

107TH CONGRESS
2D SESSION

H. R. 5056

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

JUNE 27, 2002

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary, Financial Services, and Ways and Means, 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 2002”.

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 Alek-
19 sandr Lukashenka;

20 (4) in November 1996, Belarusian President
21 Aleksandr Lukashenka orchestrated an illegal and
22 unconstitutional referendum that enabled him to im-
23 pose a new constitution, abolish the duly-elected par-
24 liament, the 13th Supreme Soviet, install a largely
25 powerless National Assembly, and extend his term of
26 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 in Belarus system-
20 atically harasses and represses the independent
21 media and actively suppresses freedom of speech and
22 expression;

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

1 Roman Catholic Church, evangelical Protestant
2 churches, and other minority religious groups;

3 (11) the United States, the European Union,
4 the North Atlantic Treaty Organization (NATO)
5 Parliamentary Assembly, and the OSCE Parliamen-
6 tary Assembly do not recognize the National Assem-
7 bly;

8 (12) the parliamentary elections of October 15,
9 2000, conducted in the absence of a democratic elec-
10 tion law, were illegitimate, unconstitutional, plagued
11 by violent human rights abuses committed by the
12 Lukashenka regime, and determined to be non-
13 democratic by the OSCE; and

14 (14) the presidential election of September 9,
15 2001, was determined by the OSCE and other ob-
16 servers to be fundamentally unfair and failed to
17 meet the OSCE commitments for democratic elec-
18 tions formulated in the 1990 Copenhagen Document
19 and featured significant and abusive misconduct by
20 the Lukashenka regime, including—

21 (A) the harassment, arrest, and imprison-
22 ment of opposition members;

23 (B) the denial of equal and fair access by
24 opposition candidates to the state-controlled
25 media;

1 (C) the seizure of equipment and property
2 of independent nongovernmental organizations
3 and press organizations and the harassment of
4 their staff and management;

5 (D) voting and vote counting procedures
6 that were not transparent; and

7 (E) a campaign of intimidation directed
8 against opposition activists, domestic election
9 observation organizations, opposition and inde-
10 pendent media, and a libelous media campaign
11 against international observers.

12 **SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
13 **SOCIETY IN BELARUS.**

14 (a) PURPOSES OF ASSISTANCE.—The assistance
15 under this section shall be available for the following pur-
16 poses:

17 (1) To assist the people of the Republic of
18 Belarus in regaining their freedom and to enable
19 them to join the international community of democ-
20 racies.

21 (2) To encourage free and fair presidential,
22 parliamentary, and local elections in Belarus, con-
23 ducted in a manner consistent with internationally
24 accepted standards and under the supervision of
25 internationally recognized observers.

1 (3) To assist in restoring and strengthening in-
2 stitutions of democratic government in Belarus.

3 (b) AUTHORIZATION FOR ASSISTANCE.—To carry out
4 the purposes of subsection (a), the President is authorized
5 to furnish assistance and other support for the activities
6 described in subsection (c), to be provided primarily for
7 indigenous Belarusian groups that are committed to the
8 support of democratic processes.

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

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

13 (2) development of democratic political parties;

14 (3) radio and television broadcasting to and
15 within Belarus;

16 (4) the development of nongovernmental organi-
17 zations promoting democracy and supporting human
18 rights both in Belarus and abroad;

19 (5) the development of independent media
20 working within Belarus and from locations outside
21 of Belarus and supported by nonstate-controlled
22 printing facilities;

23 (6) international exchanges and advanced pro-
24 fessional training programs for leaders and members

1 of the democratic forces in skill areas central to the
2 development of civil society; and

3 (7) other activities consistent with the purposes
4 of this Act.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated to the President to carry out this sec-
8 tion \$40,000,000 for fiscal years 2003 and 2004.

9 (2) AVAILABILITY OF FUNDS.—Amounts appro-
10 priated pursuant to the authorization of appropria-
11 tions under paragraph (1) are authorized to remain
12 available until expended.

