exists that the person did not engage in the activity for which the person was added to the list;

“(2) the person has been prosecuted appropriately for the activity in which the person engaged; or

“(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activities in which the person engaged, and has credibly committed to not engage in the types of activities specified in paragraphs (1) through (3) of subsection (a).

“(e) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

“(1) IN GENERAL.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a person meets the criteria for being added to the list required by subsection (a), the President shall submit a response to the chairperson and ranking member of the committee which made the request with respect to the status of the person.

“(2) FORM.—The President may submit a response required by paragraph (1) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

“(3) REMOVAL.—If the President removes from the list required by subsection (a) a person who has been placed on the list at the request of the chairperson and ranking member of one of the appropriate congressional committees, the President shall provide

the chairperson and ranking member with any information that contributed to the removal decision. The President may submit such information in classified form if the President determines that such is necessary for the national security interests of the United States.

“(f) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

“SEC. 405. INADMISSIBILITY OF CERTAIN ALIENS.

“(a) INELIGIBILITY FOR VISAS.—An alien is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States if the alien is on the list required by section 404(a).

“(b) CURRENT VISAS REVOKED.—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of any alien who would be ineligible to receive such a visa or documentation under subsection (a) of this section.

“(c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

“(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or (b) in the case of an alien if—

“(A) the Secretary determines that such a waiver—

“(i) is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, or other applicable international obligations of the United States; or

“(ii) is in the national security interests of the United States; and

“(B) prior to granting such a waiver, the Secretary provides to the appropriate congressional committees notice of, and a justification for, the waiver.

“(2) TIMING FOR CERTAIN WAIVERS.—Notification under subparagraph (B) of paragraph (1) shall be made not later than 15 days prior to granting a waiver under such paragraph if the Secretary grants such waiver in the national security interests of the United States in accordance with subparagraph (A)(ii) of such paragraph.

“(d) REGULATORY AUTHORITY.—The Secretary of State shall prescribe such regulations as are necessary to carry out this section.

“SEC. 406. FINANCIAL MEASURES.

“(a) FREEZING OF ASSETS.—

“(1) IN GENERAL.—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of a person who is on the list required by section 404(a) of this Act if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(2) EXCEPTION.—Paragraph (1) shall not apply to persons included on the classified annex under section 404(c)(2) if the President determines that such an exception is vital for the national security interests of the United States.

“(b) WAIVER FOR NATIONAL SECURITY INTERESTS.—The Secretary of the Treasury may waive the application of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States. Not less than 15 days prior to granting such a waiver, the Secretary shall provide to the appro-

appropriate congressional committees notice of, and a justification for, the waiver.

“(c) ENFORCEMENT.—

“(1) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of such section.

“(2) REQUIREMENTS FOR FINANCIAL INSTITUTIONS.—Not later than 120 days after the date of the enactment of this Act [Dec. 14, 2012], the Secretary of the Treasury shall prescribe or amend regulations as needed to require each financial institution that is a United States person and has within its possession or control assets that are property or interests in property of a person who is on the list required by section 404(a) if such property and interests in property are in the United States to certify to the Secretary that, to the best of the knowledge of the financial institution, the financial institution has frozen all assets within the possession or control of the financial institution that are required to be frozen pursuant to subsection (a).

“(d) REGULATORY AUTHORITY.—The Secretary of the Treasury shall issue such regulations, licenses, and orders as are necessary to carry out this section.

“SEC. 407. REPORT TO CONGRESS.

“Not later than one year after the date of the enactment of this Act [Dec. 14, 2012] and annually thereafter, the Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report on—

“(1) the actions taken to carry out this title, including—

“(A) the number of persons added to or removed from the list required by section 404(a) during the year preceding the report, the dates on which such persons have been added or removed, and the reasons for adding or removing them; and

“(B) if few or no such persons have been added to that list during that year, the reasons for not adding more such persons to the list; and

“(2) efforts by the executive branch to encourage the governments of other countries to impose sanctions that are similar to the sanctions imposed under this title.”

[Memorandum of President of the United States, Apr. 5, 2013, 78 F.R. 22763, delegated the functions conferred upon the President by sections 404(a), 404(b), and 404(d), with respect to the determinations provided for therein: 404(c)(3); 404(c)(4), consistent with section 404(f); and 406(a)(1) of Pub. L. 112–208, set out above, to the Secretary of the Treasury, in consultation with the Secretary of State, and delegated the functions and authorities in sections 404(a), 404(b), and 404(d), with respect to the submission of the list, updates, and reports described in those respective sections, 404(c)(2), 404(e), and 406(a)(2) of Pub. L. 112–208 to the Secretary of State, in consultation with the Secretary of the Treasury.]

