

107TH CONGRESS
1ST SESSION

S. 1645

To provide for the promotion of democracy and rule of law in Belarus
and for the protection of Belarus' sovereignty and independence.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2001

Mr. HELMS introduced the following bill; which was read twice and referred
to the Committee on Foreign Relations

A BILL

To provide for the promotion of democracy and rule of law
in Belarus and for the protection 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 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the United States has a vital interest in the
9 consolidation and strengthening of the independence
10 and sovereignty of the Republic of Belarus and its

1 integration into the European community of democ-
2 racies;

3 (2) the United States supports the promotion of
4 democracy, the rule of law, and respect for human
5 rights in Belarus;

6 (3) in November 1996, Belarusian President
7 Aleksandr Lukashenka orchestrated an illegal and
8 unconstitutional referendum that enabled him to im-
9 pose upon the Belarusian people a new constitution,
10 abolish the old parliament, the 13th Supreme Coun-
11 cil, replace it with a rubber stamp legislature, and
12 extend his term office to 2001;

13 (4) in May 1999, the Belarusian opposition
14 challenged Lukashenka's illegal extension of his
15 presidential term by staging alternative presidential
16 elections and these elections were met with repres-
17 sion;

18 (5) the Belarusian opposition has organized
19 peaceful demonstrations against the Lukashenka re-
20 gime in cities and towns throughout Belarus, includ-
21 ing the Freedom I March of October 17, 1999, the
22 Freedom II March of March 15, 2000, and the
23 Chernobyl Way March of April 26, 2000, each of
24 which took place in Minsk and involved tens of thou-
25 sands of Belarusians;

1 (6) the Lukashenka regime has responded to
2 these peaceful marches with truncheon-swinging se-
3 curity personnel, mass arrests, extended incarceration-
4 ations, and beatings;

5 (7) Andrei Klimov, a member of the last demo-
6 cratically elected Parliament in Belarus remains im-
7 prisoned under harsh conditions for his political op-
8 position to Lukashenka;

9 (8) Victor Gonchar, Yuri Krasovsky, and Yuri
10 Zakharenka, who have been leaders and supporters
11 of the opposition, have disappeared under mysterious
12 circumstances;

13 (9) former Belarus government officials, includ-
14 ing four police investigators, have come forward with
15 credible allegations and evidence that top officials of
16 the Lukashenka regime were involved in the murders
17 of opposition figures Yury Zakharenka, Victor
18 Gonchar, Anatol Krasovsky, Dmitry Zavadsky, and
19 scores of other people;

20 (10) the Lukashenka regime systematically
21 harasses and persecutes the independent media and
22 actively suppresses freedom of speech and expres-
23 sion;

24 (11) Dmitry Zavadsky, a cameraman for Rus-
25 sian public television, known for his critical report-

1 ing of the Lukashenka regime, disappeared under
2 mysterious circumstances;

3 (12) the Lukashenka regime harasses the
4 autocephalic Belarusian Orthodox Church, the
5 Roman Catholic Church, evangelical churches, and
6 other minority groups;

7 (13) Lukashenka advocates and actively pro-
8 motes a merger between Russia and Belarus, and
9 initiated negotiations and signed December 8, 1999,
10 the Belarus-Russia Union Treaty even though he
11 lacks the necessary constitutional mandate to do so;

12 (14) the Belarusian opposition denounces these
13 intentions and has repeatedly called upon the inter-
14 national community to “unambiguously announce
15 the nonrecognition of any international treaties con-
16 cluded by Lukashenka”;

17 (15) the United States, the European Union,
18 the NATO Parliamentary Assembly, the OSCE Par-
19 liamentary Assembly, and other international bodies
20 continue to recognize the 13th Supreme Council as
21 the legal Belarusian Parliament;

22 (16) the parliamentary elections of October 15,
23 2000, conducted by Aleksandr Lukashenka were ille-
24 gitimate and unconstitutional;

1 (17) these elections were plagued by violent
2 human rights abuses committed by his regime, in-
3 cluding the harassment, beatings, arrest, and impris-
4 onment of members of the opposition;

5 (18) these elections were conducted in the ab-
6 sence of a democratic election law;

7 (19) the presidential election of September
8 2001 was fundamentally unfair and featured signifi-
9 cant and abusive misconduct by the regime of Alek-
10 sandr Lukashenka, including—

11 (A) the harassment, arrest, and imprison-
12 ment of opposition leaders;

