

109TH CONGRESS
2^D SESSION

H. R. 5948

To reauthorize the Belarus Democracy Act of 2004.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2006

Mr. SMITH of New Jersey (for himself, Mr. LANTOS, and Mr. McCOTTER) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize the Belarus Democracy Act of 2004.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Belarus Democracy
5 Reauthorization Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Section 2 of the Belarus Democracy Act of 2004 (22
8 U.S.C. 5811 note) is amended to read as follows:

9 **“SEC. 2. FINDINGS.**

10 “Congress makes the following findings:

1 “(1) The Government of the Republic of
2 Belarus has engaged in a pattern of clear, gross,
3 and uncorrected violations of human rights and fun-
4 damental freedoms.

5 “(2) The Government of Belarus has engaged
6 in a pattern of clear, gross, and uncorrected viola-
7 tions of basic principles of democratic governance,
8 including through a series of fundamentally flawed
9 presidential and parliamentary elections under-
10 mining the legitimacy of executive and legislative au-
11 thority in that country.

12 “(3) The most recent presidential elections in
13 Belarus held on March 19, 2006, failed to meet the
14 commitments of the Organization for Security and
15 Cooperation in Europe (OSCE) for democratic elec-
16 tions and the arbitrary use of state power and wide-
17 spread detentions show a disregard for the basic
18 rights of freedom of assembly, association, and ex-
19 pression, and raise doubts regarding the willingness
20 of authorities in Belarus to tolerate political com-
21 petition.

22 “(4) The regime of Aleksandr Lukashenka has
23 maintained power in Belarus by orchestrating an il-
24 legal and unconstitutional referendum that enabled
25 him to impose a new constitution, abolish the duly-

1 elected parliament, the 13th Supreme Soviet, install
2 a largely powerless National Assembly, extend his
3 term of office, and remove applicable term limits.

4 “(5) The Government of Belarus has failed to
5 make a credible effort to solve the cases of dis-
6 appeared opposition figures Yuri Zakharenka, Viktor
7 Gonchar, and Anatoly Krasovsky in 1999 and jour-
8 nalist Dmitry Zavadsky in 2000, even though cred-
9 ible allegations and evidence exist linking top offi-
10 cials of the Lukashenka regime with these dis-
11 appearances.

12 “(6) Political opposition figures Mikhail
13 Marynich, Mikalay Statkevych, Pavel Sevyarinets,
14 Andrei Klimau, Valery Levaneusky, and Siarhei
15 Skrebets have been imprisoned or served ‘corrective
16 labor’ sentences because of their political activity.

17 “(7) Hundreds of pro-democratic political activ-
18 ists have been subjected to frequent harassment and
19 jailings, especially during, and in the aftermath of
20 the fatally flawed March 19, 2006, presidential elec-
21 tions in Belarus.

22 “(8) The Government of Belarus has attempted
23 to maintain a monopoly over the country’s informa-
24 tion space, targeting independent media for system-
25 atic reprisals and elimination, while suppressing the

1 right to freedom of speech and expression of those
2 dissenting from the regime.

3 “(9) The Belarusian authorities have perpet-
4 uated a climate of fear in Belarus by mounting a
5 systematic crackdown on civil society through the
6 harassment, repression, and closure of nongovern-
7 mental organizations and independent trade unions.

8 “(10) The Lukashenka regime has increasingly
9 subjected leaders and members of minority and un-
10 registered religious communities to harassment, in-
11 cluding the imposition of heavy fines, denying per-
12 mission to meet for religious services, prosecutions,
13 and jail terms for activities in the practice of their
14 faith.

15 “(11) The Belarusian authorities have further
16 attempted to silence dissent through retribution
17 against human rights and pro-democracy activists
18 through threats, firings, expulsions, beatings and
19 other forms of intimidation.”.

20 **SEC. 3. STATEMENT OF POLICY.**

21 The Belarus Democracy Act of 2004 (22 U.S.C. 5811
22 note) is amended—

23 (1) by striking section 8;

24 (2) by redesignating sections 3 through 7 as
25 sections 4 through 8, respectively; and

1 (3) inserting after section 2 the following new
2 section:

3 **“SEC. 3. STATEMENT OF POLICY.**

4 “It is the policy of the United States—

5 “(1) to support the aspirations of the people of
6 the Republic of Belarus for democracy, human
7 rights, and the rule of law;

8 “(2) to support the aspirations of the people of
9 the Republic of Belarus to preserve the independ-
10 ence and sovereignty of their country;

11 “(3) to seek and support the growth of demo-
12 cratic movements and institutions in Belarus, with
13 the ultimate goal of ending tyranny in that country;

14 “(4) to refuse to accept the results of the fa-
15 tally flawed March 19, 2006, presidential elections
16 held in Belarus and support the call for new presi-
17 dential elections; and

18 “(5) to work closely with other countries and
19 international organizations, including the European
20 Union, to promote the conditions necessary for the
21 integration of Belarus into the European community
22 of democracies.”.

