

108TH CONGRESS  
1ST SESSION

# S. 700

To provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 25, 2003

Mr. CAMPBELL (for himself and Mr. BIDEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence, and for other purposes.

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 Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) The United States supports the promotion  
2 of democracy, respect for human rights, and the rule  
3 of law in the Republic of Belarus consistent with its  
4 commitments as a participating state of the Organi-  
5 zation for Security and Cooperation in Europe  
6 (OSCE).

7           (2) The United States has a vital interest in the  
8 independence and sovereignty of the Republic of  
9 Belarus and its integration into the European com-  
10 munity of democracies.

11           (3) The last parliamentary election in Belarus  
12 deemed to be free and fair by the international com-  
13 munity was conducted in 1995 from which emerged  
14 the 13th Supreme Soviet whose democratically and  
15 constitutionally derived authorities and powers have  
16 been usurped by the authoritarian regime of Belarus  
17 President Aleksandr Lukashenka.

18           (4) In November 1996, Lukashenka orches-  
19 trated an illegal and unconstitutional referendum  
20 that enabled him to impose a new constitution, abol-  
21 ish the duly-elected parliament, the 13th Supreme  
22 Soviet, install a largely powerless National Assembly,  
23 and extend his term of office to 2001.

24           (5) In May 1999, democratic forces in Belarus  
25 challenged Lukashenka's unconstitutional extension

1 of his presidential term by staging alternative presi-  
2 dential elections which were met with repression.

3 (6) Democratic forces in Belarus have orga-  
4 nized peaceful demonstrations against the  
5 Lukashenka regime in cities and towns throughout  
6 Belarus which led to beatings, mass arrests, and ex-  
7 tended incarcerations.

8 (7) Victor Gonchar, Anatoly Krasovsky, and  
9 Yuri Zakharenka, who have been leaders and sup-  
10 porters of the democratic forces in Belarus, and  
11 Dmitry Zavadsky, a journalist known for his critical  
12 reporting in Belarus, have disappeared and are pre-  
13 sumed dead.

14 (8) Former Belarus Government officials have  
15 come forward with credible allegations and evidence  
16 that top officials of the Lukashenka regime were in-  
17 volved in the disappearances.

18 (9) The Lukashenka regime systematically  
19 harasses and represses the independent media and  
20 independent trade unions, imprisons independent  
21 journalists, and actively suppresses freedom of  
22 speech and expression.

23 (10) The Lukashenka regime harasses the  
24 autocephalic Belarusian Orthodox Church, the  
25 Roman Catholic Church, the Jewish community, the

1 Hindu Lights of Kalyasa community, evangelical  
2 Protestant churches (such as Baptist and Pente-  
3 costal groups), and other minority religious groups.

4 (11) The Law on Religious Freedom and Reli-  
5 gious Organizations, passed by the National Assem-  
6 bly and signed by Lukashenka on October 31, 2002,  
7 establishes one of the most repressive legal regimes  
8 in the OSCE region, severely limiting religious free-  
9 dom and placing excessively burdensome government  
10 controls on religious practice.

11 (12) The United States, the European Union,  
12 the North Atlantic Treaty Organization (NATO)  
13 Parliamentary Assembly, and the OSCE Parliamen-  
14 tary Assembly have not recognized the National As-  
15 sembly.

16 (13) The parliamentary elections of October 15,  
17 2000, conducted in the absence of a democratic elec-  
18 tion law, were illegitimate, unconstitutional, and  
19 plagued by violent human rights abuses committed  
20 by the Lukashenka regime, and have been deter-  
21 mined by the OSCE to be nondemocratic.

22 (14) The presidential election of September 9,  
23 2001, was determined by the OSCE and other ob-  
24 servers to be fundamentally unfair, to have failed to  
25 meet OSCE commitments for democratic elections

1 formulated in the 1990 Copenhagen Document, and  
2 to have featured significant and abusive misconduct  
3 by the Lukashenka regime, including—

4 (A) the harassment, arrest, and imprison-  
5 ment of opposition members;

6 (B) the denial of equal and fair access by  
7 opposition candidates to state-controlled media;

8 (C) the seizure of equipment and property  
9 of independent nongovernmental organizations  
10 and press organizations, and the harassment of  
11 their staff and management;

12 (D) voting and vote counting procedures  
13 that were not transparent; and

14 (E) a campaign of intimidation directed  
15 against opposition activists, domestic election  
16 observation organizations, and opposition and  
17 independent media, and a libelous media cam-  
18 paign against international observers.