BELARUS DEMOCRACY

Pub. L. 108–347, Oct. 20, 2004, 118 Stat. 1383, as amended by Pub. L. 109–480, §§ 2–4(c)(1), 5–8, Jan. 12, 2007, 120 Stat. 3666–3672; Pub. L. 112–82, §§ 2–6, Jan. 3, 2012, 125 Stat. 1863–1867; Pub. L. 116–260, div. FF, title III, §§ 322–329, Dec. 27, 2020, 134 Stat. 3101–3113, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Belarus Democracy Act of 2004’.

“SEC. 2. FINDINGS.

“Congress finds the following:

“(1) The International Covenant on Civil and Political Rights, done at New York December 19, 1966, was

ratified by Belarus in 1973, guaranteeing Belarusians the freedom of expression and the freedom of association.

“(2) Alyaksandr Lukashenka has ruled Belarus as an undemocratic dictatorship since the first presidential election in Belarus in 1994.

“(3) Subsequent presidential elections in Belarus have been neither free nor fair and have been rejected by the international community as not meeting minimal electoral standards, with the jailing of opposition activists frequently used as a tool of government repression before and after the elections.

“(4) In response to the repression and violence during the 2006 presidential election, Congress passed the Belarus Democracy Reauthorization Act of 2006 (Public Law 109–480).

“(5) In 2006, President George W. Bush issued Executive Order 13405, titled ‘Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus’ [listed in a table under section 1701 of Title 50, War and National Defense], which authorized the imposition of sanctions against persons responsible for—

“(A) undermining democratic processes in Belarus; or

“(B) participating in human rights abuses related to political repression in Belarus.

“(6) In March 2011, the Senate unanimously passed Senate Resolution 105, which—

“(A) condemned the December 2010 election in Belarus as ‘illegitimate, fraudulent, and not representative of the will or the aspirations of the voters in Belarus’; and

“(B) called on the Lukashenka regime ‘to immediately and unconditionally release all political prisoners in Belarus who were arrested in association with the December 19, 2010, election’.

“(7) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to engage in a pattern of clear and persistent violations of human rights and fundamental freedoms.

“(8) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to engage in a pattern of clear and uncorrected violations of basic principles of democratic governance, including through a series of fundamentally flawed presidential and parliamentary elections undermining the legitimacy of executive and legislative authority in that country.

“(9) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to subject thousands of pro-democracy political activists and peaceful protesters to harassment, beatings, and imprisonment, particularly as a result of their attempts to peacefully exercise their right to freedom of assembly and association.

“(10) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to suppress independent media and journalists and to restrict access to the internet, including social media and other digital communication platforms, in violation of the right to freedom of speech and expression of those dissenting from the dictatorship of Alyaksandr Lukashenka.

“(11) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues a systematic campaign of harassment, repression, and closure of nongovernmental organizations, including independent trade unions and entrepreneurs, creating a climate of fear that inhibits the development of civil society and social solidarity.

“(12) The Government of Belarus, led illegally by Alyaksandr Lukashenka, has pursued a policy undermining the country’s sovereignty and independence by making Belarus political, economic, cultural, and societal interests subservient to those of Russia.

“(13) The Government of Belarus, led illegally by Alyaksandr Lukashenka, continues to reduce the independence of Belarus through integration into a so-called ‘Union State’ that is under the control of Russia.

“(14) In advance of the August 2020 presidential elections in Belarus, authorities acting on behalf of President Lukashenka arrested journalists, bloggers, political activists, and opposition leaders, including 3 leading presidential candidates (Syarhey Tsikhanouski, Mikalay Statkevich, and Viktor Babaryka), who were barred from running in the election by the Central Election Commission of the Republic of Belarus.

“(15) While the 3 opposition candidates were imprisoned, 2 of their wives and 1 of their campaign managers (Sviatlana Tsikhanouskaya, Veranika Tsepkala, and Maria Kalesnikava) joined together and ran in place of the candidates.

“(16) Thousands of Belarusian people demonstrated their support for these candidates by attending rallies, including 1 rally that included an estimated 63,000 participants.

“(17) On August, 5, 2020, the Senate unanimously passed Senate Resolution 658, which calls for a free, fair, and transparent presidential election in Belarus, including the unimpeded participation of all presidential candidates.

“(18) On August 9, 2020, the Government of Belarus conducted a presidential election that—

“(A) was held under undemocratic conditions that did not meet international standards;

“(B) involved government malfeasance and serious irregularities with ballot counting and the reporting of election results, including—

“(i) early voting ballot stuffing;

“(ii) ballot burning;

“(iii) pressuring poll workers; and

“(iv) removing bags full of ballots by climbing out of windows;

“(C) included restrictive measures that impeded the work of local independent observers and did not provide sufficient notice to the OSCE [Organization for Security and Cooperation in Europe] to allow for the OSCE to monitor the elections, as is customary.

