IN THE SENATE OF THE UNITED STATES

November 30, 2020

Received; read twice and referred to the Committee on Foreign Relations

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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Belarus Democracy, Human Rights, and Sovereignty Act of 2020”.

SEC. 2. FINDINGS.

Section 2 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

“SEC. 2. FINDINGS.

“Congress finds the following:

“(1) The Government of Belarus, led by Alyaksandr Lukashenka, continues to engage in a pattern of clear and persistent violations of human rights and fundamental freedoms.

“(2) The Government of Belarus, led by Alyaksandr Lukashenka, continues to engage 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 Government of Belarus, led by Alyaksandr Lukashenka, continues to subject thousands of pro-democracy political activists and peaceful protesters to harassment, beatings, and imprisonment, particularly as a result of their attempts to
peacefully exercise their right to freedom of assembly and association.

“(4) The Government of Belarus, led by Alyaksandr Lukashenka, continues to suppress independent media and journalists and to restrict access to the internet, including social media and other digital communication platforms, in violation of the right to freedom of speech and expression of those dissenting from the dictatorship of Alyaksandr Lukashenka.

“(5) The Government of Belarus, led by Alyaksandr Lukashenka, continues a systematic campaign of harassment, repression, and closure of nongovernmental organizations, including independent trade unions and entrepreneurs, creating a climate of fear that inhibits the development of civil society and social solidarity.

“(6) The Government of Belarus, led by Alyaksandr Lukashenka, has pursued a policy undermining the country’s sovereignty and independence by making Belarus political, economic, cultural, and societal interests subservient to those of Russia.

“(7) The Government of Belarus, led by Alyaksandr Lukashenka, continues to reduce the independence of Belarus through integration into a
so-called ‘Union State’ that is under the control of Russia.

“(8) On August 9, 2020, the Government of Belarus conducted a presidential election that was fraudulent and did not meet international standards. There were serious irregularities with ballot counting and the reporting of election results. The Government of Belarus also put in place restrictive measures that impeded the work of local independent observers and did not provide sufficient notice to the OSCE to allow for the OSCE to monitor the elections, as is customary.

“(9) After the August 9, 2020, presidential election, the Government of Belarus responded to the peaceful opposition protests, which are the largest in Belarus history, with a violent crackdown, including, according to the United Nations Special Rapporteur, the detention of more than 10,000 peaceful protestors as of September 18, 2020.

“(10) Thousands of employees at Belarusian state-owned enterprises, who have been seen as Alyaksandr Lukashenka’s traditional base during his 26-year rule, went on strike across the country to protest Lukashenka’s illegitimate election and the subsequent crackdowns, including at some of
Belarus’s largest factories such as the BelAZ truck plant, the Minsk Tractor Works, and the Minsk Automobile Plant.

“(11) Women have served as the leading force in demonstrations across the country, protesting the police brutality and mass detentions by wearing white, carrying flowers, forming ‘solidarity chains’, and unmasking undercover police trying to arrest demonstrators.

“(12) After the August 9, 2020, presidential election, the Government of Belarus has sought to stop the work of the Coordination Council, which was formed by the leading opposition presidential candidate, Sviatlana Tsikhanouskaya, to facilitate a peaceful transition of power by subjecting the Council’s senior members to violence, detention, and forced exile.

“(13) After the August 9, 2020, presidential election, the Government of Belarus restricted the free flow of information to silence the opposition and to conceal the regime’s violent crackdown on peaceful protestors, including by stripping the accreditation of journalists from major foreign news outlets, disrupting internet access, limiting access to social
media and other digital communication platforms, and detaining and harassing countless journalists.

“(14) Before the European Parliament on August 25, 2020, Tsikhanouskaya stressed that a ‘peaceful revolution’ was underway in Belarus, and that ‘It is neither a pro-Russian nor anti-Russian revolution. It is neither an anti-European Union nor a pro-European Union revolution. It is a democratic revolution.’.

“(15) Against the will of the majority of the Belarusian people, Russian President Vladimir Putin has propped up the Alyaksandr Lukashenka regime, including by offering security assistance, providing significant financial support, and sending Russian propagandists to help disseminate pro-regime propaganda on Belarus state television.