19 **SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**  
20 **SOCIETY IN BELARUS.**

21 (a) **PURPOSES OF ASSISTANCE.**—Assistance under  
22 this section shall be available for the following purposes:

23 (1) To assist the people of the Republic of  
24 Belarus in regaining their freedom and to enable

1       them to join the European community of democ-  
2       racies.

3           (2) To encourage free and fair presidential,  
4       parliamentary, and local elections in Belarus, con-  
5       ducted in a manner consistent with internationally  
6       accepted standards and under the supervision of  
7       internationally recognized observers.

8           (3) To assist in restoring and strengthening in-  
9       stitutions of democratic governance in Belarus.

10       (b) AUTHORIZATION FOR ASSISTANCE.—To carry out  
11       the purposes set forth in subsection (a), the President is  
12       authorized to furnish assistance and other support for the  
13       activities described in subsection (c), to be provided pri-  
14       marily for indigenous groups in Belarus that are com-  
15       mitted to the support of democratic processes in Belarus.

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

18           (1) the observation of elections and the pro-  
19       motion of free and fair electoral processes;

20           (2) the development of democratic political par-  
21       ties;

22           (3) radio and television broadcasting to and  
23       within Belarus;

1           (4) the development of nongovernmental organi-  
2           zations promoting democracy and supporting human  
3           rights;

4           (5) the development of independent media  
5           working within Belarus and from locations outside  
6           Belarus, and supported by nonstate-controlled print-  
7           ing facilities;

8           (6) international exchanges and advanced pro-  
9           fessional training programs for leaders and members  
10          of the democratic forces in matters central to the de-  
11          velopment of civil society; and

12          (7) other activities consistent with the purposes  
13          of this Act.

14          (d) AUTHORIZATION OF APPROPRIATIONS.—

15           (1) IN GENERAL.—There is authorized to be  
16           appropriated to the President to carry out this sec-  
17           tion \$40,000,000 for fiscal years 2004 and 2005.

18           (2) AVAILABILITY OF FUNDS.—Amounts appro-  
19           priated pursuant to the authorization of appropria-  
20           tions under paragraph (1) are authorized to remain  
21           available until expended.

22          **SEC. 4. RADIO BROADCASTING TO BELARUS.**

23           (a) PURPOSE.—It is the purpose of this section to  
24           authorize increased support for United States Government  
25           and surrogate radio broadcasting to the Republic of

1 Belarus that will facilitate the unhindered dissemination  
2 of information in Belarus.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
4 tion to such sums as are otherwise authorized to be appro-  
5 priated, there is authorized to be appropriated \$5,000,000  
6 for each fiscal year for Voice of America and RFE/RL,  
7 Incorporated for radio broadcasting to the people of  
8 Belarus in languages spoken in Belarus.

9 (c) REPORT ON RADIO BROADCASTING TO AND IN  
10 BELARUS.—Not later than 120 days after the date of the  
11 enactment of this Act, the Secretary of State shall submit  
12 to the appropriate congressional committees a report on  
13 how funds appropriated and allocated pursuant to the au-  
14 thorizations of appropriations under subsection (b) and  
15 section 3(d) will be used to provide AM and FM broad-  
16 casting that covers the territory of Belarus and delivers  
17 independent and uncensored programming.

18 **SEC. 5. SANCTIONS AGAINST THE GOVERNMENT OF**  
19 **BELARUS.**

20 (a) APPLICATION OF SANCTIONS.—The sanctions de-  
21 scribed in subsections (c) and (d), and any sanction im-  
22 posed under subsection (e) or (f), shall apply with respect  
23 to the Republic of Belarus until the President determines  
24 and certifies to the appropriate congressional committees  
25 that the Government of Belarus has made significant

1 progress in meeting the conditions described in subsection  
2 (b).

3 (b) CONDITIONS.—The conditions referred to in sub-  
4 section (a) are the following:

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

8 (2) The withdrawal of politically motivated legal  
9 charges against all opposition figures and inde-  
10 pendent journalists in Belarus.

11 (3) A full accounting of the disappearances of  
12 opposition leaders and journalists in Belarus, includ-  
13 ing Victor Gonchar, Anatoly Krasovsky, Yuri  
14 Zakharenka, and Dmitry Zavadsky, and the prosecu-  
15 tion of the individuals who are responsible for their  
16 disappearances.