13 (B) the denial of opposition candidates
14 equal and fair access to the dominant state-con-
15 trolled media;

16 (C) the seizure of equipment and property
17 of independent nongovernmental organizations
18 and press organizations and the harassment of
19 their staff and management;

20 (D) voting and vote counting procedures
21 that were not transparent; and

22 (E) a campaign of intimidation directed
23 against opposition activists, domestic election
24 observation organizations, opposition and inde-

1 pendent media, and a libelous media campaign
2 against international observers; and

3 (20) the last parliamentary election in Belarus
4 deemed to be free and fair by the international com-
5 munity took place in 1995 and from it emerged the
6 13th Supreme Soviet whose democratically and con-
7 stitutionally derived authorities and powers have
8 been usurped by the authoritarian regime of Alek-
9 sandr Lukashenka.

10 **SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
11 **SOCIETY IN BELARUS.**

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

15 (1) To assist the people of Belarus in regaining
16 their freedom and to enable them to join the inter-
17 national community of democracies.

18 (2) To restore and strengthen institutions of
19 democratic government in Belarus.

20 (3) To encourage free and fair presidential and
21 parliamentary elections in Belarus, conducted in a
22 manner consistent with internationally accepted
23 standards and under the supervision of internation-
24 ally recognized observers.

1 (4) To sustain and strengthen international
2 sanctions against the Lukashenka regime in
3 Belarus.

4 (b) AUTHORIZATION FOR ASSISTANCE.—To carry out
5 the purposes of subsection (a), the President is authorized
6 to furnish assistance and other support for the activities
7 described in subsection (c) and primarily for indigenous
8 Belarusian political parties and nongovernmental organi-
9 zations.

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

12 (1) democratic forces, including political par-
13 ties, committed to promoting democracy and
14 Belarus' independence and sovereignty;

15 (2) democracy building;

16 (3) radio and television broadcasting to
17 Belarus;

18 (4) the development and support of nongovern-
19 mental organizations promoting democracy and sup-
20 porting human rights both in Belarus and in exile;

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

1 (6) international exchanges and advanced pro-
2 fessional training programs for leaders and members
3 of the democratic forces in skill areas central to the
4 development of civil society; and

5 (7) the development of all elements of demo-
6 cratic processes, including political parties and the
7 ability to conduct free and fair elections.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated to the President \$30,000,000 for the
11 fiscal year 2002.

12 (2) AVAILABILITY OF FUNDS.—Amounts appro-
13 priated pursuant to paragraph (1) are authorized to
14 remain available until expended.

15 **SEC. 4. AUTHORIZED FUNDING FOR RADIO BROADCASTING**
16 **IN AND INTO BELARUS.**

17 (a) IN GENERAL.—The purpose of this section is to
18 augment support for independent and uncensored radio
19 broadcasting in and into Belarus that will facilitate the
20 dissemination of information in a way that is not impeded
21 by the government of Lukashenka.

22 (b) ALLOCATION OF FUNDS.—Not less than
23 \$5,000,000 made available under section 3 shall be avail-
24 able only for programs that facilitate and support inde-
25 pendent broadcasting into and in Belarus on AM and FM

1 bandwidths, including programming from the Voice of
2 America and RFE/RL, Incorporated.

3 (c) REPORTING ON RADIO BROADCASTING TO AND
4 IN BELARUS.—Not later than 120 days after the date of
5 enactment of this Act, the Secretary of State shall submit
6 to the Committee on Foreign Relations of the Senate and
7 the Committee on International Relations of the House
8 of Representatives a report on how funds allocated under
9 subsection (b) will be used to provide AM and FM broad-
10 casting that covers the territory of Belarus and delivers
11 to the people of Belarus programming free from censor-
12 ship of the government of Lukashenka.

13 **SEC. 5. SANCTIONS AGAINST THE LUKASHENKA REGIME.**

14 (a) APPLICATIONS OF MEASURES.—The sanctions
15 described in this section and sections 6, 8, and 9, shall
16 apply with respect to Belarus until the President deter-
17 mines and certifies to the appropriate congressional com-
18 mittees that the Government of Belarus has made signifi-
19 cant progress in meeting the conditions described in sub-
20 section (b).

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

23 (1) The release of all those individuals who
24 have been jailed for their political views.

1 (2) The withdrawal of politically motivated legal
2 charges against all opposition figures.

