

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5948

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IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2006

Received

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Belarus Democracy  
3 Reauthorization Act of 2006”.

4 **SEC. 2. FINDINGS.**

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

7 **“SEC. 2. FINDINGS.**

8 “Congress makes the following findings:

9 “(1) The Government of the Republic of  
10 Belarus has engaged in a pattern of clear and uncor-  
11 rected violations of human rights and fundamental  
12 freedoms.

13 “(2) The Government of Belarus has engaged  
14 in a pattern of clear and uncorrected violations of  
15 basic principles of democratic governance, including  
16 through a series of fundamentally flawed presi-  
17 dential and parliamentary elections undermining the  
18 legitimacy of executive and legislative authority in  
19 that country.

20 “(3) The most recent presidential elections in  
21 Belarus held on March 19, 2006, failed to meet the  
22 commitments of the Organization for Security and  
23 Cooperation in Europe (OSCE) for democratic elec-  
24 tions and the arbitrary use of state power and wide-  
25 spread detentions show a disregard for the basic  
26 rights of freedom of assembly, association, and ex-

1       pression, and raise doubts regarding the willingness  
2       of authorities in Belarus to tolerate political com-  
3       petition.

4               “(4) The regime of Aleksandr Lukashenka has  
5       maintained power in Belarus by orchestrating an il-  
6       legal and unconstitutional referendum that enabled  
7       him to impose a new constitution, abolish the duly-  
8       elected parliament, the 13th Supreme Soviet, install  
9       a largely powerless National Assembly, extend his  
10      term of office, and remove applicable term limits.

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

19              “(6) Political opposition figures Aleksandr  
20      Kozulin, Tsimafei Dranchuk, Mikalay Astreyka,  
21      Artur Finkevich, Mikalay Razumau, Katsyaryna  
22      Sadouskaya, Zmitser Dashkevich, Mikhail Marynich,  
23      Mikalay Statkevych, Pavel Sevyarinets, Andrei  
24      Klimau, Valery Levaneusky, and Siarhei Skrebets

1 have been imprisoned or served ‘corrective labor’  
2 sentences because of their political activity.

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

8 “(8) The Government of Belarus has attempted  
9 to maintain a monopoly over the country’s informa-  
10 tion space, targeting independent media for system-  
11 atic reprisals and elimination, while suppressing the  
12 right to freedom of speech and expression of those  
13 dissenting from the regime.

14 “(9) The Belarusian authorities have perpet-  
15 uated a climate of fear in Belarus by mounting a  
16 systematic crackdown on civil society through the  
17 harassment, repression, and closure of nongovern-  
18 mental organizations and independent trade unions.

19 “(10) The Lukashenka regime has increasingly  
20 subjected leaders and members of minority and un-  
21 registered religious communities to harassment, in-  
22 cluding the imposition of heavy fines, denying per-  
23 mission to meet for religious services, prosecutions,  
24 and jail terms for activities in the practice of their  
25 faith.

1           “(11) The Belarusian authorities have further  
2           attempted to silence dissent through retribution  
3           against human rights and pro-democracy activists  
4           through threats, firings, expulsions, beatings and  
5           other forms of intimidation.”.

6 **SEC. 3. STATEMENT OF POLICY.**

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

9           (1) by striking section 8;

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

12           (3) by inserting after section 2 the following  
13           new section:

14 **“SEC. 3. STATEMENT OF POLICY.**

15           “It is the policy of the United States—

16           “(1) to call upon the immediate release without  
17           preconditions of all political prisoners in Belarus;

18           “(2) to support the aspirations of the people of  
19           the Republic of Belarus for democracy, human  
20           rights, and the rule of law;

21           “(3) to support the aspirations of the people of  
22           the Republic of Belarus to preserve the independ-  
23           ence and sovereignty of their country;

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

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

8           “(6) to refuse to recognize any possible ref-  
9           erendum, or the results of any referendum, that  
10          would affect the sovereignty of Belarus; and

11          “(7) to work closely with other countries and  
12          international organizations, including the European  
13          Union, to promote the conditions necessary for the  
14          integration of Belarus into the European community  
15          of democracies.”.

16 **SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**  
17 **SOCIETY IN BELARUS.**

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

21               (1) in paragraph (1), by striking “regaining  
22               their freedom and to enable them” and inserting  
23               “their pursuit of freedom, democracy, and human  
24               rights and in their aspiration”;

25               (2) in paragraph (2)—

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

3 (B) by adding at the end before the period  
4 the following: “and independent domestic ob-  
5 servers”; and

6 (3) in paragraph (3), by striking “restoring and  
7 strengthening institutions of democratic governance”  
8 and inserting “the development of a democratic po-  
9 litical culture and civil society”.

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

13 (1) by redesignating paragraphs (6) and (7) as  
14 paragraphs (7) and (8), respectively;

15 (2) by striking paragraphs (1) through (5) and  
16 inserting the following new paragraphs:

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

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

23 “(3) aiding the development of civil society  
24 through assistance to nongovernmental organizations  
25 promoting democracy and supporting human rights,

1 including youth groups, entrepreneurs, and inde-  
2 pendent trade unions;

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

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

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

9 (3) in paragraph (7) (as redesignated), by in-  
10 sserting “enhancing” before “international ex-  
11 changes”.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) AMENDMENT.—Section 4(d)(1) of the  
14 Belarus Democracy Act of 2004 (22 U.S.C. 5811  
15 note) (as redesignated) is amended by striking  
16 “2005 and 2006” and inserting “2007 and 2008”.

