

109TH CONGRESS
1ST SESSION

H. R. 3545

To limit assistance to the Government of Uzbekistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. DELAHUNT (for himself and Mr. DOGGETT) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary and Armed 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 limit assistance to the Government of Uzbekistan, 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 “Uzbekistan Freedom
5 Promotion Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Department of State's 2004 Country
2 Reports on Human Rights Practices for Uzbekistan
3 states the following:

4 (A) "Uzbekistan is an authoritarian state
5 with limited civil rights . . . President Islam
6 Karimov and the centralized executive branch
7 that serves him dominated political life and ex-
8 ercised nearly complete control over the other
9 branches . . . The Government is highly central-
10 ized and is ruled by President Karimov and the
11 executive branch through sweeping decree pow-
12 ers, primary authority for drafting legislation,
13 and control of government appointments, most
14 of the economy, and the security forces."

15 (B) "On December 26, [2004,] elections
16 were held for seats in the lower chamber of the
17 Supreme Assembly (Oliy Majlis) that fell sig-
18 nificantly short of international standards for
19 democratic elections . . . Citizens could not ex-
20 ercise the right to change their government
21 peacefully . . . The law makes it extremely dif-
22 ficult for opposition parties to organize, nomi-
23 nate candidates, and campaign."

24 (C) "Police and, to a lesser extent, NSS
25 [National Security Service] forces tortured,

1 beat, and harassed persons . . . Members of the
2 security forces responsible for documented
3 abuses were rarely punished . . . Police, prison
4 officials, and the NSS allegedly used suffo-
5 cation, electric shock, rape, and other sexual
6 abuse; however, beating was the most commonly
7 reported method of torture.”.

8 (D) “The number of persons in prison for
9 political or religious reasons—primarily persons
10 the Government believed were associated with
11 extremist Islamist political groups, but also
12 members of the secular opposition and human
13 rights activists—was estimated to be between
14 5,000 and 5,500.”.

15 (E) “The Government severely restricted
16 freedom of speech and the press, and an atmos-
17 phere of repression stifled public criticism of
18 the Government.”.

19 (F) “The Government continued to deny
20 registration to several independent domestic
21 human rights groups and increased pressure on
22 unregistered groups . . . The Government de-
23 nied the registration applications of two opposi-
24 tion political parties. The Government harassed

1 and abused members of domestic human rights
2 groups.”.

3 (G) “The Government restricted freedom
4 of religion and harassed individuals suspected
5 of belonging to extremist groups; several hun-
6 dred were arrested. The Government limited the
7 activities of minority religions.”.

8 (H) “The public generally did not have ac-
9 cess to Government information, and informa-
10 tion normally considered in the public domain,
11 such as prosecutions for corruption or official
12 malfeasance, were seldom reported.”.

13 (2) On May 13, 2005, security forces of the
14 Government of Uzbekistan conducted a brutal and
15 indiscriminate assault on thousands of demonstra-
16 tors and onlookers in the city of Andijan, which re-
17 sulted in hundreds of deaths and many more inju-
18 ries.

19 (3) The Office for Democratic Institutions and
20 Human Rights of the Organization for Security and
21 Cooperation in Europe (OSCE) stated in its “Pre-
22 liminary Findings on the Events in Andijan,
23 Uzbekistan, 13 May 2005” that many of the
24 protestors “spoke about social and economic prob-
25 lems (lack of transparency, corruption in the govern-

1 ment, unfair trials, abuse by police, unemployment,
2 taxation, etc) . . . this also attracted others to the
3 square”.

4 (4) The Government of Uzbekistan has impris-
5 oned dozens of individuals who participated in peace-
6 ful demonstrations and continues to engage in wide-
7 spread arrests in the aftermath of the May 13,
8 2005, assault.

9 (5) The Government of Uzbekistan has consist-
10 ently denied that a massacre in Andijan took place,
11 expelled local and foreign journalists from the re-
12 gion, and has refused to open the area to a full and
13 independent investigation into the violence.