3 (3) The provision of a full accounting of those
4 opposition leaders and journalists, including Victor
5 Gonchar, Yuri Krasovsky, Yuri Zakharenka, and
6 Dmitry Zavadsky, who have disappeared under mys-
7 terious circumstances, and the prosecution of those
8 individuals who are responsible for those disappear-
9 ances.

10 (4) The cessation of all forms of harassment
11 and repression against the independent media, non-
12 governmental organizations, and the political opposi-
13 tion.

14 (5) The implementation of free and fair presi-
15 dential and parliamentary elections.

16 (c) INTERNATIONAL FINANCIAL INSTITUTIONS.—
17 The Secretary of the Treasury shall instruct the United
18 States executive directors of the international financial in-
19 stitutions to oppose, and vote against, any extension by
20 those institutions of any financial assistance (including
21 any technical assistance or grant) of any kind to the Gov-
22 ernment of Belarus, except for loans and assistance that
23 serve basic human needs.

24 (d) INTERNATIONAL FINANCIAL INSTITUTIONS DE-
25 FINED.—In this section, the term international financial

1 institution includes the International Monetary Fund, the
2 International Bank for Reconstruction and Development,
3 the International Development Association, the Inter-
4 national Finance Corporation, the Multilateral Investment
5 Guaranty Agency, and the European Bank for Recon-
6 struction and Development.

7 **SEC. 6. BLOCKING BELARUSIAN ASSETS IN THE UNITED**
8 **STATES.**

9 (a) BLOCKING OF ASSETS.—All property and inter-
10 ests in property, including all commercial, industrial, or
11 public utility undertakings or entities, that are owned in
12 whole or in part by the Government of Belarus, or by any
13 member of the senior leadership of Belarus, that are in
14 the United States, that hereafter come within the United
15 States, or that are or hereafter come within the possession
16 or control of United States persons, including their over-
17 seas branches, are hereby blocked.

18 (b) EXERCISE OF AUTHORITIES.—The Secretary of
19 the Treasury, in consultation with the Secretary of State,
20 shall take such actions, including the promulgation of reg-
21 ulations, orders, directives, rulings, instructions, and li-
22 censes, and employ all powers granted to the President
23 by the International Emergency Economic Powers Act, as
24 may be necessary to carry out subsection (a).

1 (c) PROHIBITED TRANSFERS.—Transfers prohibited
2 under subsection (b) include payments or transfers of any
3 property or any transactions involving the transfer of any-
4 thing of economic value by any United States person to
5 the Government of Belarus, or any person or entity acting
6 for or on behalf of, or owned or controlled, directly or indi-
7 rectly, by that government, or to any member of the senior
8 leadership of Belarus.

9 (d) PAYMENT OF EXPENSES.—All expenses incident
10 to the blocking and maintenance of property blocked under
11 subsection (a) shall be charged to the owners or operators
12 of such property, which expenses shall not be met from
13 blocked funds.

14 (e) PROHIBITIONS.—The following shall be prohib-
15 ited as of the date of enactment of this Act:

16 (1) The exportation to any entity owned, con-
17 trolled, or operated by the Government of Belarus,
18 directly or indirectly, of any goods, technology, or
19 services, either—

20 (A) from the United States;

21 (B) requiring the issuance of a license for
22 export by a Federal agency; or

23 (C) involving the use of United States reg-
24 istered vessels or aircraft, or any activity that

1 promotes or is intended to promote such expor-
2 tation.

3 (2) The performance by any United States per-
4 son of any contract, including a financing contract,
5 in support of an industrial, commercial, or public
6 utility operated, controlled, or owned by the Govern-
7 ment of Belarus.

8 (f) EXCEPTIONS.—Notwithstanding any other provi-
9 sion of this section, this section does not apply to—

10 (1) assistance provided under section 3 or 4 of
11 this Act;

12 (2) those materials described in section
13 203(b)(3) of the International Emergency Economic
14 Powers Act relating to informational materials; or

15 (3) materials being sent to Belarus as relief in
16 response to a humanitarian crisis.

17 (g) STATUTORY CONSTRUCTION.—Nothing in this
18 Act prohibits any contract or other financial transaction
19 with any private or nongovernmental organization or busi-
20 ness in Belarus.

