

108TH CONGRESS
1ST SESSION

H. R. 854

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2003

Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. HOEFFEL, and Ms. SLAUGHTER) 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 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.

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

9 (2) the United States has a vital interest in the
10 independence and sovereignty of the Republic of
11 Belarus and its integration into the European com-
12 munity of democracies;

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

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

1 (5) in May 1999, Belarusian democratic forces
2 challenged Lukashenka's unconstitutional extension
3 of his presidential term by staging alternative presi-
4 dential elections which were met with repression;

5 (6) Belarusian democratic forces have organized
6 peaceful demonstrations against the Lukashenka re-
7 gime in cities and towns throughout Belarus which
8 led to beatings, mass arrests, and extended incarcer-
9 ations;

10 (7) Victor Gonchar, Anatoly Krasovsky, and
11 Yuri Zakharenka, who have been leaders and sup-
12 porters of the democratic forces, and Dmitry
13 Zavadsky, a journalist known for his critical report-
14 ing, have disappeared and are presumed dead;

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

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

24 (10) the Lukashenka regime harasses the
25 autocephalic Belarusian Orthodox Church, the

1 Roman Catholic Church, the Jewish community, the
2 Hindu Lights of Kalyasa community, evangelical
3 Protestant churches (such as Baptist and Pente-
4 costal groups), and other minority religious groups;

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

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

17 (13) the parliamentary elections of October 15,
18 2000, conducted in the absence of a democratic elec-
19 tion law, were illegitimate, unconstitutional, plagued
20 by violent human rights abuses committed by the
21 Lukashenka regime, and determined to be non-
22 democratic by the OSCE; and

23 (14) the presidential election of September 9,
24 2001, was determined by the OSCE and other ob-
25 servers to be fundamentally unfair and failed to

1 meet the OSCE commitments for democratic elec-
2 tions formulated in the 1990 Copenhagen Document
3 and featured significant and abusive misconduct by
4 the Lukashenka regime, including—

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

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

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

14 (D) voting and vote counting procedures
15 that were not transparent; and

16 (E) a campaign of intimidation directed
17 against opposition activists, domestic election
18 observation organizations, opposition and inde-
19 pendent media, and a libelous media campaign
20 against international observers.

21 **SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
22 **SOCIETY IN BELARUS.**

23 (a) **PURPOSES OF ASSISTANCE.**—The assistance
24 under this section shall be available for the following pur-
25 poses:

1 (1) To assist the people of the Republic of
2 Belarus in regaining their freedom and to enable
3 them to join the European community of democ-
4 racies.

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

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

12 (b) AUTHORIZATION FOR ASSISTANCE.—To carry out
13 the purposes of subsection (a), the President is authorized
14 to furnish assistance and other support for the activities
15 described in subsection (c), to be provided primarily for
16 indigenous Belarusian groups that are committed to the
17 support of democratic processes.

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

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

22 (2) development of democratic political parties;

23 (3) radio and television broadcasting to and
24 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 the country and supported by nonstate-controlled
7 printing facilities;

8 (6) international exchanges and advanced pro-
9 fessional training programs for leaders and members
10 of the democratic forces in skill areas central to the
11 development 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.

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) REPORTING ON RADIO BROADCASTING TO AND
10 IN BELARUS.—Not later than 120 days after the date of
11 the enactment of this Act, the Secretary of State shall sub-
12 mit to the appropriate congressional committees a report
13 on how funds appropriated and allocated pursuant to the
14 authorizations 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) through (e) shall apply with re-
22 spect to the Republic of Belarus until the President deter-
23 mines and certifies to the appropriate congressional com-
24 mittees that the Government of Belarus has made signifi-

1 cant progress in meeting the conditions described in sub-
2 section (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 those individuals who are responsible for
16 their 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-

1 sistent with OSCE standards on democratic elections
2 and in cooperation with relevant OSCE institutions.

3 (c) DENIAL OF ENTRY INTO THE UNITED STATES
4 OF BELARUSIAN OFFICIALS.—It is the sense of Congress
5 that the President should use his authority under section
6 212(f) of the Immigration and Nationality Act (8 U.S.C.
7 1182(f)) to deny the entry into the United States of any
8 alien who—

9 (1) holds a position in the senior leadership of
10 the Government of Belarus; or

11 (2) is a spouse, minor child, or agent of a per-
12 son inadmissible under paragraph (1).

13 (d) PROHIBITION ON STRATEGIC EXPORTS TO
14 BELARUS.—

15 (1) PROHIBITION.—No computers, computer
16 software, goods or technology intended to manufac-
17 ture or service computers, or any other related goods
18 or technology may be exported to Belarus for use by
19 the Government of Belarus, or by its military, police,
20 prison system, or national security agencies. The
21 prohibition of the preceding sentence shall not apply
22 with respect to the export of goods or technology for
23 democracy-building or humanitarian purposes.

24 (2) RULE OF CONSTRUCTION.—Nothing in this
25 subsection shall prevent the issuance of licenses to

1 ensure the safety of civil aviation and safe operation
2 of United States–origin commercial passenger air-
3 craft and to ensure the safety of ocean-going mari-
4 time traffic in international waters.

5 (e) PROHIBITION ON LOANS AND INVESTMENT.—

6 (1) UNITED STATES GOVERNMENT FINANC-
7 ING.—No loan, credit guarantee, insurance, financ-
8 ing, or other similar financial assistance may be ex-
9 tended by any agency of the United States Govern-
10 ment (including the Export-Import Bank and the
11 Overseas Private Investment Corporation) to the
12 Government of Belarus, except with respect to the
13 provision of humanitarian goods and agricultural or
14 medical products.