14 (6) Following the massacre in Andijan, hun-
15 dreds of Uzbek citizens fled to neighboring
16 Kyrgyzstan, which faces pressure from the Uzbek
17 Government to quickly return them, despite well-
18 grounded concerns that they may be arrested and
19 tortured upon their return, and where, although pro-
20 tected as refugees under international law, they have
21 been targeted by Uzbek authorities for illegal repa-
22 triation and face continued threat from Uzbek secu-
23 rity services operating in southern Kyrgyzstan.

24 (7) In June 2005, the United States, the Euro-
25 pean Union (EU), the North Atlantic Treaty Orga-

1 nization (NATO), the United Nations High Commis-
2 sioner for Human Rights, and the Organization for
3 Security and Cooperation in Europe called for a
4 credible independent international inquiry into the
5 recent violence in Andijan and urged the Govern-
6 ment of Uzbekistan to prosecute those responsible
7 for civilian deaths.

8 (8) A July 12, 2005, report by the United Na-
9 tions High Commissioner for Human Rights states
10 that “consistent, credible eyewitness testimony
11 strongly suggests that grave human rights violations,
12 mostly of the right to life, were committed by Uzbek
13 military and security forces . . . It is not excluded—
14 judging from the accounts of the eyewitnesses inter-
15 viewed—that the incidents amounted to a mass kill-
16 ing . . .” in Andijan and reiterates a call for an
17 independent international probe.

18 (9) In July 2004, after a Department of State
19 review of democratization in Uzbekistan, former Sec-
20 retary of State Colin Powell determined that the
21 Government of Uzbekistan was not fulfilling the
22 terms of a 2002 Strategic Partnership Framework
23 agreement that mandated “substantial and con-
24 tinuing progress” on democratization, and accord-

1 ingly, he did not certify Uzbekistan as eligible to re-
2 ceive certain United States assistance.

3 (10) By continuing to suppress human rights
4 and to deny citizens peaceful, democratic means of
5 expressing their convictions, the Government of
6 Uzbekistan risks fueling popular support for violent
7 and extremist movements.

8 (11) President George W. Bush, in his second
9 Inaugural Address, stated that the United States
10 “will persistently clarify the choice before every ruler
11 and every nation: The moral choice between oppres-
12 sion, which is always wrong, and freedom, which is
13 eternally right. America will not pretend that jailed
14 dissidents prefer their chains, or that women wel-
15 come humiliation and servitude, or that any human
16 being aspires to live at the mercy of bullies. We will
17 encourage reform in other governments by making
18 clear that success in our relations will require the
19 decent treatment of their own people.”.

20 (12) Congress has repeatedly expressed its de-
21 sire to see deeper reform in Uzbekistan and has con-
22 ditioned certain United States assistance to the Gov-
23 ernment of Uzbekistan on its progress in meeting
24 human rights and democracy commitments made to
25 the United States.

1 (13) After expressions of concern by representa-
2 tives of the Administration and Congress about the
3 massacre at Andijan, the Government of Uzbekistan
4 has restricted the use of the airbase at Karshi-
5 Khanabad by United States military forces.

6 (14) On July 5, 2005, the Government of
7 Uzbekistan joined the Governments of the Russian
8 Federation, the People's Republic of China,
9 Kyrgyzstan, Kazakhstan, and Tajikistan in calling
10 on countries involved in Coalition operations in Af-
11 ghanistan to set a deadline for ending their use of
12 airfields and other military presence in Central Asia.

13 (15) On July 7, 2005, the Government of
14 Uzbekistan indicated that it was reconsidering the
15 use by the United States of the Karshi-Khanabad
16 airbase.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress the actions of the Govern-
19 ment of Uzbekistan in general and in the case of the
20 Andijan massacre specifically—

21 (1) are reprehensible, totalitarian, and unbe-
22 coming of an ally of the United States;

23 (2) are counterproductive to the United States
24 goals of promoting freedom and democracy; and

1 (3) justify an end to United States assistance
2 for, and an increase in restrictions on, the Govern-
3 ment of Uzbekistan until it accelerates democratic
4 reforms and fulfills its human rights obligations.