“(19) Incumbent president Alyaksandr Lukashenka declared a landslide victory in the election and claimed to have received more than 80 percent of the votes cast in the election.

“(20) The leading opposition candidate, Sviatlana Tsikhanouskaya—

“(A) formally disputed the government’s reported election results;

“(B) explained that her staff had examined the election results from more than 50 polling places; and

“(C) found that her share of the vote exceeded Lukashenka’s share by many times.

“(21) On August 10, 2020, Sviatlana Tsikhanouskaya was detained while attending a meeting with the Central Election Commission of the Republic of Belarus and forced to flee to Lithuania under pressure from government authorities.

“(22) On August 11, 2020, Lithuanian Foreign Minister Linas Linkevičius announced that Sviatlana Tsikhanouskaya was safe in Lithuania and has continued to be one of the strongest voices supporting the pro-democracy movement in Belarus within the European Union and globally.

“(23) On August 18, 2020, Sviatlana Tsikhanouskaya announced the formation of a Coordination Council to oversee a resolution to the crisis in Belarus and a peaceful transition of power by subjecting the Council’s senior members to violence, detention, and forced exile. The Government of Belarus, led illegally by Alyaksandr Lukashenka, has sought to stop the work of the Coordination Council.

“(24) Before the European Parliament on August 25, 2020, Sviatlana Tsikhanouskaya stressed that a ‘peaceful revolution’ was underway in Belarus, and that ‘It is neither a pro-Russian nor anti-Russian revolution. It is neither an anti-European Union nor a pro-European Union revolution. It is a democratic revolution.’

“(25) On or around September 6, 2020, opposition leader Maria Kalesnikava and members of the Coordination Council, including Anton Ronenkov, Ivan Kravtsov, and Maxim Bogretsov, were detained by authorities who sought to forcibly expel them to Ukraine. Ms. Kalesnikava tore up her passport at the Ukrainian border in a successful effort to prevent this expulsion, subsequently disappeared, and was discovered in a Minsk prison on September 9, 2020.

“(26) On August 11, 2020, the European Union High Representative for Foreign and Security Policy, Josep Borrell, issued a declaration on the presidential election in Belarus stating that the elections were neither free nor fair.

“(27) On August 28, 2020, United States Deputy Secretary of State Stephen Biegun declared that the August 9th election in Belarus was fraudulent.

“(28) Following Alyaksandr Lukashenka’s September 23, 2020, secret inauguration, the United States, the European Union, numerous European Union member states, the United Kingdom, and Canada announced that they did not recognize Mr. Lukashenka as the legitimately elected leader of Belarus.

“(29) Since the sham election on August 9, 2020, tens of thousands of Belarusian citizens have participated in daily peaceful protests calling for a new, free, and fair election, and the release of political prisoners.

“(30) According to Amnesty International, on August 30, 2020, Belarusians held one of the largest protest rallies in the country’s modern history in Minsk and in other cities, which was attended by at least 100,000 people who demanded the resignation of President Lukashenka and an investigation into the human rights violations in Belarus.

“(31) Women have served as the leading force in demonstrations across the country, protesting the police brutality and mass detentions by wearing white, carrying flowers, forming ‘solidarity chains’, and unmasking undercover police trying to arrest demonstrators.

“(32) The Government of Belarus has responded to the peaceful opposition protests, which are the largest in Belarus history, with a violent crackdown, including, according to the United Nations Special Rapporteur, the detention by government authorities of more than 10,000 peaceful protestors as of September 18, 2020, mostly for taking part in or observing peaceful protests, with many of these arrests followed by beatings and torture at the hands of Belarusian law enforcement.

“(33) According to the Viasna Human Rights Centre, at least 450 detainees have reported being tortured or otherwise ill-treated while held in incommunicado detention for up to 10 days, including through—

“(A) severe beatings;

“(B) forced performance of humiliating acts; and

“(C) sexual violence and other forms of violence.

“(34) At least 4 Belarusians have been killed at protests, and dozens of Belarusians who were detained during the protests are still missing.

“(35) The Belarus Ministry of Defense threatened to send the army to confront protestors, warning that in case of any violation of peace and order in areas around national monuments, ‘you will have the army to deal with now, not the police’.

“(36) The Government of Belarus, led illegally by Alyaksandr Lukashenka, has consistently restricted the free flow of information to silence the opposition and to conceal the regime’s violent crackdown on peaceful protestors, including by—

“(A) stripping the accreditation of journalists from major foreign news outlets;

“(B) detaining and harassing countless journalists.

“(C) arresting dozens of journalists, 6 of whom report for Radio Free Europe/Radio Liberty;

“(D) halting the publishing of 2 independent newspapers; and

“(E) disrupting internet access;

“(F) blocking more than 50 news websites that were covering the protests; and

“(G) limiting access to social media and other digital communication platforms.