21 **SEC. 7. DENYING ENTRY INTO THE UNITED STATES TO**
22 **BELARUSIAN OFFICIALS.**

23 It is the sense of Congress that the President should
24 use his authority under section 212(f) of the Immigration

1 and Nationality Act (8 U.S.C. 1182(f)) to suspend the
2 entry into the United States of any alien who—

3 (1) holds a position in the senior leadership of
4 the Government of Belarus; or

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

7 **SEC. 8. PROHIBITION ON STRATEGIC EXPORTS TO**
8 **BELARUS.**

9 No computers, computer software, goods intended to
10 manufacture or service computers, no technology intended
11 to manufacture or service computers, or any other goods
12 or technology may be exported to or for use by the Govern-
13 ment of Belarus, or by any of the following entities of that
14 government:

15 (1) The military.

16 (2) The police.

17 (3) The prison system.

18 (4) The national security agencies.

19 **SEC. 9. PROHIBITION ON LOANS AND INVESTMENT.**

20 (a) UNITED STATES GOVERNMENT FINANCING.—No
21 loan, credit guarantee, insurance, financing, or other simi-
22 lar financial assistance may be extended by any agency
23 of the United States Government (including the Export-
24 Import Bank and the Overseas Private Investment Cor-
25 poration) to the Government of Belarus.

1 (b) TRADE AND DEVELOPMENT AGENCY.—No funds
2 made available by law may be available for activities of
3 the Trade and Development Agency in or for Belarus.

4 (c) THIRD COUNTRY ACTION.—Congress urges the
5 Secretary of State to encourage all other countries, par-
6 ticularly European countries, to suspend any of their own
7 programs providing support similar to that described in
8 subsection (a) or (b) to the Government of Belarus, in-
9 cluding the rescheduling of repayment of the indebtedness
10 of that government under more favorable conditions.

11 (d) PROHIBITION ON PRIVATE CREDITS.—No United
12 States person may make or approve any loan or other ex-
13 tension of credit, directly or indirectly, to the Government
14 of Belarus or to any corporation, partnership, or other or-
15 ganization that is owned, operated, or controlled by the
16 Government of Belarus.

17 **SEC. 10. DENIAL OF GSP.**

18 (a) FINDING.—Congress finds that the Government
19 of Belarus has failed to respect internationally recognized
20 worker rights.

21 (b) DENIAL OF GSP BENEFITS.—Congress approves
22 the decision of the United States Government to deny tar-
23 iff treatment under title V of the Trade Act of 1974 (the
24 Generalized System of Preferences (GSP)) to Belarus.

1 **SEC. 11. MULTILATERAL SANCTIONS.**

2 It is the sense of Congress that the President should
3 continue to seek to coordinate with other countries, par-
4 ticularly European countries, a comprehensive, multilat-
5 eral strategy to further the purposes of this Act, including,
6 as appropriate, encouraging other countries to take meas-
7 ures similar to those described in this Act.

8 **SEC. 12. OWNERSHIP AND USE OF DIPLOMATIC AND CON-**
9 **SULAR PROPERTIES.**

10 It is the sense of Congress that, if an undemocratic
11 and illegitimate Government of Belarus, enters into a
12 union with the Russian Federation that results in the loss
13 of sovereignty for Belarus, the United States should im-
14 mediately withdraw any and all privileges and immunities
15 under the Vienna Convention on Diplomatic Relations en-
16 joyed by the personnel and property of the Government
17 of Belarus and demand the immediate departure of such
18 personnel from the United States.

19 **SEC. 13. REPORTS.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of enactment of this Act, and every year thereafter,
22 the President shall submit a report to the appropriate con-
23 gressional committees reporting on—

24 (1) assistance and commerce received by
25 Belarus from other foreign countries during the pre-
26 vious 12-month period;

1 (2) the sales of weapons and weapons-related
2 technologies from Belarus during that 12-month pe-
3 riod;

4 (3) the relationship between the Lukashenka re-
5 gime and the Government of the Russian Federa-
6 tion; and

7 (4) the personal assets and wealth of Aleksandr
8 Lukashenka and other senior leaders of the Govern-
9 ment of Belarus.

10 (b) REPORT ELEMENTS.—Each report required by
11 subsection (a) shall, for the period covered by the report,
12 contain, to the extent such information is known—

13 (1) a description of all assistance, including hu-
14 manitarian assistance, provided to the Government
15 of Belarus by foreign governments and multilateral
16 institutions;

17 (2) a description of Belarus' commerce with
18 foreign countries, including the identification of
19 Belarus' chief trading partners and the extent of
20 such trade;

21 (3) a description of joint ventures completed, or
22 under construction by foreign nationals involving fa-
23 cilities in Belarus; and

24 (4) an identification of the countries that pur-
25 chase or have purchased, arms or military supplies

1 from Belarus or that have come into agreements
2 with the Belarus Government that have a military
3 application, including—

4 (A) a description of the military supplies,
5 equipment, or other material sold, bartered, or
6 exchanged between Belarus and such countries;
7 and

8 (B) a listing of the goods, services, credits,
9 or other consideration recieved by the Belarus
10 government in exchange for military supplies,
11 equipment, or material.