17 (4) The cessation of all forms of harassment  
18 and repression against the independent media, inde-  
19 pendent trade unions, nongovernmental organiza-  
20 tions, religious organizations (including their leader-  
21 ship and members), and the political opposition in  
22 Belarus.

23 (5) The implementation of free and fair presi-  
24 dential and parliamentary elections in Belarus con-  
25 sistent with Organization for Security and Coopera-

1       tion in Europe (OSCE) standards on democratic  
2       elections and in cooperation with relevant OSCE in-  
3       stitutions.

4       (c) PROHIBITION ON STRATEGIC EXPORTS TO  
5 BELARUS.—

6           (1) PROHIBITION.—No computers, computer  
7       software, goods, or technology intended to manufac-  
8       ture or service computers, or any other related goods  
9       or technology, may be exported to Belarus for use by  
10      the Government of Belarus, or by its military, police,  
11      prison system, or national security agencies. The  
12      prohibition in the preceding sentence shall not apply  
13      with respect to the export of goods or technology for  
14      democracy-building or humanitarian purposes.

15          (2) RULE OF CONSTRUCTION.—Nothing in this  
16      subsection shall prevent the issuance of licenses to  
17      ensure the safety of civil aviation and safe operation  
18      of commercial passenger aircraft of United States  
19      origin or to ensure the safety of ocean-going mari-  
20      time traffic in international waters.

21      (d) PROHIBITION ON LOANS AND INVESTMENT.—

22          (1) UNITED STATES GOVERNMENT FINANC-  
23      ING.—No loan, credit guarantee, insurance, financ-  
24      ing, or other similar financial assistance may be ex-  
25      tended by any agency of the United States Govern-

1 ment (including the Export-Import Bank and the  
2 Overseas Private Investment Corporation) to the  
3 Government of Belarus, except with respect to the  
4 provision of humanitarian goods and agricultural or  
5 medical products.

6 (2) TRADE AND DEVELOPMENT AGENCY.—No  
7 funds available to the Trade and Development Agen-  
8 cy may be available for activities of the Agency in  
9 or for Belarus.

10 (e) DENIAL OF ENTRY INTO UNITED STATES OF  
11 CERTAIN BELARUS OFFICIALS.—

12 (1) DENIAL OF ENTRY.—It is the sense of Con-  
13 gress that, in addition to the sanctions provided for  
14 in subsections (c) and (d), the President should use  
15 the authority under section 212(f) of the Immigra-  
16 tion and Nationality Act (8 U.S.C. 1182(f)) to deny  
17 the entry into the United States of any alien who—

18 (A) holds a position in the senior leader-  
19 ship of the Government of Belarus; or

20 (B) is a spouse, minor child, or agent of a  
21 person described in subparagraph (A).

22 (2) SENIOR LEADERSHIP OF THE GOVERNMENT  
23 OF BELARUS DEFINED.—In this subsection, the  
24 term “senior leadership of the Government of  
25 Belarus” includes—

1 (A) the President, Prime Minister, Deputy  
2 Prime Ministers, government ministers, Chair-  
3 men of State Committees, and members of the  
4 Presidential Administration of Belarus;

5 (B) any official of the Government of  
6 Belarus who is personally and substantially in-  
7 volved in the suppression of freedom in Belarus,  
8 including judges and prosecutors; and

9 (C) any other individual determined by the  
10 Secretary of State (or the Secretary's designee)  
11 to be personally and substantially involved in  
12 the formulation or execution of the policies of  
13 the Lukashenka regime in Belarus that are in  
14 contradiction of internationally recognized  
15 human rights standards.

16 (f) MULTILATERAL FINANCIAL ASSISTANCE.—It is  
17 the sense of Congress that, in addition to the sanctions  
18 provided for in subsections (c) and (d), the Secretary of  
19 the Treasury should instruct the United States Executive  
20 Director of each international financial institution to  
21 which the United States is a member to use the voice and  
22 vote of the United States to oppose any extension by those  
23 institutions of any financial assistance (including any  
24 technical assistance or grant) of any kind to the Govern-

1 ment of Belarus, except for loans and assistance that serve  
2 humanitarian needs.

3 (g) WAIVER.—The President may waive the applica-  
4 tion of any sanction described in this section with respect  
5 to Belarus if the President determines and certifies to the  
6 appropriate congressional committees that it is important  
7 to the national interests of the United States to do so.