“(16) After the August 9, 2020, presidential election, the United States, the European Union, the United Kingdom, and Canada condemned the violent crackdown on peaceful protestors, refused to accept the results of the fraudulent election and called for new free and fair elections under independent observation.

“(17) On September 8, 2020, Secretary of State Michael R. Pompeo said, ‘The United States,
in coordination with our partners and Allies, is con-
sidering additional targeted sanctions to promote ac-
countability for those involved in human rights
abuses and repression in Belarus.’.

“(18) Following Alyaksandr Lukashenka’s Sep-
tember 23, 2020, secret inauguration, the United
States, the European Union, numerous European
Union member states, the United Kingdom, and
Canada announced they did not recognize him as the
legitimately elected leader of Belarus.”.

SEC. 3. STATEMENT OF POLICY.

Section 3 of the Belarus Democracy Act of 2004
(Public Law 109–480; 22 U.S.C. 5811 note) is amended
to read as follows:

“SEC. 3. STATEMENT OF POLICY.

“It is the policy of the United States to—

“(1) condemn the conduct of the August 9,
2020, presidential election and crackdown on opposi-
tion candidates, senior members of the Coordination
Council, peaceful protestors, employees from state-
owned enterprises participating in strikes, inde-
pendent election observers, and independent journal-
ists and bloggers;

“(2) continue to call for the immediate release
without preconditions of all political prisoners in
Belarus, including all those individuals detained in connection with the August 9, 2020, presidential election, a leading opposition figure Maryia Kalesnikava, and United States citizen Vitali Shkliarov;

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

“(4) continue to support the aspirations of the people of Belarus to exercise their religion freely, including the head of the Catholic Church in Belarus Archbishop Tadeusz Kondrusiewicz who was barred from entering the country after criticizing Belarusian authorities;

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

“(6) not to recognize any incorporation of Belarus into a ‘Union State’ with Russia, as this so-called ‘Union State’ would be both an attempt to absorb Belarus and a step to reconstituting the totalitarian Soviet Union;

“(7) continue to reject the results of the fraudulent August 9, 2020, presidential election in Belarus, and to support calls for new presidential
and parliamentary elections, conducted in a manner that is free and fair according to OSCE standards and under the supervision of OSCE observers and independent domestic observers;

“(8) refuse to recognize Alyaksandr Lukashenka as the legitimately elected leader of Belarus;

“(9) continue to call for the fulfillment by the Government of Belarus of Belarus’s freely undertaken obligations as an OSCE participating state and as a signatory of the Charter of the United Nations;

“(10) support an OSCE role in mediating a dialogue within Belarus between the government and genuine representatives of Belarusian society;

“(11) recognize the Coordination Council as a legitimate institution to participate in a dialogue on a peaceful transition of power;

“(12) urge an expanded United States diplomatic presence in Belarus to advocate for the aspirations of the people of Belarus for democracy, human rights, and the rule of law;

“(13) continue to work closely with the European Union, the United Kingdom, Canada, and other countries and international organizations, to
promote the principles of democracy, the rule of law and human rights in Belarus; and

“(14) remain open to reevaluating United States policy toward Belarus as warranted by demonstrable progress made by the Government of Belarus consistent with the aims of this Act as stated in this section.”.

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

Section 4 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in the section heading to read as follows:

“ASSISTANCE TO PROMOTE DEMOCRACY, CIVIL SOCIETY, AND SOVEREIGNTY IN BELARUS.”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “European” and inserting “Trans-Atlantic”; and

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and 4, respectively; and

(C) by inserting after paragraph (1) the following:

“(2) To assist the people of Belarus in building the sovereignty and independence of their country.”;

(3) in subsection (b)—
(A) by inserting “and Belarusian groups outside of Belarus” after “indigenous Belarusian groups”; and

(B) by inserting “and Belarusian sovereignty” before the period at the end;

(4) in subsection (c)—

(A) by striking paragraph (8);

(B) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

(C) by inserting after paragraph (2) the following:

“(3) countering internet censorship and repressive surveillance technology that seek to limit free association, control access to information, and prevent citizens from exercising their rights to free speech;”;

(D) in paragraph (8) (as redesignated), by striking “and” at the end; and

(E) by adding at the end the following:

“(9) supporting the work of women advocating freedom, human rights, and human progress;