1 **SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
2 **SOCIETY IN BELARUS.**

3 (a) **PURPOSES OF ASSISTANCE.**—Section 4(a) of the
4 Belarus Democracy Act of 2004 (22 U.S.C. 5811 note)
5 (as redesignated) is amended—

6 (1) in paragraph (1), by striking “regaining
7 their freedom and to enable them” and inserting
8 “their pursuit of freedom, democracy, and human
9 rights and in their aspiration”;

10 (2) in paragraph (2)—

11 (A) by striking “free and fair” and insert-
12 ing “free, fair, and transparent”; and

13 (B) by adding at the end before the period
14 the following: “and independent domestic ob-
15 servers”; and

16 (3) in paragraph (3), by striking “restoring and
17 strengthening institutions of democratic governance”
18 and inserting “the development of a democratic po-
19 litical culture and civil society”.

20 (b) **ACTIVITIES SUPPORTED.**—Section 4(c) of the
21 Belarus Democracy Act of 2004 (22 U.S.C. 5811 note)
22 (as redesignated) is amended—

23 (1) by redesignating paragraphs (6) and (7) as
24 paragraphs (7) and (8), respectively;

25 (2) by striking paragraphs (1) through (5) and
26 inserting the following new paragraphs:

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

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

7 “(3) aiding the development of civil society
8 through assistance to nongovernmental organizations
9 promoting democracy and supporting human rights,
10 including youth groups, entrepreneurs, and inde-
11 pendent trade unions;

12 “(4) supporting the work of human rights de-
13 fenders;

14 “(5) enhancing the development of democratic
15 political parties;

16 “(6) assisting the promotion of free, fair, and
17 transparent electoral processes;” and

18 (3) in paragraph (7) (as redesignated), by in-
19 serting “enhancing” before “international ex-
20 changes”.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) AMENDMENTS.—Section 4(d) of the
23 Belarus Democracy Act of 2004 (22 U.S.C. 5811
24 note) (as redesignated) is amended—

1 (A) by striking “such sums as may be nec-
2 essary” and inserting “\$20,000,000”; and

3 (B) by striking “2005 and 2006” and in-
4 serting “2007 and 2008”.

5 (2) **RULE OF CONSTRUCTION.**—The amend-
6 ments made by paragraph (1) shall not be construed
7 to affect the availability of funds appropriated pur-
8 suant to the authorization of appropriations under
9 section 4(d) of the Belarus Democracy Act of 2004
10 (as redesignated) before the date of the enactment
11 of this Act.

12 **SEC. 5. RADIO AND TELEVISION BROADCASTING TO**
13 **BELARUS.**

14 (a) **PURPOSE.**—Section 5(a) of the Belarus Democ-
15 racy Act of 2004 (22 U.S.C. 5811 note) (as redesignated)
16 is amended by striking “radio broadcasting” and inserting
17 “radio and television broadcasting”.

18 (b) **AUTHORIZATION OF APPROPRIATIONS.**—

19 (1) **AMENDMENTS.**—Section 5(b) of the Belarus
20 Democracy Act of 2004 (22 U.S.C. 5811 note) (as
21 redesignated) is amended—

22 (A) by striking “such sums as may be nec-
23 essary” and inserting “\$7,500,000”;

1 (B) by striking “fiscal year 2005 and each
2 subsequent fiscal year” and inserting “each of
3 the fiscal years 2007 and 2008”; and

4 (C) by striking “radio broadcasting” and
5 inserting “radio and television broadcasting”.

6 (2) **RULE OF CONSTRUCTION.**—The amend-
7 ments made by paragraph (1) shall not be construed
8 to affect the availability of funds appropriated pur-
9 suant to the authorization of appropriations under
10 section 5(b) of the Belarus Democracy Act of 2004
11 (as redesignated) before the date of the enactment
12 of this Act.

13 (c) **CONFORMING AMENDMENT.**—Section 5 of the
14 Belarus Democracy Act of 2004 (22 U.S.C. 5811 note)
15 (as redesignated) is amended in the heading by striking
16 “**RADIO BROADCASTING**” and inserting “**RADIO AND**
17 **TELEVISION BROADCASTING**”.