17 (2) RULE OF CONSTRUCTION.—The amendment  
18 made by paragraph (1) shall not be construed to af-  
19 fect the availability of funds appropriated pursuant  
20 to the authorization of appropriations under section  
21 4(d) of the Belarus Democracy Act of 2004 (as re-  
22 designated) before the date of the enactment of this  
23 Act.

1 **SEC. 5. RADIO AND TELEVISION BROADCASTING TO**  
2 **BELARUS.**

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

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
8 5(b) of the Belarus Democracy Act of 2004 (22 U.S.C.  
9 5811 note) (as redesignated) is amended by striking  
10 “radio broadcasting” and inserting “radio and television  
11 broadcasting”.

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

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

19 Section 6 of the Belarus Democracy Act of 2004 (22  
20 U.S.C. 5811 note) (as redesignated) is amended to read  
21 as follows:

22 **“SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF**  
23 **BELARUS.**

24 “(a) APPLICATION OF SANCTIONS.—The sanctions  
25 described in subsections (c) through (f) should apply with  
26 respect to the Republic of Belarus until the President de-

1 termines and certifies to the appropriate congressional  
2 committees that the Government of Belarus has made sig-  
3 nificant progress in meeting the conditions described in  
4 subsection (b).

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

7 “(1) The release of individuals in Belarus who  
8 have been jailed based on political or religious be-  
9 liefs.

10 “(2) The withdrawal of politically motivated  
11 legal charges against all opposition activists and  
12 independent journalists in Belarus.

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

19 “(4) The cessation of all forms of harassment  
20 and repression against the independent media, inde-  
21 pendent trade unions, nongovernmental organiza-  
22 tions, youth groups, religious organizations (includ-  
23 ing their leadership and members), and the political  
24 opposition in Belarus.

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

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

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

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

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

22                 “(2) is an immediate family member of a per-  
23                 son inadmissible under subparagraph (A); or

24                 “(3) through his or her business dealings with  
25                 senior leadership of the Government of Belarus de-

1 rives significant financial benefit from policies or ac-  
2 tions, including electoral fraud, human rights  
3 abuses, or corruption, that undermine or injure  
4 democratic institutions or impede the transition to  
5 democracy in Belarus.

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

7 “(1) UNITED STATES GOVERNMENT FINANC-  
8 ING.—It is the sense of Congress that no loan, credit  
9 guarantee, insurance, financing, or other similar fi-  
10 nancial assistance should be extended by any agency  
11 of the Government of the United States (including  
12 the Export-Import Bank of the United States and  
13 the Overseas Private Investment Corporation) to the  
14 Government of Belarus, except with respect to the  
15 provision of humanitarian goods and agricultural or  
16 medical products.

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

21 “(e) MULTILATERAL FINANCIAL ASSISTANCE.—The  
22 Secretary of the Treasury should instruct the United  
23 States Executive Director of each international financial  
24 institution to which the United States is a member to use  
25 the voice and vote of the United States to oppose any ex-

1 tension by those institutions of any financial assistance  
2 (including any technical assistance or grant) of any kind  
3 to the Government of Belarus, except for loans and assist-  
4 ance that serve humanitarian needs.

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

7 “(1) BLOCKING OF ASSETS.—It is the sense of  
8 Congress that the President should block all prop-  
9 erty and interests in property, including all commer-  
10 cial, industrial, or public utility undertakings or enti-  
11 ties, that, on or after the date of the enactment of  
12 the Belarus Democracy Reauthorization Act of  
13 2006—

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

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

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

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

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

23           “(i) by a United States person; or

24           “(ii) involving the use of any air car-  
25           rier (as defined in section 40102 of title

1           49, United States Code) or a vessel docu-  
2           mented under the laws of the United  
3           States; and

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

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

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

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

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

24                 “(B) medicine, medical equipment or sup-  
25                 plies, food, as well as any other form of human-

1 humanitarian assistance provided to Belarus as relief  
2 in response to a humanitarian crisis.

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

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

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

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

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

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

20 “(iii) any person in the United  
21 States.”.

22 **SEC. 7. MULTILATERAL COOPERATION.**

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

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

3 (2) by striking “a comprehensive” and inserting  
4 “for a comprehensive”.

5 **SEC. 8. DEFINITIONS.**

6 Section 9(3) of the Belarus Democracy Act of 2004  
7 (22 U.S.C. 5811 note) is amended—

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

11 (2) in subparagraph (B)—

12 (A) by striking “who is” and inserting the  
13 following: “who—

14 “(i) is”;

15 (B) by striking “and” at the end and in-  
16 sserting “or”; and

17 (C) by adding at the end the following new  
18 clause:

19 “(ii) is otherwise engaged in public  
20 corruption in Belarus; and”.

Passed the House of Representatives December 8,  
2006.

Attest:

KAREN L. HAAS,

*Clerk.*