“(10) supporting the development of Belarusian language education;
“(11) enhancing the development of the private sector, particularly the information technology sector, and its role in the economy of Belarus, including by increasing the capacity of private sector actors, developing business support organizations, offering entrepreneurship training, and expanding access to finance for small and medium enterprises;

“(12) supporting political refugees in neighboring European countries fleeing the crackdown in Belarus;

“(13) supporting the gathering of evidence on and investigating of the human rights abuses in Belarus;

“(14) supporting the public health response, including filling the information void, in Belarus during the COVID-19 pandemic; and

“(15) other activities consistent with the purposes of this Act.”;

(5) by redesignating subsection (d) as subsection (g);

(6) by inserting after subsection (e) the following:

“(d) SENSE OF CONGRESS.—It is the sense of Congress that, in light of the political crisis in Belarus and the unprecedented mobilization of the Belarusian people,
1 United States foreign assistance to Belarusian civil society
2 should be reevaluated and increased to carry out the pur-
3 poses described in subsection (a) and to include the activi-
4 ties described in subsection (c).

“(e) COORDINATION WITH EUROPEAN PARTNERS.—
5 In order to maximize impact, eliminate duplication, and
6 further the achievement of the purposes described in sub-
7 section (a), the Secretary of State shall ensure coordina-
8 tion with the European Union and its institutions, the gov-
9 ernments of countries that are members of the European
10 Union, the United Kingdom, and Canada.

“(f) REPORT ON ASSISTANCE.—Not later than one
12 year after the date of the enactment of the Belarus De-
13 mocracy, Human Rights, and Sovereignty Act of 2020, the
14 Secretary of State, acting through the Office of the Coor-
15 dinator of U.S. Assistance to Europe and Eurasia, and
16 in coordination with the Administrator of the United
17 States Agency for International Development, shall submit
19 to the appropriate congressional committees a report on
20 the programs and activities carried out to achieve the pur-
21 poses described in subsection (a), including an assessment
22 of whether or not progress was made in achieving those
23 purposes.”; and

(7) in subsection (g) (as redesignated)—
(A) by striking “AUTHORIZATION OF APPROPRIATIONS” and all that follows through “There are” and inserting “AUTHORIZATION OF APPROPRIATIONS.—There are”; (B) by striking “fiscal years 2007 and 2008” and inserting “fiscal years 2021 and 2022”; and (C) by striking paragraph (2).

SEC. 5. INTERNATIONAL BROADCASTING, INTERNET FREEDOM, AND ACCESS TO INFORMATION IN BELARUS.

Section 5 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

“SEC. 5. INTERNATIONAL BROADCASTING, INTERNET FREEDOM, AND ACCESS TO INFORMATION IN BELARUS.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the President should support and reallocate resources to radio, television, and internet broadcasting in languages spoken in Belarus by Radio Free Europe/Radio Liberty to the people of Belarus;
“(2) the United States should also support other independent media providing objective information to the Belarusian people, particularly in the Belarusian language;

“(3) the President should provide the United States Agency for Global Media with a surge capacity (as such term is defined in section 316 of the United States International Broadcasting Act (22 U.S.C. 6216)) for programs and activities in Belarus;

“(4) the Chief Executive Officer of the United States Agency for Global Media, working through the Open Technology Fund and in coordination with the Secretary of State, should expand and prioritize efforts to provide anti-censorship technology and services to journalists and civil society in Belarus in order to enhance their ability to safely access or share digital news and information without fear of repercussions or surveillance; and

“(5) the United States should continue to condemn the Belarusian authorities’ crackdown on independent media, including the harassment and mass detentions of independent and foreign journalists and the denial of accreditation.
“(b) Strategy To Promote Expanded Broadcasting, Internet Freedom, and Access to Information in Belarus.—

“(1) In general.—Not later than 120 days after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020, the Chief Executive Officer of the United States Agency for Global Media and the Secretary of State shall jointly submit to the appropriate congressional committees a comprehensive strategy, including a cost estimate, to carry out the following:

“(A) Expand independent radio, television, live stream, and social network broadcasting and communications in Belarus to provide news and information, particularly in the Belarusian language, that is credible, comprehensive, and accurate.