18 **SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF**
19 **BELARUS.**

20 (a) **AMENDMENT.**—Section 6 of the Belarus Democ-
21 racy Act of 2004 (22 U.S.C. 5811 note) (as redesignated)
22 is amended to read as follows:

1 **“SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF**
2 **BELARUS.**

3 “(a) APPLICATION OF SANCTIONS.—The sanctions
4 described in subsections (c) through (f) shall apply with
5 respect to the Republic of Belarus until the President de-
6 termines and certifies to the appropriate congressional
7 committees that the Government of Belarus has made sig-
8 nificant progress in meeting the conditions described in
9 subsection (b).

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

12 “(1) The release of individuals in Belarus who
13 have been jailed based on political or religious be-
14 liefs.

15 “(2) The withdrawal of politically motivated
16 legal charges against all opposition activists and
17 independent journalists in Belarus.

18 “(3) A full accounting of the disappearances of
19 opposition leaders and journalists in Belarus, includ-
20 ing Victor Gonchar, Anatoly Krasovsky, Yuri
21 Zakharenka, and Dmitry Zavadsky, and the prosecu-
22 tion of those individuals who are in any way respon-
23 sible for their disappearances.

24 “(4) The cessation of all forms of harassment
25 and repression against the independent media, inde-
26 pendent trade unions, nongovernmental organiza-

1 tions, youth groups, religious organizations (includ-
2 ing their leadership and members), and the political
3 opposition in Belarus.

4 “(5) The prosecution of senior leadership of the
5 Government of Belarus responsible for the adminis-
6 tration of fraudulent elections.

7 “(6) A full accounting of the embezzlement of
8 state assets by senior leadership of the Government
9 of Belarus, their family members, and other associ-
10 ates.

11 “(7) The holding of free, fair and transparent
12 presidential and parliamentary elections in Belarus
13 consistent with OSCE standards and under the su-
14 pervision of internationally recognized observers and
15 independent domestic observers.

16 “(c) DENIAL OF ENTRY INTO THE UNITED STATES
17 OF SENIOR LEADERSHIP OF THE GOVERNMENT OF
18 BELARUS.—Notwithstanding any other provision of law,
19 the Secretary of State shall exercise the authority under
20 section 212(f) of the Immigration and Nationality Act (8
21 U.S.C. 1182(f)) to deny the entry into the United States
22 of any alien who—

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

1 “(2) is a family member or person closely linked
2 to a person inadmissible under subparagraph (A); or

3 “(3) through his or her business dealings with
4 senior leadership of the Government of Belarus de-
5 rives significant financial benefit from policies or ac-
6 tions, including electoral fraud, human rights
7 abuses, or corruption, that undermine or injure
8 democratic institutions or impede the transition to
9 democracy in Belarus.

10 “(d) PROHIBITION ON LOANS AND INVESTMENT.—

11 “(1) UNITED STATES GOVERNMENT FINANC-
12 ING.—No loan, credit guarantee, insurance, financ-
13 ing, or other similar foreign assistance may be ex-
14 tended by any agency of the Government of the
15 United States (including the Export-Import Bank of
16 the United States and the Overseas Private Invest-
17 ment Corporation) to the Government of Belarus,
18 except with respect to the provision of humanitarian
19 goods and agricultural or medical products.

20 “(2) TRADE AND DEVELOPMENT AGENCY.—No
21 funds available to the Trade and Development Agen-
22 cy may be available for activities of the Agency in
23 or for Belarus.

24 “(e) MULTILATERAL FINANCIAL ASSISTANCE.—The
25 Secretary of the Treasury shall instruct the United States

1 Executive Director of each international financial institu-
2 tion to which the United States is a member to use the
3 voice and vote of the United States to oppose any exten-
4 sion by those institutions of any financial assistance (in-
5 cluding any technical assistance or grant) of any kind to
6 the Government of Belarus, except for loans and assist-
7 ance that serve humanitarian needs.