8 **SEC. 6. MULTILATERAL COOPERATION.**

9 It is the sense of Congress that the President should  
10 continue to seek to coordinate with other countries, par-  
11 ticularly European countries, a comprehensive, multilat-  
12 eral strategy to further the purposes of this Act, including,  
13 as appropriate, encouraging other countries to take meas-  
14 ures with respect to the Republic of Belarus that are simi-  
15 lar to measures provided for in this Act.

16 **SEC. 7. ANNUAL REPORTS.**

17 (a) REPORTS.—Not later than 90 days after the date  
18 of the enactment of this Act, and every year thereafter,  
19 the President shall transmit to the appropriate congress-  
20 sional committees a report that describes, with respect to  
21 the preceding 12-month period, the following:

22 (1) The sale or delivery of weapons or weapons-  
23 related technologies from the Republic of Belarus to  
24 any country, the government of which the Secretary  
25 of State has determined, for purposes of section

1 6(j)(1) of the Export Administration Act of 1979  
2 (50 U.S.C. App. 2405(j)(1)), has repeatedly pro-  
3 vided support for acts of international terrorism.

4 (2) An identification of each country described  
5 in paragraph (1) and a detailed description of the  
6 weapons or weapons-related technologies involved in  
7 the sale.

8 (3) An identification of the goods, services,  
9 credits, or other consideration received by Belarus in  
10 exchange for the weapons or weapons-related tech-  
11 nologies.

12 (4) The personal assets and wealth of Alek-  
13 sandr Lukashenka and other senior leadership of the  
14 Government of Belarus.

15 (b) FORM.—A report transmitted pursuant to sub-  
16 section (a) shall be in unclassified form but may contain  
17 a classified annex.

18 **SEC. 8. DECLARATION OF POLICY.**

19 Congress hereby—

20 (1) expresses its support to those in the Repub-  
21 lic of Belarus seeking—

22 (A) to promote democracy, human rights,  
23 and the rule of law and to consolidate the inde-  
24 pendence and sovereignty of Belarus; and

1 (B) to promote the integration of Belarus  
2 into the European community of democracies;

3 (2) expresses its grave concern about the dis-  
4 appearances of Victor Gonchar, Anatoly Krasovsky,  
5 Yuri Zakharenka, and Dmitry Zavadsky;

6 (3) calls upon the Lukashenka regime in  
7 Belarus to cease its persecution of political oppo-  
8 nents or independent journalists and to release those  
9 individuals who have been imprisoned for opposing  
10 his regime or for exercising their right to freedom of  
11 speech;

12 (4) calls upon the Lukashenka regime to end  
13 the pattern of clear, gross, and uncorrected viola-  
14 tions of relevant human dimension commitments of  
15 the Organization for Security and Cooperation in  
16 Europe (OSCE), and to respect the basic freedoms  
17 of speech, expression, assembly, association, lan-  
18 guage, culture, and religion or belief;

19 (5) calls upon the Government of the Russian  
20 Federation to use its influence to encourage demo-  
21 cratic development in Belarus so that Belarus can  
22 become a democratic, prosperous, sovereign, and  
23 independent state that is integrated into Europe;

1           (6) calls upon the Government of Belarus to re-  
2 solve the continuing constitutional and political crisis  
3 in Belarus through—

4           (A) free, fair, and transparent presidential  
5 and parliamentary elections in Belarus, as  
6 called for by the OSCE;

7           (B) respect for human rights in Belarus;

8           (C) an end to the current climate of fear  
9 in Belarus;

10          (D) meaningful access by the opposition to  
11 state media in Belarus;

12          (E) modification of the electoral code of  
13 Belarus in keeping with OSCE commitments;

14          (F) engagement in genuine talks with the  
15 opposition in Belarus; and

16          (G) modifications of the constitution of  
17 Belarus to allow for genuine authority for the  
18 parliament; and

19          (7) commends the democratic opposition in  
20 Belarus for their commitment to freedom, their  
21 courage in the face of the repression of the  
22 Lukashenka regime, and the emergence of a plu-  
23 ralist civil society in Belarus—the foundation for the  
24 development of democratic political structures.

1 **SEC. 9. DEFINITION.**

2 In this Act, the term “appropriate congressional com-  
3 mittees” means—

4 (1) the Committee on International Relations of  
5 the House of Representatives; and

6 (2) the Committee on Foreign Relations of the  
7 Senate.

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