“(B) Support the development and use of anti-censorship and circumvention technologies by the Open Technology Fund and the Bureau of Democracy Human Rights and Labor that enable the citizens of Belarus to communicate securely and undertake internet activities without interference from the Government of Belarus.
“(C) Assist efforts to overcome attempts by the Government of Belarus to disrupt internet access and block content online.

“(D) Monitor the cooperation of the Government of Belarus with any foreign government or organization for purposes related to the censorship or surveillance of the internet, including an assessment of any such cooperation in the preceding ten years.

“(E) Monitor the purchase or receipt by the Government of Belarus of any technology or training from any foreign government or organization for purposes related to the censorship or surveillance of the internet, including an assessment of any such purchase or receipt in the preceding ten years.

“(F) Assist with the protection of journalists who have been targeted for free speech activities, including through the denial of accreditation.

“(G) Provide cyber-attack mitigation services to civil society organizations in Belarus.

“(H) Provide resources for educational materials and training on digital literacy, bypassing internet censorship, digital safety, and in-
vestigative and analytical journalism for independent journalists working in Belarus.

“(I) Build the capacity of civil society, media, and other nongovernmental and organizations to identify, track, and counter disinformation, including from proxies of the Government of Russia working at Belarusian state television.

“(2) FORM.—The report required by paragraph (1) shall be transmitted in unclassified form but may contain a classified annex.”.

SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.

Section 6 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended—

(1) in subsection (b)—

(A) by striking “December 19, 2010” each place it appears and inserting “August 9, 2020”;

(B) in paragraph (2), by inserting “, peaceful protesters,” after “all opposition activists”; and
(C) by striking paragraphs (3) and (6) and redesignating paragraphs (4), (5), and (7) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (c)—

(A) in the subsection heading, by inserting “AND RUSSIAN INDIVIDUALS COMPPLICIT IN THE CRACKDOWN THAT OCCURRED AFTER THE AUGUST 9, 2020, ELECTION” after “BELARUS”;

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(C) by inserting after paragraph (3) the following:

“(4) is a member of the Central Election Commission of Belarus or assisted the Commission in manipulating the presidential election of August 9, 2020;”;

(D) in paragraph (5) (as redesignated) to read as follows:

“(5) is a member of any branch of the security or law enforcement services of Belarus, including the KGB, Interior Ministry, and OMON special police unit, and is responsible for, or complicit in, ordering, controlling, materially assisting, sponsoring, or providing financial, material, or technological support
for, or otherwise directing, the crackdown on opposition leaders, journalists, and peaceful protestors that occurred in connection with the presidential election of August 9, 2020; or”; and

(E) by adding at the end the following:

“(7) is a government official, including at the Information Ministry, responsible for the crackdown on independent media, including revoking the accreditation of journalists, disrupting internet access, and restricting online content;

“(8) is an official in the so-called ‘Union State’ between Russia and Belarus (regardless of nationality of the individual); or

“(9) is a Russian individual that has significantly participated in the crackdown on independent press or human rights abuses related to political repression in Belarus, including the Russian propagandists sent to replace local employees at Belarusian state media outlets.”;

(3) in subsection (d)(1), by striking “the Overseas Private Investment Corporation” and inserting “the United States International Development Finance Corporation”; and

(4) in subsection (e), by striking “(including any technical assistance or grant) of any kind”;

and
(5) in subsection (f)—

(A) in paragraph (1)(A), by striking “or by any member or family member closely linked to any member of the senior leadership of the Government of Belarus” and inserting “or by the senior leadership of the Government of Belarus or by any member or family member closely linked to the senior leadership of the Government of Belarus, or an official of the so-called ‘Union State’ with Russia”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by adding at the end before the semicolon the following: “, or an official of the so-called ‘Union State’ with Russia”; and

(ii) in subparagraph (B), by inserting “, or the so-called ‘Union State’ with Russia,” after “the Government of Belarus”.

SEC. 7. MULTILATERAL COOPERATION.

Section 7 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

“SEC. 7. MULTILATERAL COOPERATION.

“It is the sense of Congress that the President should continue to coordinate with the European Union and its
institutions, European Union member states, the United Kingdom, and Canada to develop a comprehensive, multi-
lateral strategy to—

“(1) further the purposes of this Act, including, as appropriate, encouraging other countries to take measures with respect to the Republic of Belarus that are similar to measures described in this Act; and

“(2) deter the Government of Russia from under-

dermining democratic processes and institutions in Belarus or threatening the independence, sov-
ereignty, and territorial integrity of Belarus.”.