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

10 “(1) BLOCKING OF ASSETS.—The President
11 shall block all property and interests in property, in-
12 cluding all commercial, industrial, or public utility
13 undertakings or entities, that, on or after the date
14 of the enactment of the Belarus Democracy Reau-
15 thorization Act of 2006—

16 “(A) are owned, in whole or in part, by the
17 Government of Belarus, or by any member or
18 family member closely linked to any member of
19 the senior leadership of the Government of
20 Belarus, or any person who through his or her
21 business dealings with senior leadership of the
22 Government of Belarus derives significant fi-
23 nancial benefit from policies or actions, includ-
24 ing electoral fraud, human rights abuses, or
25 corruption, that undermine or injure democratic

1 institutions or impede the transition to democ-
2 racy in Belarus; and

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

9 “(2) PROHIBITED ACTIVITIES.—Activities pro-
10 hibited by reason of the blocking of property and in-
11 terests in property under paragraph (1) shall in-
12 clude—

13 “(A) payments or transfers of any prop-
14 erty, or any transactions involving the transfer
15 of anything of economic value by any United
16 States person, to the Government of Belarus, to
17 any person or entity acting for or on behalf of,
18 or owned or controlled, directly or indirectly, by
19 that government, or to any member of the sen-
20 ior leadership of the Government of Belarus;

21 “(B) the export or reexport to any entity
22 owned, controlled, or operated by the Govern-
23 ment of Belarus, directly or indirectly, of any
24 goods, technology, or services, either—

25 “(i) by a United States person; or

1 “(ii) involving the use of any air car-
2 rier (as defined in section 40102 of title
3 49, United States Code) or a vessel docu-
4 mented under the laws of the United
5 States; and

6 “(C) the performance by any United
7 States person of any contract, including a con-
8 tract providing a loan or other financing, in
9 support of an industrial, commercial, or public
10 utility operated, controlled, or owned by the
11 Government of Belarus.

12 “(3) PAYMENT OF EXPENSES.—All expenses in-
13 cident to the blocking and maintenance of property
14 blocked under paragraph (1) shall be charged to the
15 owners or operators of such property. Such expenses
16 may not be paid from blocked funds.

17 “(4) RULE OF CONSTRUCTION.—Nothing in
18 this subsection shall be construed to prohibit any
19 contract or other financial transaction with any pri-
20 vate or nongovernmental organization or business in
21 Belarus.

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

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

1 “(B) medicine, medical equipment or sup-
2 plies, food, as well as any other form of human-
3 itarian assistance provided to Belarus as relief
4 in response to a humanitarian crisis.

5 “(6) PENALTIES.—Any person who violates any
6 prohibition or restriction imposed under this sub-
7 section shall be subject to the penalties under sec-
8 tion 6 of the International Emergency Economic
9 Powers Act (50 U.S.C. 1705) to the same extent as
10 for a violation under that Act.

11 “(7) DEFINITIONS.—In this subsection:

12 “(A) AIR CARRIER.—The term ‘air carrier’
13 has the meaning given that term in section
14 40102 of title 49, United States Code.

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

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

20 “(ii) any entity organized under the
21 laws of the United States, and any foreign
22 branch or subsidiary of such an entity; and

23 “(iii) any person in the United States.

24 “(g) WAIVER.—The President may waive the applica-
25 tion of any sanction described in subsections (c) through

1 (f) with respect to the Republic of Belarus if the President
2 determines and certifies to the appropriate congressional
3 committees that it is vital to the national interests of the
4 United States to do so.”.

5 (b) **EFFECTIVE DATE.**—The sanctions described in
6 subsections (c) through (f) of section 6 of the Belarus De-
7 mocracy Act of 2004 (22 U.S.C. 5811 note) (as amended
8 by subsection (a)) shall apply with respect to the Republic
9 of Belarus beginning 30 days after the date of the enact-
10 ment of this Act.

11 **SEC. 7. MULTILATERAL COOPERATION.**

12 Section 7 of the Belarus Democracy Act of 2004 (22
13 U.S.C. 5811 note) (as redesignated) is amended—

14 (1) by striking “to coordinate with” and insert-
15 ing “the support of”; and

16 (2) by striking “a comprehensive” and inserting
17 “for a comprehensive”.

18 **SEC. 8. DEFINITIONS.**

19 Section 9(3) of the Belarus Democracy Act of 2004
20 (22 U.S.C. 5811 note) is amended—

21 (1) in subparagraph (A), by inserting “gov-
22 ernors, heads of state enterprises,” after “Chairmen
23 of State Committees,”; and

24 (2) in subparagraph (B)—

1 (A) by striking “who is” and inserting the
2 following: “who—

3 “(i) is”;

4 (B) by striking “and” at the end and in-
5 serting “or”; and

6 (C) by adding at the end the following new
7 clause:

8 “(ii) is otherwise engaged in public
9 corruption in Belarus; and”.

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