AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

109th Congress 2d Session – – – – – – – – – – – – – House Document 109–116

DECLARATION OF A NATIONAL EMERGENCY WITH RESPECT TO BELARUS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DECLARATION OF A NATIONAL EMERGENCY WITH RESPECT TO BLOCKING THE PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN BELARUS, PURSUANT TO 50 U.S.C. 1631



JUNE 21, 2006.—Message and accompanying papers referred to the Committee on International Relations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
49–011 WASHINGTON : 2006

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the "order") blocking the property of persons in connection with the situation in Belarus. In that order, I declared a national emergency with respect to the policies and actions of certain individuals in Belarus, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the actions and circumstances involving Belarus, as described below. This action follows the issuance of Proclamation 8015 of May 12, 2006, "Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten the Transition to Democracy in Belarus," in which I determined that it is in the interest of the United States to suspend the entry into the United States of members of the government of Alyaksandr Lukashenka and others who formulate, implement, participate in, or benefit from policies or actions, including electoral fraud, human rights abuses, and corruption, that undermine or injure democratic institutions or impede the transition to democracy in Belarus.

The United States, the European Union, and other allies and partners around the world have repeatedly expressed support for the democratic aspirations of the Belarusian people and condemned the Belarusian government's human rights abuses, assaults on democracy, and corruption. The Belarusian authorities have resorted to intense repression in an attempt to preserve their power, including the disappearances of four regime critics in 1999 and 2000, which the authorities have failed to investigate seriously despite credible information linking top government officials to these acts.

The undemocratic 2006 presidential election was only the latest example of the Belarusian government's disregard for the rights of its own citizens. Hundreds of civic and opposition activists were arrested—and many beaten—both before and after the vote for exercising their rights. The authorities forcibly dispersed peaceful post-election demonstrations. There is simply no place in a Europe whole and free for a regime of this kind.

The order also takes an important step in the fight against public corruption, which threatens important United States interests globally, including ensuring security and stability, the rule of law and core democratic values, advancing prosperity, and creating a level playing field for lawful business activities. As noted in Proclamation 8015, the persistent acts of corruption by Belarusian government officials in the performance of public functions has played a significant role in frustrating the Belarusian people's aspirations for democracy. This order authorizes the Secretary of the Treasury to block the assets of senior-level officials of the Government of

Belarus, their family members, or those closely linked to such officials engaged in such corruption.

Thus, pursuant to IEEPA and the NEA, I have determined that these actions and circumstances constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and I have issued the order to deal with this threat.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

—to be responsible for, or to have participated in, actions or policies that undermine democratic processes or institutions in Belarus;

—to be responsible for, or to have participated in, human rights abuses related to political repression in Belarus;

—to be a senior-level official, a family member of such official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for such blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to remove any persons from the Annex to the order as circumstances warrant.

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 the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, was effective at 12:01 a.m. eastern daylight time on June 19, 2006.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 19, 2006.*

EXECUTIVE ORDER

BLOCKING PROPERTY OF CERTAIN PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN BELARUS

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, determine that the actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus's democratic processes or institutions, manifested most recently in the fundamentally undemocratic March 2006 elections, to commit human rights abuses related to political repression, including detentions and disappearances, and to engage in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, hereby declare a national emergency to deal with that threat, and hereby order:

Section 1. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), 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 effective date of this order, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

(A) to be responsible for, or to have participated in, actions or policies that undermine democratic processes or institutions in Belarus;

(B) to be responsible for, or to have participated in, human rights abuses related to political repression in Belarus;

(C) to be a senior-level official, a family member of such an official, or a person closely linked to such an official who is responsible for or has engaged in public corruption related to Belarus;

(D) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities described in paragraphs (a)(ii)(A) through (C) of this section or any person listed in or designated pursuant to this order; or

(E) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to this order.

(b) I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person listed in or designated pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by paragraph (a) of this section.

(c) The prohibitions in paragraph (a) of this section include, but are not limited to, (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person listed in or designated pursuant to this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. (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. 3. For 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;

(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. 4. For those persons listed in or designated pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

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 executive 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 and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken. The Secretary of the Treasury shall ensure compliance with those provisions of section 401 of the NEA (50 U.S.C. 1641) applicable to the Department of the Treasury in relation to 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. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

Sec. 8. This order 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. 9. This order is effective at 12:01 a.m. eastern daylight time on June 19, 2006.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 16, 2006.*

ANNEX

Individuals

1. Alyaksandr Hryhoryavich Lukashenka [President, born August 30, 1954]
2. Natallia Uladzimirauna Piatkevich [Deputy Head of the Presidential Administration, born October 24, 1972]
3. Viktar Hryhoryavich Halavanau [Minister of Justice, born 1952]
4. Aliaksandr Leanidavich Zimousky [Head of the Belarusian State Television and Radio Company (BSTRC) and Member of the Upper House of Parliament, born January 10, 1961]
5. Stiapan Mikalayevich Sukharenka [Chairman of the Belarusian KGB, born January 27, 1957]
6. Viktar Uladzimiravich Sheiman [State Secretary of the Security Council, born May 26, 1958]
7. Dzmitry Valeryevich Paulichenka [Commander of the Special Response Group of the Ministry of the Interior (SOBR), born 1966]
8. Uladzimir Uladzimiravich Naumau [Minister of Internal Affairs, born 1956]
9. Lidziya Mihaulauna Yarmoshina [Head of the Central Commission for Elections and National Referendums (CEC), born January 29, 1953]

10. Viktar Aliaksandravich Lukashenka [President's National Security Advisor, born 1976]

○