12 **SEC. 14. SENSE OF CONGRESS.**

13 Congress hereby—

14 (1) expresses its support to those in Belarus
15 seeking—

16 (A) to promote democracy and the rule of
17 law, to consolidate the independence and sov-
18 ereignty of Belarus; and

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

21 (2) expresses its grave concern about the dis-
22 appearances of Victor Gonchar, Yuri Krasovsky,
23 Yuri Zakharenka, Dmitry Zavadsky, and other mem-
24 bers of the opposition and press;

1 (3) calls upon Lukashenka’s regime to cease its
2 persecution of political opponents and to release
3 those, including Andrei Klimov, who have been im-
4 prisoned for opposing his regime;

5 (4) calls upon the Lukashenka regime to re-
6 spect the basic freedoms of speech, expression, as-
7 sembly, association, language, and religion;

8 (5) calls upon Lukashenka to allow parliamen-
9 tary and presidential elections to be conducted that
10 are free, fair, and fully meet international standards;

11 (6) calls upon the Government of Russia, the
12 State Duma, and the Federation Council to end its
13 support, including financial support, to the
14 Lukashenka regime and to fully respect the sov-
15 ereignty and independence of the Republic of
16 Belarus;

17 (7) calls upon the Government of Belarus to re-
18 solve the continuing constitutional and political crisis
19 through free, fair, and transparent elections, includ-
20 ing, as called for by the Organization for Security
21 and Cooperation in Europe (OSCE), of which
22 Belarus is a member—

23 (A) respect for human rights;

24 (B) an end to the current climate of fear;

1 (C) opposition and meaningful access to
2 state media;

3 (D) modification of the electoral code to
4 make the code more democratic;

5 (E) engaging in genuine talks with the op-
6 position; and

7 (F) permitting real power for the par-
8 liament.

9 (8) calls upon other governments to refuse to
10 use as diplomatic residences or for any other pur-
11 pose properties seized by the Lukashenka regime
12 from the Belarusian political opposition;

13 (9) calls upon the international community, in-
14 cluding the Government of Russia, to refuse to ratify
15 or accept any treaty signed by Aleksandr
16 Lukashenka or any other official of his government;
17 and

18 (10) commends the democratic opposition in
19 Belarus for their commitment to freedom, their
20 courage in the face of Lukashenka's brutal repres-
21 sion, and the unity and cooperation their various po-
22 litical parties and nongovernmental organizations
23 demonstrated during the October 2000 parliamen-
24 tary elections and the October 2001 presidential
25 elections and calls upon the democratic opposition of

1 Belarus to sustain that unity and cooperation as
2 part of the effort to bring an end to Lukashenka’s
3 dictatorship.

4 **SEC. 15. DEFINITIONS.**

5 In this Act:

6 (1) SENIOR LEADERSHIP OF BELARUS.—The
7 term “senior leadership of Belarus” includes—

8 (A) the President, Prime Minister, Deputy
9 Prime Ministers, government ministers, and
10 deputy ministers of Belarus;

11 (B) the Governor of the National Bank of
12 Belarus;

13 (C) officials of the Belarus Committee for
14 State Affairs (BKGB), the police, and any
15 other organ of repression;

16 (D) any official of the Government of
17 Belarus involved in the suppression of freedom
18 in Belarus, including judges and prosecutors;

19 (E) any official of the Government of
20 Belarus directly appointed by Aleksandr
21 Lukashenka; and

22 (F) officials of the presidential administra-
23 tion.

24 (2) UNITED STATES.—The term “United
25 States” means the States of the United States, the

1 District of Columbia, and any commonwealth, terri-
2 tory, dependency, or possession of the United States.

3 (3) UNITED STATES PERSON.—The term
4 “United States person” means any United States
5 resident or national (other than an individual resi-
6 dent outside the United States and employed by
7 other than a United States person), any domestic
8 concern (including any permanent domestic estab-
9 lishment of any foreign concern) and any foreign
10 subsidiary or affiliate (including any permanent for-
11 eign establishment) of any domestic concern which is
12 controlled in fact by such domestic concern, as de-
13 termined under regulations of the President.

○