

Belarus Democracy Reauthorization Act of 2006

Prime Sponsor: Christopher H. Smith (NJ-04)

Public Law 109-480
Signed by the President
January 12, 2007

Introduced by Mr. Smith
*as **HR 5948**, July 27, 2006*

Public Law 109–480
109th Congress

An Act

Jan. 12, 2007
[H.R. 5948]

To reauthorize the Belarus Democracy Act of 2004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Belarus
Democracy
Reauthorization
Act of 2006.
22 USC 5801
note.

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

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

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) The Government of the Republic of Belarus has engaged in a pattern of clear and uncorrected violations of human rights and fundamental freedoms.

“(2) The Government of Belarus has engaged 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.

“(3) The most recent presidential elections in Belarus held on March 19, 2006, failed to meet the commitments of the Organization for Security and Cooperation in Europe (OSCE) for democratic elections and the arbitrary use of state power and widespread detentions show a disregard for the basic rights of freedom of assembly, association, and expression, and raise doubts regarding the willingness of authorities in Belarus to tolerate political competition.

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

“(5) The Government of Belarus has failed to make a credible effort to solve the cases of disappeared opposition figures Yuri Zakharenka, Viktor Gonchar, and Anatoly Krasovsky in 1999 and journalist Dmitry Zavadsky in 2000, even though credible allegations and evidence exist linking top officials of the Lukashenka regime with these disappearances.

“(6) Political opposition figures Aleksandr Kozulin, Tsimafei Dranchuk, Mikalay Astreyka, Artur Finkevich, Mikalay Razumau, Katsyaryna Sadouskaya, Zmitser Dashkevich, Mikhail Marynich, Mikalay Statkevych, Pavel Sevyarinets, Andrei Klimau, Valery Levaneusky, and Siarhei Skrebets have been imprisoned or served ‘corrective labor’ sentences because of their political activity.

“(7) Hundreds of pro-democratic political activists have been subjected to frequent harassment and jailings, especially during, and in the aftermath of the fatally flawed March 19, 2006, presidential elections in Belarus.

“(8) The Government of Belarus has attempted to maintain a monopoly over the country’s information space, targeting independent media for systematic reprisals and elimination, while suppressing the right to freedom of speech and expression of those dissenting from the regime.

“(9) The Belarusian authorities have perpetuated a climate of fear in Belarus by mounting a systematic crackdown on civil society through the harassment, repression, and closure of nongovernmental organizations and independent trade unions.

“(10) The Lukashenka regime has increasingly subjected leaders and members of minority and unregistered religious communities to harassment, including the imposition of heavy fines, denying permission to meet for religious services, prosecutions, and jail terms for activities in the practice of their faith.

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

SEC. 3. STATEMENT OF POLICY.

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

- (1) by striking section 8;
- (2) by redesignating sections 3 through 7 as sections 4 through 8, respectively; and
- (3) by inserting after section 2 the following new section:

“SEC. 3. STATEMENT OF POLICY.

“It is the policy of the United States—

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

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

“(3) to support the aspirations of the people of the Republic of Belarus to preserve the independence and sovereignty of their country;

“(4) to seek and support the growth of democratic movements and institutions in Belarus, with the ultimate goal of ending tyranny in that country;

“(5) to refuse to accept the results of the fatally flawed March 19, 2006, presidential elections held in Belarus and support the call for new presidential elections;

“(6) to refuse to recognize any possible referendum, or the results of any referendum, that would affect the sovereignty of Belarus; and

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

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

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

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

(2) in paragraph (2)—

(A) by striking “free and fair” and inserting “free, fair, and transparent”; and

(B) by adding at the end before the period the following: “and independent domestic observers”; and

(3) in paragraph (3), by striking “restoring and strengthening institutions of democratic governance” and inserting “the development of a democratic political culture and civil society”.

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

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

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

“(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) 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;

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

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

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

(3) in paragraph (7) (as redesignated), by inserting “enhancing” before “international exchanges”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

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

(2) **RULE OF CONSTRUCTION.**—The amendment made by paragraph (1) 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 (as redesignated) before the date of the enactment of this Act.

SEC. 5. RADIO AND TELEVISION BROADCASTING TO BELARUS.

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

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

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

SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

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

“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).

President.
Certification.

“(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.

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

“(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are in any way responsible for their disappearances.

Victor Gonchar.
Anatoly
Krasovsky.
Yuri
Zakharenka.
Dmitry
Zavadsky.

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

“(5) The prosecution of senior leadership of the Government of Belarus responsible for the administration of fraudulent elections.

“(6) A full accounting of the embezzlement of state assets by senior leadership of the Government of Belarus, their family members, and other associates.

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

“(c) **DENIAL OF ENTRY INTO THE UNITED STATES OF SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.**—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 subparagraph (A); or

“(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.

“(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 Overseas Private Investment 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 of each international financial institution to 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 (including any technical assistance or grant) of any kind 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—

“(A) are owned, in whole or in part, by the Government of Belarus, or by any member or family member closely linked to any member of the senior leadership of the Government of Belarus, 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;

“(B) the export or reexport to any entity owned, controlled, or operated by the Government of Belarus, 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 (as defined in section 40102 of title 49, United States Code) 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 nongovernmental 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 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

“(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.

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

(1) by striking “to coordinate with” and inserting “the support of”; and

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

SEC. 8. DEFINITIONS.

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

(1) in subparagraph (A), by inserting “governors, heads of state enterprises,” after “Chairmen of State Committees,”; and

(2) in subparagraph (B)—

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

“(i) is”;

(B) by striking “and” at the end and inserting “or”;

and

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

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

Approved January 12, 2007.

LEGISLATIVE HISTORY—H.R. 5948:

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