“(37) Internet access in Belarus has been repeatedly disrupted and restricted since August 9, 2020, which independent experts and monitoring groups have attributed to government interference.

“(38) Thousands of employees at Belarusian state-owned enterprises, who have been seen as Alyaksandr Lukashenka’s traditional base during his 26-year rule, went on strike across the country to protest Lukashenka’s illegitimate election and the subsequent crackdowns, including at some of Belarus’s largest factories such as the BelAZ truck plant, the Minsk Tractor Works, and the Minsk Automobile Plant.

“(39) After the employees of state media outlets walked off the job in protest rather than help report misleading government propaganda, Lukashenka confirmed that he ‘asked the Russians’ to send teams of Russian journalists to replace local employees.

“(40) On August 19, 2020, European Council President Charles Michel announced that the European Union would impose sanctions on a substantial number of individuals responsible for violence, repression, and election fraud in Belarus.

“(41) On October 2, 2020, the Department of Treasury announced new sanctions under Executive Order 13405 on eight individuals ‘for their roles in the fraudulent August 9, 2020 Belarus presidential election or the subsequent violent crackdown on peaceful protesters’.

“(42) Similar sanctions have also been applied to Belarusian human rights violators by the Government of Canada and the Government of the United Kingdom.

“(43) Against the will of the majority of the Belarusian people—

“(A) Alyaksandr Lukashenka appealed to Russian President Vladimir Putin to provide security assistance to his government, if requested; and

“(B) President Putin has agreed to prop up the Alyaksandr Lukashenka regime by—

“(i) confirming that a Russian police force was ready to be deployed if ‘the situation gets out of control’;

“(ii) providing significant financial support; and

“(iii) sending Russian propagandists to help disseminate pro-regime propaganda on Belarus state television.

“(44) The Governments of the United States, the European Union, the United Kingdom, and Canada have—

“(A) condemned the violent crackdown on peaceful protesters;

“(B) refused to accept the results of the fraudulent election; and

“(C) called for new free and fair elections under independent observation.

“SEC. 3. STATEMENT OF POLICY.

“It is the policy of the United States—

“(1) to condemn—

“(A) the conduct of the August 9, 2020, presidential election in Belarus, which was neither free nor fair;

“(B) the Belarusian authorities’ unrelenting crackdown on, arbitrary arrests of, and violence against opposition candidates, peaceful protesters, human rights activists, employees from state-owned enterprises participating in strikes, independent election observers, and independent journalists and bloggers; and

“(C) the unjustified detention and forced or attempted expulsion of members of the Coordination Council in Belarus;

“(2) to continue demanding the immediate release without preconditions of all political prisoners in

Belarus and those arrested for peacefully protesting, including all those individuals detained in connection with the August 9, 2020, presidential election;

“(3) to stand in solidarity with the people of Belarus, including human rights defenders, bloggers, and journalists, who are exercising their right to freedom of assembly, freedom of expression, and rule of law and to continue supporting the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

“(4) to continue actively supporting the aspirations of the people of the Republic of Belarus—

“(A) to preserve the independence and sovereignty of their country; and

“(B) to freely exercise their religion, including the head of the Catholic Church in Belarus, Archbishop Tadeusz Kondrusiewicz, who was barred from entering the country after criticizing Belarusian authorities;

“(5) to recognize the leading role of women in the peaceful protests and pro-democracy movement in Belarus;

“(6) to continue—

“(A) rejecting the invalid results of the fraudulent August 9, 2020 presidential election in Belarus announced by the Central Election Commission of the Republic of Belarus; and

“(B) supporting calls for new presidential and parliamentary elections, conducted in a manner that is free and fair according to OSCE standards and under the supervision of OSCE observers and independent domestic observers;

“(7) to refuse to recognize Alyaksandr Lukashenka as the legitimately elected leader of Belarus;

“(8) to not recognize any incorporation of Belarus into a ‘Union State’ with Russia, since this so-called ‘Union State’ would be both an attempt to absorb Belarus and a step to reconstituting the totalitarian Soviet Union;

“(9) to continue calling for the fulfillment by the Government of Belarus of Belarus’s freely undertaken obligations as an OSCE participating state and as a signatory of the Charter of the United Nations;

“(10) to support an OSCE role in mediating a dialogue within Belarus between the government and genuine representatives of Belarusian society;

“(11) to recognize the Coordination Council as a legitimate institution to participate in a dialogue on a peaceful transition of power;

“(12) to applaud the commitment by foreign diplomats in Minsk to engage with Coordination Council member and Nobel Laureate, Svetlana Alexievich, and to encourage an ongoing dialogue with her and with other leaders of the democratically-oriented political opposition in Belarus;

“(13) to urge an expanded United States diplomatic presence in Belarus to advocate for the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