SEC. 8. REPORTS.

Section 8 of the Belarus Democracy Act of 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is amended to read as follows:

“SEC. 8. REPORTS.

“(a) Report on Threat to Sovereignty and Independence of Belarus.—

“(1) In general.—Not later than 120 days after the date of the enactment of the Belarus De-

mocracy, Human Rights, and Sovereignty Act of 2020, the Secretary of State, in coordination with the Director of National Intelligence, shall transmit to the appropriate congressional committees a report
on the threat the Government of Russia poses to the
sovereignty and independence of Belarus.

“(2) MATTERS TO BE INCLUDED.—The report
required by paragraph (1) shall include the fol-
lowing:

“(A) An assessment of how the Govern-
ment of Russia is exploiting the current polit-
ical crisis in Belarus to push for deeper political
and economic control of or integration with
Belarus.

“(B) A description of the economic and en-
ergy assets in Belarus that the Government of
Russia, including Russian state-owned or state-
controlled companies, controls.

“(C) A description of Belarus major enter-
prises that are vulnerable of being taken over
by Russian entities amid the country’s wors-
ening financial crisis.

“(D) A description of how and to what
ends the Government of Russia seeks to aug-
ment its military presence in Belarus.

“(E) A description of Russian influence
over the media and information space in
Belarus and how the Government of Russia
uses disinformation and other malign tech-
niques to undermine Belarusian history, culture, and language.

“(F) A description of other actors in Belarus that the Government of Russia uses to advance its malign influence, including veterans’ organizations and extrajudicial networks.

“(G) A description of efforts to undermine Belarusian language, cultural, and national symbols, including the traditional red and white flag and the ‘Pahonia’ mounted knight.

“(H) An identification of Russian individuals and government agencies that are significantly supporting or involved in the crackdown on peaceful protestors and the opposition or the repression of independent media following the August 9, 2020, presidential election.

“(3) FORM.—The report required by this subsection shall be transmitted in unclassified form but may contain a classified annex.

“(b) REPORT ON PERSONAL ASSETS OF ALYAKSANDR LUKASHENKA.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020, the Secretary of the Treasury, in consultation
with the Secretary of State and the Director of Na-
tional Intelligence, shall submit to the appropriate
congressional committees a report on—

“(A) the total assets under the direct or
indirect control of Alyaksandr Lukashenka, in-
cluding estimated assets and known sources of
income of Alyaksandr Lukashenka and his im-
mediate family members, including assets, in-
vestments, bank accounts, and other business
interests; and

“(B) an identification of the most signifi-
cant senior foreign political figures in Belarus,
as determined by their closeness to Alyaksandr
Lukashenka.

“(2) FORM.—The report required by this sub-
section shall be transmitted in unclassified form but
may contain a classified annex.”.

SEC. 9. DEFINITIONS.

Section 9 of the Belarus Democracy Act of 2004
(Public Law 109–480; 22 U.S.C. 5811 note) is amend-
ed—

(1) by striking paragraph (1) and inserting the
following:
“(1) APPROPRIATE CONGRESSIONAL COMMIT-TEES.—The term ‘appropriate congressional com-
mittees’ means—

“(A) the Committee on Foreign Affairs,
the Committee on Financial Services, and the
Committee on Appropriations of the House of
Representatives; and

“(B) the Committee on Foreign Relations,
the Committee on Banking, Housing, and
Urban Affairs, and the Committee on Appro-
priations of the Senate.”; and

(2) in paragraph (3)(B)—

(A) in clause (i), by inserting “members of
the security and intelligence services,” after
“prosecutors,”; and

(B) in clause (ii), by inserting “, electoral
fraud, online censorship, or restrictions on inde-
pendent media and journalists” after “public
corruption”.

SEC. 10. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of
complying with the Statutory Pay-As-You-Go Act of 2010,
shall be determined by reference to the latest statement
titled “Budgetary Effects of PAYGO Legislation” for this
Act, submitted for printing in the Congressional Record
by the Chairman of the House Budget Committee, pro-
vided that such statement has been submitted prior to the vote on passage.

Passed the House of Representatives November 18, 2020.

Attest: CHERYL L. JOHNSON, Clerk.