15 (2) TRADE AND DEVELOPMENT AGENCY.—No
16 funds available to the Trade and Development Agen-
17 cy may be available for activities of the Agency in
18 or for Belarus.

19 (f) MULTILATERAL FINANCIAL ASSISTANCE.—It is
20 the sense of Congress that, in addition to the application
21 of the sanctions described in subsections (c) through (e)
22 to the Republic of Belarus (until the President determines
23 and certifies to the appropriate congressional committees
24 that the Government of Belarus has made significant
25 progress in meeting the conditions described in subsection

1 (b)), the Secretary of the Treasury should instruct the
2 United States Executive Director of each international fi-
3 nancial institution to which the United States is a member
4 to use the voice and vote of the United States to oppose
5 any extension by those institutions of any financial assist-
6 ance (including any technical assistance or grant) of any
7 kind to the Government of Belarus, except for loans and
8 assistance that serve humanitarian needs.

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

14 **SEC. 6. MULTILATERAL COOPERATION.**

15 It is the sense of Congress that the President should
16 continue to seek to coordinate with other countries, par-
17 ticularly European countries, a comprehensive, multilat-
18 eral strategy to further the purposes of this Act, including,
19 as appropriate, encouraging other countries to take meas-
20 ures with respect to the Republic of Belarus that are simi-
21 lar to measures described in this Act.

22 **SEC. 7. REPORT.**

23 (a) REPORT.—Not later than 90 days after the date
24 of enactment of this Act, and every year thereafter, the
25 President shall transmit to the appropriate congressional

1 committees a report that describes, with respect to the
2 preceding 12-month period, the following:

3 (1) The sale or delivery of weapons or weapons-
4 related technologies from the Republic of Belarus to
5 any country, the government of which the Secretary
6 of State has determined, for purposes of section
7 6(j)(1) of the Export Administration Act of 1979
8 (50 U.S.C. App. 2405(j)(1)), has repeatedly pro-
9 vided support for acts of international terrorism.

10 (2) An identification of each country described
11 in paragraph (1) and a detailed description of the
12 weapons or weapons-related technologies involved in
13 the sale.

14 (3) An identification of the goods, services,
15 credits, or other consideration received by Belarus in
16 exchange for the weapons or weapons-related tech-
17 nologies.

18 (4) The personal assets and wealth of Alek-
19 sandr Lukashenka and other senior leadership of the
20 Government of Belarus.

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

24 **SEC. 8. DECLARATION OF POLICY.**

25 Congress hereby—

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

3 (A) to promote democracy, human rights,
4 and the rule of law and to consolidate the inde-
5 pendence and sovereignty of Belarus; and

6 (B) to promote its integration into the Eu-
7 ropean community of democracies;

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

11 (3) calls upon the Lukashenka regime to cease
12 its persecution of political opponents or independent
13 journalists and to release those individuals who have
14 been imprisoned for opposing his regime or for exer-
15 cising their right to freedom of speech;

16 (4) calls upon the Lukashenka regime to end
17 the pattern of clear, gross, and uncorrected viola-
18 tions of relevant Organization for Security and Co-
19 operation in Europe (OSCE) human dimension com-
20 mitments and to respect the basic freedoms of
21 speech, expression, assembly, association, language,
22 culture, and religion or belief;

23 (5) calls upon the Government of the Russian
24 Federation to use its influence to encourage demo-
25 cratic development in Belarus so that Belarus can

1 become a democratic, prosperous, sovereign, and
2 independent state that is integrated into Europe;

3 (6) calls upon the Government of Belarus to re-
4 solve the continuing constitutional and political crisis
5 through free, fair, and transparent presidential and
6 parliamentary elections, including, as called for by
7 the OSCE, through respect for human rights, an
8 end to the current climate of fear, meaningful access
9 by the opposition to state media, modification of the
10 electoral code in keeping with OSCE commitments,
11 engagement in genuine talks with the opposition,
12 and modifications to allow for genuine authority for
13 the parliament; and

14 (7) commends the democratic opposition in
15 Belarus for their commitment to freedom, their
16 courage in the face of the repression of the
17 Lukashenka regime in Belarus, and the emergence
18 of a pluralist civil society in Belarus—the foundation
19 for the development of democratic political struc-
20 tures.

21 **SEC. 9. DEFINITIONS.**

22 In this Act:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means the Committee on International Re-

1 lations of the House of Representatives and the
2 Committee on Foreign Relations of the Senate.

3 (2) OSCE.—The term “OSCE” means the Or-
4 ganization for Security and Cooperation in Europe.

5 (3) SENIOR LEADERSHIP OF THE GOVERNMENT
6 OF BELARUS.—The term “senior leadership of the
7 Government of Belarus” includes—

8 (A) the President, Prime Minister, Deputy
9 Prime Ministers, government ministers, Chair-
10 men of State Committees, and members of the
11 Presidential Administration of Belarus;

12 (B) any official of the Government of
13 Belarus who is personally and substantially in-
14 volved in the suppression of freedom in Belarus,
15 including judges and prosecutors; and

16 (C) any other individual determined by the
17 Secretary of State (or the Secretary’s designee)
18 to be personally and substantially involved in
19 the formulation or execution of the policies of
20 the Lukashenka regime that are in contradic-
21 tion of internationally recognized human rights
22 standards.

○