“(14) to encourage the United States Government—

“(A) to continue working closely with the European Union, the United Kingdom, Canada, and other countries and international organizations to promote the principles of democracy, the rule of law, and human rights in Belarus; and

“(B) to impose targeted sanctions, in coordination with the European Union and other international partners, against officials in Belarus who are responsible for—

“(i) undermining democratic processes in Belarus; or

“(ii) participating in human rights abuses related to political repression in Belarus;

“(15) to call on the Government of Belarus to uphold its human rights obligations, including those rights enumerated in the International Covenant on Civil and Political Rights; and

“(16) to support—

“(A) the continued territorial integrity of Belarus; and

“(B) the right of the Belarusian people to determine their future.

“SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY, CIVIL SOCIETY, AND SOVEREIGNTY IN BELARUS.

“(a) PURPOSES OF ASSISTANCE.—The assistance under this section shall be available for the following purposes:

“(1) To assist the people of the Republic of Belarus in their pursuit of freedom, democracy, and human rights and in their aspiration to join the Trans-Atlantic community of democracies.

“(2) To assist the people of Belarus in building the sovereignty and independence of their country.

“(3) To encourage free, fair, and transparent presidential, parliamentary, and local elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers and independent domestic observers.

“(4) To assist in the development of a democratic political culture and civil society in Belarus.

“(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c), to be provided primarily for indigenous Belarusian groups and Belarusian groups outside of Belarus that are committed to the support of democratic processes and Belarusian sovereignty.

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

“(1) expanding independent radio and television broadcasting to and within Belarus;

“(2) facilitating the development of independent broadcast, print, and Internet media working within Belarus and from locations outside the country and supported by nonstate-controlled printing facilities;

“(3) countering internet censorship and repressive surveillance technology that seek to limit free association, control access to information, and prevent citizens from exercising their rights to free speech;

“(4) aiding the development of civil society through assistance to nongovernmental organizations promoting democracy and supporting human rights, including youth groups, entrepreneurs, and independent trade unions;

“(5) supporting the work of human rights defenders;

“(6) enhancing the development of democratic political parties;

“(7) assisting the promotion of free, fair, and transparent electoral processes;

“(8) enhancing international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society;

“(9) supporting the work of women advocating freedom, human rights, and human progress;

“(10) supporting the development of Belarusian language education;

“(11) enhancing the development of the private sector, particularly the information technology sector, and its role in the economy of Belarus, including by increasing the capacity of private sector actors, developing business support organizations, offering entrepreneurship training, and expanding access to finance for small and medium enterprises;

“(12) supporting political refugees in neighboring European countries fleeing the crackdown in Belarus;

“(13) supporting the gathering of evidence on and investigating of the human rights abuses in Belarus;

“(14) supporting the public health response, including filling the information void, in Belarus during the COVID-19 pandemic; and

“(15) other activities consistent with the purposes of this Act.

“(d) SENSE OF CONGRESS.—It is the sense of Congress that, in light of the political crisis in Belarus and the unprecedented mobilization of the Belarusian people,

United States foreign assistance to Belarusian civil society should be reevaluated and increased—

“(1) to carry out the purposes described in subsection (a); and

“(2) to include the activities described in subsection (c).

“(e) COORDINATION WITH EUROPEAN PARTNERS.—In order to maximize impact, eliminate duplication, and further the achievement of the purposes described in subsection (a), the Secretary of State shall ensure coordination with the European Union and its institutions, the governments of countries that are members of the European Union, the United Kingdom, and Canada.

“(f) REPORT ON ASSISTANCE.—Not later than 1 year after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020 [Dec. 27, 2020], the Secretary of State, acting through the Office of the Coordinator of U.S. Assistance to Europe and Eurasia, and in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees describing the programs and activities carried out to achieve the purposes described in subsection (a), including an assessment of whether or not progress was made in achieving those purposes.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this section such sums as may be necessary for each of the fiscal years 2021 and 2022.

“SEC. 5. INTERNATIONAL BROADCASTING, INTERNET FREEDOM, AND ACCESS TO INFORMATION IN BELARUS.

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

“(1) the President should support and reallocate resources to radio, television, and internet broadcasting conducted by Radio Free Europe/Radio Liberty in languages spoken in Belarus;

“(2) the United States should also support other independent media providing objective information to the Belarusian people, particularly in the Belarusian language;

“(3) the President should provide the United States Agency for Global Media with a surge capacity (as such term is defined in section 316 of the United States International Broadcasting Act [of 1994] (22 U.S.C. 6216)) for programs and activities in Belarus;

“(4) the Chief Executive Officer of the United States Agency for Global Media, working through the Open Technology Fund and in coordination with the Secretary of State, should expand and prioritize efforts to provide anti-censorship technology and services to journalists and civil society in Belarus in order to enhance their ability to safely access or share digital news and information without fear of repercussions or surveillance; and

“(5) the United States should continue to condemn the Belarusian authorities’ crackdown on independent media, including the harassment and mass detentions of independent and foreign journalists and the denial of accreditation.