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

14 (a) PURPOSE.—It is the purpose of this section to
15 authorize increased support for United States Government
16 and surrogate radio broadcasting to the Republic of
17 Belarus that will facilitate the unhindered dissemination
18 of information.

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

1 (c) REPORTING ON RADIO BROADCASTING TO AND
2 IN BELARUS.—Not later than 120 days after the date of
3 the enactment of this Act, the Secretary of State shall sub-
4 mit to the appropriate congressional committees a report
5 on how funds appropriated and allocated pursuant to the
6 authorizations of appropriations under subsection (b) and
7 section 3(d) will be used to provide AM and FM broad-
8 casting that covers the territory of Belarus and delivers
9 independent and uncensored programming.

10 **SEC. 5. SANCTIONS AGAINST THE GOVERNMENT OF**
11 **BELARUS.**

12 (a) APPLICATION OF SANCTIONS.—The sanctions de-
13 scribed in subsections (c) through (f) shall apply with re-
14 spect to the Republic of Belarus until the President deter-
15 mines and certifies to the appropriate congressional com-
16 mittees that the Government of Belarus has made signifi-
17 cant progress in meeting the conditions described in sub-
18 section (b).

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

21 (1) The release of individuals in Belarus who
22 have been jailed based on political beliefs.

23 (2) The withdrawal of politically motivated legal
24 charges against all opposition figures in Belarus.

1 (3) A full accounting of the disappearances of
2 opposition leaders and journalists in Belarus, includ-
3 ing Victor Gonchar, Anatoly Krasovsky, Yuri
4 Zakharenka, and Dmitry Zavadsky, and the prosecu-
5 tion of those individuals who are responsible for
6 their disappearances.

7 (4) The cessation of all forms of harassment
8 and repression against the independent media, non-
9 governmental organizations, and the political opposi-
10 tion in Belarus.

11 (5) The implementation of free and fair presi-
12 dential and parliamentary elections in Belarus con-
13 sistent with OSCE standards on democratic elections
14 and in cooperation with relevant OSCE institutions.

15 (c) DENIAL OF ENTRY INTO THE UNITED STATES
16 OF BELARUSIAN OFFICIALS.—It is the sense of Congress
17 that the President should use his authority under section
18 212(f) of the Immigration and Nationality Act (8 U.S.C.
19 1182(f)) to deny the entry into the United States of any
20 alien who—

21 (1) holds a position in the senior leadership of
22 the Government of Belarus; or

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

1 (d) PROHIBITION ON STRATEGIC EXPORTS TO
2 BELARUS.—

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

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

18 (e) PROHIBITION ON LOANS AND INVESTMENT.—

19 (1) UNITED STATES GOVERNMENT FINANC-
20 ING.—No loan, credit guarantee, insurance, financ-
21 ing, or other similar financial assistance may be ex-
22 tended by any agency of the United States Govern-
23 ment (including the Export-Import Bank and the
24 Overseas Private Investment Corporation) to the
25 Government of Belarus, except with respect to the

1 provision of humanitarian goods and agricultural or
2 medical products.

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

7 (f) DENIAL OF GENERALIZED SYSTEM OF PREF-
8 ERENCES (GSP).—

9 (1) FINDING AND DECLARATION OF POLICY.—
10 Congress—

11 (A) finds that the Government of Belarus
12 has failed to respect internationally recognized
13 worker rights; and

14 (B) approves the decision of the President
15 to deny duty-free tariff treatment under title V
16 of the Trade Act of 1974 to eligible articles of
17 the Republic of Belarus.

18 (2) DENIAL OF GSP BENEFITS.—The President
19 shall continue to deny duty-free treatment for eligi-
20 ble articles of Belarus in accordance with the provi-
21 sions of title V of the Trade Act of 1974 and this
22 section.