5 **SEC. 4. LIMITATION ON ASSISTANCE TO THE GOVERNMENT**
6 **OF UZBEKISTAN.**

7 (a) AMENDMENT.—Chapter 1 of part III of the For-
8 eign Assistance Act of 1961 (22 U.S.C. 2353 et seq.) is
9 amended—

10 (1) by redesignating the second section 620G
11 (as added by section 149 of Public Law 104–164
12 (110 Stat. 1436)) as section 620J; and

13 (2) by adding at the end the following new sec-
14 tion:

15 **“SEC. 620K. LIMITATION ON ASSISTANCE TO THE GOVERN-**
16 **MENT OF UZBEKISTAN.**

17 “(a) LIMITATION.—Notwithstanding any other provi-
18 sion of law, assistance under this Act or any other provi-
19 sion of law, other than assistance under the provisions of
20 law described in subsection (b), may be provided to the
21 Government of the Republic of Uzbekistan for a fiscal year
22 only if the President transmits to the appropriate congres-
23 sional committees a certification described in subsection
24 (c) for the fiscal year.

1 “(b) PROVISIONS OF LAW EXCLUDED.—The provi-
2 sions of law described in this subsection are the following:

3 “(1) Title IV of chapter 2 of part I of this Act
4 (relating to insurance, reinsurance, guarantees or
5 other assistance provided by the Overseas Private
6 Investment Corporation).

7 “(2) Section 661 of this Act (relating to assist-
8 ance provided by the Trade and Development Agen-
9 cy).

10 “(3) Title V of the FREEDOM Support Act,
11 sections 1424 and 1501(b) of the National Defense
12 Authorization Act for Fiscal Year 1997, and any
13 other provision of law that authorizes the provision
14 of non-proliferation assistance to foreign countries.

15 “(4) Any provision of law that authorizes activi-
16 ties of the United States and Foreign Commercial
17 Service.

18 “(5) The Export-Import Bank Act of 1945.

19 “(6) Any provision of law that authorizes the
20 provision of humanitarian assistance.

21 “(c) CERTIFICATION.—A certification described in
22 this subsection is a certification that contains a determina-
23 tion of the President that—

24 “(1) the Government of Uzbekistan has per-
25 mitted and is fully cooperating with and supporting

1 an independent international inquiry into the vio-
2 lence in Andijan, Uzbekistan, has ceased pressuring
3 the Government of Kyrgyzstan to return the refu-
4 gees who fled after the massacre, and is prosecuting
5 those individuals responsible for civilian deaths or
6 injuries in the violence; and

7 “(2) the Government of Uzbekistan has acceler-
8 ated democratic reforms and fulfilled its human
9 rights obligations by—

10 “(A) releasing from prison all individuals
11 jailed for peaceful political activism or the non-
12 violent expression of their political or religious
13 beliefs;

14 “(B) fully investigating any credible allega-
15 tions of torture and prosecuting those individ-
16 uals responsible;

17 “(C) permitting the free and unfettered
18 functioning of independent media outlets, inde-
19 pendent political parties, and nongovernmental
20 organizations, whether officially registered or
21 not;

22 “(D) permitting the free exercise of reli-
23 gious beliefs and ceasing the persecution of
24 members of religious groups and denominations

1 not registered with the Government of
2 Uzbekistan;

3 “(E) holding internationally-observed, free,
4 transparent, competitive, and fair elections; and

5 “(F) making publicly available documenta-
6 tion of its revenues and expenditures and pros-
7 ecuting those individuals engaged in official cor-
8 ruption.

9 “(d) DEFINITION.—In this section, the term ‘appro-
10 priate congressional committees’ means—

11 “(1) the Committee on International Relations
12 and the Committee on Appropriations of the House
13 of Representatives; and

14 “(2) the Committee on Foreign Relations and
15 the Committee on Appropriations of the Senate.”.

16 (b) EFFECTIVE DATE.—The limitation on assistance
17 to the Government of Uzbekistan under section 620K of
18 the Foreign Assistance Act of 1961, as added by sub-
19 section (a), applies with respect to assistance for the Gov-
20 ernment of Uzbekistan for fiscal year 2006 and subse-
21 quent fiscal years.