“(b) STRATEGY TO PROMOTE EXPANDED BROADCASTING, INTERNET FREEDOM, AND ACCESS TO INFORMATION IN BELARUS.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020 [Dec. 27, 2020], the Chief Executive Officer of the United States Agency for Global Media and the Secretary of State shall jointly submit to the appropriate congressional committees a comprehensive strategy, including a cost estimate, to carry out the following:

“(A) Expand independent radio, television, live stream, and social network broadcasting and communications in Belarus to provide news and information, particularly in the Belarusian language, that is credible, comprehensive, and accurate.

“(B) Support the development and use of anti-censorship and circumvention technologies by the

Open Technology Fund and the Bureau of Democracy Human Rights and Labor that enable the citizens of Belarus to communicate securely and undertake internet activities without interference from the Government of Belarus.

“(C) Assist efforts to overcome attempts by the Government of Belarus to disrupt internet access and block content online.

“(D) Monitor the cooperation of the Government of Belarus with any foreign government or organization for purposes related to the censorship or surveillance of the internet, including an assessment of any such cooperation in the preceding ten years.

“(E) Monitor the purchase or receipt by the Government of Belarus of any technology or training from any foreign government or organization for purposes related to the censorship or surveillance of the internet, including an assessment of any such purchase or receipt in the preceding ten years.

“(F) Assist with the protection of journalists who have been targeted for free speech activities, including through the denial of accreditation.

“(G) Provide cyber-attack mitigation services to civil society organizations in Belarus.

“(H) Provide resources for educational materials and training on digital literacy, bypassing internet censorship, digital safety, and investigative and analytical journalism for independent journalists working in Belarus.

“(I) Build the capacity of civil society, media, and other nongovernmental and organizations to identify, track, and counter disinformation, including from proxies of the Government of Russia working at Belarusian state television.

“(2) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex.

“SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

“(a) APPLICATION OF SANCTIONS.—The sanctions described in subsections (c) through (f) should apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

“(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

“(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs or expression, including those individuals jailed based on political beliefs or expression in connection with repression that attended the presidential election of August 9, 2020.

“(2) The withdrawal of politically motivated legal charges against all opposition activists, peaceful protesters, and independent journalists in Belarus, including politically motivated legal charges made in connection with repression that attended the presidential election of August 9, 2020.

“(3) The cessation of all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, youth groups, religious organizations (including their leadership and members), and the political opposition in Belarus.

“(4) The prosecution of senior leadership of the Government of Belarus responsible for the administration of fraudulent elections and violations of human rights, including violations of human rights committed in connection with the presidential election of August 9, 2020.

“(5) The holding of free, fair and transparent presidential and parliamentary elections in Belarus consistent with OSCE standards and under the supervision of OSCE observers and independent domestic observers.

“(c) DENIAL OF ENTRY INTO THE UNITED STATES OF SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS

AND RUSSIAN INDIVIDUALS COMPLICIT IN THE CRACKDOWN THAT OCCURRED AFTER THE AUGUST 9, 2020, ELECTION.—Notwithstanding any other provision of law, the President may exercise the authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to deny the entry into the United States of any alien who—

“(1) holds a position in the senior leadership of the Government of Belarus;

“(2) is an immediate family member of a person inadmissible under paragraph (1);

“(3) through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus;

“(4) is a member of the Central Election Commission of Belarus or assisted the Commission in manipulating the presidential election of August 9, 2020;

“(5) is a member of any branch of the security or law enforcement services of Belarus, including the KGB, Interior Ministry, and OMON special police unit, and is responsible for, or complicit in, ordering, controlling, materially assisting, sponsoring, or providing financial, material, or technological support for, or otherwise directing, the crackdown on opposition leaders, journalists, and peaceful protesters that occurred in connection with the presidential election of August 9, 2020; or

“(6) is a member of any branch of the security or law enforcement services of Belarus and has participated in the persecution or harassment of religious groups, human rights defenders, democratic opposition groups, or independent media or journalists.

“(7) is a government official, including at the Information Ministry, responsible for the crackdown on independent media, including revoking the accreditation of journalists, disrupting internet access, and restricting online content;

“(8) is an official in the so-called ‘Union State’ between Russia and Belarus (regardless of nationality of the individual); or

“(9) is a Russian individual that has significantly participated in the crackdown on independent press or human rights abuses related to political repression in Belarus, including the Russian propagandists sent to replace local employees at Belarusian state media outlets.