23 (g) MULTILATERAL FINANCIAL ASSISTANCE.—It is
24 the sense of Congress that, in addition to the application
25 of the sanctions described in subsections (c) through (f)

1 to the Republic of Belarus (until the President determines
2 and certifies to the appropriate congressional committees
3 that the Government of Belarus has made significant
4 progress in meeting the conditions described in subsection
5 (b)), the Secretary of the Treasury should instruct the
6 United States Executive Director of each international fi-
7 nancial institution to which the United States is a member
8 to use the voice and vote of the United States to oppose
9 any extension by those institutions of any financial assist-
10 ance (including any technical assistance or grant) of any
11 kind to the Government of Belarus, except for loans and
12 assistance that serve humanitarian needs.

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

18 **SEC. 6. MULTILATERAL COOPERATION**

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

1 **SEC. 7. REPORT.**

2 (a) REPORT.—Not later than 90 days after the date
3 of enactment of this Act, and every year thereafter, the
4 President shall transmit to the appropriate congressional
5 committees a report that describes, with respect to the
6 preceding 12-month period, the following:

7 (1)(A) The sale or delivery of weapons or weap-
8 ons-related technologies from the Republic of
9 Belarus to any country, the government of which the
10 Secretary of State has determined, for purposes of
11 section 6(j)(1) of the Export Administration Act of
12 1979 (50 U.S.C. app. 2405(j)(1)), has repeatedly
13 provided support for acts of international terrorism.

14 (B) An identification of each country described
15 in subparagraph (A) and a detailed description of
16 the weapons or weapons-related technologies involved
17 in the sale.

18 (C) An identification of the goods, services,
19 credits, or other consideration received by Belarus in
20 exchange for the weapons or weapons-related tech-
21 nologies.

22 (2) The personal assets and wealth of Alek-
23 sandr Lukashenka and other senior leadership of the
24 Government of Belarus.

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

4 **SEC. 8. DECLARATION OF POLICY.**

5 Congress hereby—

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

8 (A) to promote democracy and the rule of
9 law and to consolidate the independence and
10 sovereignty of Belarus; and

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

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

16 (3) calls upon the Lukashenka regime to cease
17 its persecution of political opponents and to release
18 those individuals who have been imprisoned for op-
19 posing his regime;

20 (4) calls upon the Lukashenka regime to end
21 the pattern of clear, gross, and uncorrected viola-
22 tions of relevant Organization for Security and Co-
23 operation in Europe (OSCE) human dimension com-
24 mitments and to respect the basic freedoms of

1 speech, expression, assembly, association, language,
2 culture, and religion or belief;

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

8 (6) calls upon the Government of Belarus to re-
9 solve the continuing constitutional and political crisis
10 through free, fair, and transparent presidential and
11 parliamentary elections, including, as called for by
12 the OSCE, through respect for human rights, an
13 end to the current climate of fear, meaningful access
14 by the opposition to state media, modification of the
15 electoral code in keeping with OSCE commitments,
16 engagement in genuine talks with the opposition,
17 and modifications to allow for genuine authority for
18 the 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 in Belarus, and the emergence
23 of a pluralist civil society in Belarus—the foundation
24 for the development of democratic political struc-
25 tures.

1 **SEC. 9. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on International Re-
6 lations of the House of Representatives and the
7 Committee on Foreign Relations of the Senate.

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

10 (3) SENIOR LEADERSHIP OF THE GOVERNMENT
11 OF BELARUS.—The term “senior leadership of the
12 Government of Belarus” includes—

13 (A) the President, Prime Minister, Deputy
14 Prime Ministers, government ministers, Chair-
15 men of State Committees, and members of the
16 Presidential Administration of Belarus;

17 (B) any official of the Government of
18 Belarus who is personally and substantially in-
19 volved in the suppression of freedom in Belarus,
20 including judges and prosecutors; and

21 (C) any other individual determined by the
22 Secretary of State (or the Secretary’s designee)
23 to be personally and substantially involved in
24 the formulation or execution of the policies of
25 the Lukashenka regime that are in contradic-

- 1 tion of internationally recognized human rights
- 2 standards.