22 **SEC. 5. RESTRICTION ON VISAS.**

23 A visa may not be issued to any official of the Gov-
24 ernment of Uzbekistan who is credibly alleged to have or-
25 dered, acquiesced to, or participated in human rights

1 abuses or corruption unless the Secretary of State certifies
2 to the appropriate congressional committees that the
3 issuance of the visa is in the national security interests
4 of the United States.

5 **SEC. 6. FREEZING OF ASSETS.**

6 (a) IN GENERAL.—The President shall seek to iden-
7 tify and freeze the financial assets and other economic re-
8 sources in the United States of any official of the Govern-
9 ment of Uzbekistan, and their family members, who is
10 credibly alleged to have ordered, acquiesced to, or partici-
11 pated in human rights abuses, including the massacre in
12 Andijan.

13 (b) LIFTING OF RESTRICTIONS.—The President
14 shall, on a case-by-case basis, lift the freezing of financial
15 assets or other economic resources of any official or indi-
16 vidual under this section if the President certifies to the
17 appropriate congressional committees that the official or
18 individual has been properly investigated and cleared of
19 any wrongdoing and that the Government of the United
20 States is confident that the investigation was properly con-
21 ducted, transparent, and free of political influence.

22 **SEC. 7. MUNITIONS EXPORT LICENSES.**

23 The President shall prohibit the export to Uzbekistan
24 of any item, including the issuance of a license for the
25 export of any item under section 38 of the Arms Export

1 Control Act (22 U.S.C. 2778), on the United States Muni-
2 tions List or Commerce Control List or any dual use item
3 under the Export Administration Regulations unless the
4 President certifies to the appropriate congressional com-
5 mittees and the Committees on Armed Services of the
6 House of Representatives and the Senate that the Govern-
7 ment of Uzbekistan meets the requirements of paragraphs
8 (1) and (2) of section 620K(c) of the Foreign Assistance
9 Act of 1961, as added by section 4 of this Act.

10 **SEC. 8. EMERGENCY REFUGEE ADMISSION.**

11 The President shall expedite admission to the United
12 States of any national of Uzbekistan who is under threat
13 of severe penalty as a result of participating in pro-democ-
14 racy activities, including those citizens of Uzbekistan who
15 have fled to Kyrgyzstan, and should encourage other gov-
16 ernments to accept Uzbek refugees for resettlement.

17 **SEC. 9. PLAN TO MOVE UNITED STATES MILITARY OPER-**
18 **ATIONS.**

19 Not later than 60 days after the date of the enact-
20 ment of this Act, the President shall transmit to the ap-
21 propriate congressional committees and the Committees
22 on Armed Services of the House of Representatives and
23 the Senate a plan to move all existing United States mili-
24 tary operations in Uzbekistan to facilities outside that
25 country.

1 **SEC. 10. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on International Rela-
7 tions and the Committee on Appropriations of
8 the House of Representatives; and

9 (B) the Committee on Foreign Relations
10 and the Committee on Appropriations of the
11 Senate.

12 (2) COMMERCE CONTROL LIST.—The term
13 “Commerce Control List” means the list maintained
14 under part 774 of title 15, Code of Federal Regula-
15 tions.

16 (3) DUAL USE.—The term “dual use” means,
17 with respect to goods or technology, those goods or
18 technology that are specifically designed or devel-
19 oped for civil purposes but which also may be used
20 or deployed in a military or proliferation mode. Such
21 term does not include purely commercial items.

22 (4) EXPORT ADMINISTRATION REGULATION.—
23 The term “Export Administration Regulations”
24 means those regulations contained in sections 730
25 through 774 of title 15, Code of Federal Regulations
26 (or successor regulations).

1 (5) ITEM.—The term “item” means any good
2 or technology, defense article or defense service sub-
3 ject to the export jurisdiction of the United States
4 under law or regulation.

5 (6) UNITED STATES MUNITIONS LIST.—The
6 term “United States Munitions List” means the list
7 referred to in section 38(a)(1) of the Arms Export
8 Control Act (22 U.S.C. 2778(a)(1)).

○