“(d) PROHIBITION ON LOANS AND INVESTMENT.—

“(1) UNITED STATES GOVERNMENT FINANCING.—It is the sense of Congress that no loan, credit guarantee, insurance, financing, or other similar financial assistance should be extended by any agency of the Government of the United States (including the Export-Import Bank of the United States and the United States International Development Finance Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

“(2) TRADE AND DEVELOPMENT AGENCY.—It is the sense of Congress that no funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

“(e) MULTILATERAL FINANCIAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States Executive Director at each international financial institution of which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

“(f) BLOCKING OF ASSETS AND OTHER PROHIBITED ACTIVITIES.—

“(1) BLOCKING OF ASSETS.—It is the sense of Congress that the President should block all property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that, on or after the date of the enactment of the

Belarus Democracy Reauthorization Act of 2006 [Jan. 12, 2007]—

“(A) are owned, in whole or in part, by the Government of Belarus, or by the senior leadership of the Government of Belarus or by any member or family member closely linked to the senior leadership of the Government of Belarus, or an official of the so-called ‘Union State’ with Russia, or any person who through his or her business dealings with senior leadership of the Government of Belarus derives significant financial benefit from policies or actions, including electoral fraud, human rights abuses, or corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus; and

“(B) are in the United States, or in the possession or control of the Government of the United States or of any United States financial institution, including any branch or office of such financial institution that is located outside the United States.

“(2) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and interests in property under paragraph (1) should include—

“(A) payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, to the Government of Belarus, to any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by that government, or to any member of the senior leadership of the Government of Belarus, or an official of the so-called ‘Union State’ with Russia;

“(B) the export or reexport to any entity owned, controlled, or operated by the Government of Belarus, or the so-called ‘Union State’ with Russia, [sic] directly or indirectly, of any goods, technology, or services, either—

“(i) by a United States person; or

“(ii) involving the use of any air carrier or a vessel documented under the laws of the United States; and

“(C) the performance by any United States person of any contract, including a contract providing a loan or other financing, in support of an industrial, commercial, or public utility operated, controlled, or owned by the Government of Belarus.

“(3) PAYMENT OF EXPENSES.—All expenses incident to the blocking and maintenance of property blocked under paragraph (1) should be charged to the owners or operators of such property. Such expenses may not be paid from blocked funds.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any contract or other financial transaction with any private or non-governmental organization or business in Belarus.

“(5) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—

“(A) assistance authorized under section 4 or 5 of this Act; or

“(B) medicine, medical equipment or supplies, food, as well as any other form of humanitarian assistance provided to Belarus as relief in response to a humanitarian crisis.

“(6) PENALTIES.—Any person who violates any prohibition or restriction imposed under this subsection should be subject to the penalties under section 6 [206] of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act [50 U.S.C. 1701 et seq.].

“(7) DEFINITIONS.—In this subsection:

“(A) AIR CARRIER.—The term ‘air carrier’ has the meaning given that term in section 40102 of title 49, United States Code.

“(B) UNITED STATES PERSON.—The term ‘United States person’ means—

“(i) any United States citizen or alien admitted for permanent residence to the United States;

“(ii) any entity organized under the laws of the United States; and

“(iii) any person in the United States.

“SEC. 7. MULTILATERAL COOPERATION.

“It is the sense of Congress that the President should continue to coordinate with the European Union and its institutions, European Union member states, the United Kingdom, and Canada to develop a comprehensive, multilateral strategy—

“(1) to further the purposes of this Act, including, as appropriate, encouraging other countries to take measures with respect to the Republic of Belarus that are similar to measures described in this Act; and

“(2) to deter the Government of the Russian Federation from undermining democratic processes and institutions in Belarus or threatening the independence, sovereignty, and territorial integrity of Belarus.

“SEC. 8. REPORTS.

“(a) REPORT ON THREAT TO SOVEREIGNTY AND INDEPENDENCE OF BELARUS.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020 [Dec. 27, 2020], the Secretary of State, in coordination with the Director of National Intelligence and the Secretary of the Treasury, shall transmit to the appropriate congressional committees a report describing the threat that the Government of Russia poses to the sovereignty and independence of Belarus.

“(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

“(A) an assessment of how the Government of Russia is exploiting the current political crisis in Belarus to push for deeper political and economic control of or integration with Belarus;

“(B) a description of the economic and energy assets in Belarus that the Government of Russia, including Russian state-owned or state-controlled companies, controls;

“(C) a description of Belarus major enterprises that are vulnerable of being taken over by Russian entities amid the country’s worsening financial crisis;

“(D) a description of how and to what ends the Government of Russia seeks to augment its military presence in Belarus;

“(E) a description of Russian influence over the media and information space in Belarus and how the Government of Russia uses disinformation and other malign techniques to undermine Belarusian history, culture, and language;

“(F) a description of other actors in Belarus that the Government of Russia uses to advance its malign influence, including veterans’ organizations and extrajudicial networks;

“(G) a description of efforts to undermine Belarusian language, cultural, and national symbols, including the traditional red and white flag and the ‘Pahonia’ mounted knight; and

“(H) the identification of Russian individuals and government agencies that are significantly supporting or involved in the crackdown on peaceful protestors and the oppression or the repression of independent media following the August 9, 2020, presidential election.

“(3) FORM.—The report required under this subsection shall be transmitted in unclassified form, but may contain a classified annex.

“(b) REPORT ON PERSONAL ASSETS OF ALYAKSANDR LUKASHENKA.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020 [Dec. 27, 2020], the Director of National Intelligence, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit to the appropriate congressional committees a report describing—

“(A) the total assets under the direct or indirect control of Alyaksandr Lukashenka, including estimated assets and known sources of income of Alyaksandr Lukashenka and his immediate family

members, including assets, investments, bank accounts, and other business interests; and

“(B) an identification of the most significant senior foreign political figures in Belarus, as determined by their closeness to Alyaksandr Lukashenka.

“(2) WAIVER.—The Director of National Intelligence may waive, in whole or in part, the reporting requirement under paragraph (1)(A) if the Director submits to the appropriate congressional committees—

“(A) a written justification stating that the waiver is in the national interest of the United States; and

“(B) a detailed explanation of the reasons therefor.

“(3) FORM.—The report required under this subsection shall be transmitted in unclassified form, but may contain a classified annex.

“SEC. 9. DEFINITIONS.

“In this Act:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Relations of the Senate;

“(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

“(C) the Committee on Appropriations of the Senate;

“(D) the Committee on Foreign Affairs of the House of Representatives;

“(E) the Committee on Financial Services of the House of Representatives; and

“(F) the Committee on Appropriations of the House of Representatives.

“(2) OSCE.—The term ‘OSCE’ means the Organization for Security and Cooperation in Europe.

“(3) SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—The term ‘senior leadership of the Government of Belarus’ includes—

“(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, Chairmen of State Committees, governors, heads of state enterprises, and members of the Presidential Administration of Belarus;

“(B) any official of the Government of Belarus who—

“(i) is personally and substantially involved in the suppression of freedom in Belarus, including judges, prosecutors, members of the security and intelligence services, and heads of professional associations and educational institutions; or

“(ii) is otherwise engaged in public corruption, electoral fraud, online censorship, or restrictions on independent media and journalists in Belarus; and

“(C) any other individual determined by the Secretary of State (or the Secretary’s designee) to be personally and substantially involved in the formulation or execution of the policies of the Government of Belarus that are in contradiction of internationally recognized human rights standards.”

[Pub. L. 109-480, §4(c)(2), Jan. 12, 2007, 120 Stat. 3668, provided that: “The amendment made by paragraph (1) [amending section 4(d)(1) of Pub. L. 108-347, set out in the note above] shall not be construed to affect the availability of funds appropriated pursuant to the authorization of appropriations under section 4(d) of the Belarus Democracy Act of 2004 [Pub. L. 108-347] (as redesignated) before the date of the enactment of this Act [Jan. 12, 2007].”]

PRESIDENTIAL REPORT ON FUNDING FOR NEW INDEPENDENT STATES OF FORMER SOVIET UNION

Pub. L. 103-306, title II, Aug. 23, 1994, 108 Stat. 1617, provided in part that: “(o) The report required by subsection (d) under the heading ‘Assistance for the New Independent States of the Former Soviet Union’, contained in Public Law 102-391 [set out below], shall be updated at least annually and shall also contain a list-

ing of all grants and contracts issued from funds appropriated annually for the new independent states of the former Soviet Union, to include for each grant and contract (1) a description of its purpose, (2) its amount, and (3) the country where the grant or contract funds are to be expended.”

Pub. L. 102-391, title III, Oct. 6, 1992, 106 Stat. 1650, provided in part that: “(d) REPORTS.—The President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated under this heading for the new independent states of the former Soviet Union. The report required by this subsection shall be submitted to the Committees on Appropriations no later than January 1, 1993, and an update of this report shall be submitted by the President to those Committees no later than July 1, 1993.”

§ 5812. Program coordination, implementation, and oversight

(a) Coordination

The President shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall assistance and economic cooperation strategy for the independent states of the former Soviet Union;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act and chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.]);

(3) pursuing coordination with other countries and international organizations with respect to assistance to independent states;

(4) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act and chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.]);

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the independent states; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

(b) Export promotion activities

Consistent with subsection (a), coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary’s role as Chair of the Trade Promotion Coordination Committee.

(c) International economic activities

Consistent with subsection (a), coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary’s role as Chair of