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H. R. 854

IN THE SENATE OF THE UNITED STATES

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Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Belarus Democracy
3 Act of 2004”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

12 (2) The United States has a vital interest in the
13 independence and sovereignty of the Republic of
14 Belarus and its integration into the European com-
15 munity of democracies.

16 (3) In November 1996, Lukashenka orches-
17 trated an illegal and unconstitutional referendum
18 that enabled him to impose a new constitution, abol-
19 ish the duly-elected parliament, the 13th Supreme
20 Soviet, install a largely powerless National Assembly,
21 and extend his term of office to 2001.

22 (4) Democratic forces in Belarus have orga-
23 nized peaceful demonstrations against the
24 Lukashenka regime in cities and towns throughout
25 Belarus which led to beatings, mass arrests, and ex-
26 tended incarcerations.

1 (5) Victor Gonchar, Anatoly Krasovsky, and
2 Yuri Zakharenka, who have been leaders and sup-
3 porters of the democratic forces in Belarus, and
4 Dmitry Zavadsky, a journalist known for his critical
5 reporting in Belarus, have disappeared and are pre-
6 sumed dead.

7 (6) Former Belarus Government officials have
8 come forward with credible allegations and evidence
9 that top officials of the Lukashenka regime were in-
10 volved in the disappearances.

11 (7) The Belarusian authorities have mounted a
12 major systematic crackdown on civil society through
13 the closure, harassment, and repression of non-
14 governmental organizations, and independent trade
15 unions.

16 (8) The Belarusian authorities actively suppress
17 freedom of speech and expression, including engag-
18 ing in systematic reprisals against independent
19 media.

20 (9) The Lukashenka regime has reversed the
21 revival of Belarusian language and culture, including
22 through the closure of the National Humanities Ly-
23 ceum, the last remaining high school where classes
24 were taught in the Belarusian language.

1 (10) The Lukashenka regime harasses the
2 autocephalic Belarusian Orthodox Church, the
3 Roman Catholic Church, the Jewish community, the
4 Hindu Lights of Kalyasa community, evangelical
5 Protestant churches (such as Baptist and Pente-
6 costal groups), and other minority religious groups.

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

14 (12) The parliamentary elections of October 15,
15 2000, and the presidential election of September 9,
16 2001, were determined to be fundamentally unfair
17 and nondemocratic.

18 (13) The Government of Belarus has made no
19 substantive progress in addressing criteria estab-
20 lished by the OSCE in 2000, ending repression and
21 the climate of fear, permitting a functioning inde-
22 pendent media, ensuring transparency of the elec-
23 tions process, and strengthening of the functions of
24 parliament.

1 **SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
2 **SOCIETY IN BELARUS.**

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

6 (1) To assist the people of the Republic of
7 Belarus in regaining their freedom and to enable
8 them to join the European community of democ-
9 racies.

10 (2) To encourage free and fair presidential,
11 parliamentary, and local elections in Belarus, con-
12 ducted in a manner consistent with internationally
13 accepted standards and under the supervision of
14 internationally recognized observers.

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

17 (b) **AUTHORIZATION FOR ASSISTANCE.**—To carry out
18 the purposes of subsection (a), the President is authorized
19 to furnish assistance and other support for the activities
20 described in subsection (c), to be provided primarily for
21 indigenous Belarusian groups that are committed to the
22 support of democratic processes.

23 (c) **ACTIVITIES SUPPORTED.**—Activities that may be
24 supported by assistance under subsection (b) include—

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

1 (2) development of democratic political parties;

2 (3) radio and television broadcasting to and
3 within Belarus;

4 (4) the development of nongovernmental organi-
5 zations promoting democracy and supporting human
6 rights;

7 (5) the development of independent media
8 working within Belarus and from locations outside
9 the country and supported by nonstate-controlled
10 printing facilities;

11 (6) international exchanges and advanced pro-
12 fessional training programs for leaders and members
13 of the democratic forces in skill areas central to the
14 development of civil society; and

15 (7) other activities consistent with the purposes
16 of this Act.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.— There are authorized to be
19 appropriated to the President to carry out this sec-
20 tion such sums as may be necessary for each of the
21 fiscal years 2005 and 2006.

22 (2) AVAILABILITY OF FUNDS.—Amounts appro-
23 priated pursuant to the authorization of appropria-
24 tions under paragraph (1) are authorized to remain
25 available until expended.

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

2 (a) PURPOSE.—It is the purpose of this section to
3 authorize increased support for United States Government
4 and surrogate radio broadcasting to the Republic of
5 Belarus that will facilitate the unhindered dissemination
6 of information.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
8 tion to such sums as are otherwise authorized to be appro-
9 priated, there are authorized to be appropriated such sums
10 as may be necessary for fiscal year 2005 and each subse-
11 quent fiscal year for radio broadcasting to the people of
12 Belarus in languages spoken in Belarus.

13 **SEC. 5. SENSE OF CONGRESS RELATING TO SANCTIONS**
14 **AGAINST BELARUS.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the sanctions described in subsection (c) should
17 apply with respect to the Republic of Belarus until the
18 President determines and certifies to the appropriate con-
19 gressional committees that the Government of Belarus has
20 made significant progress in meeting the conditions de-
21 scribed in subsection (b).

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

24 (1) The release of individuals in Belarus who
25 have been jailed based on political or religious be-
26 liefs.

1 (2) The withdrawal of politically motivated legal
2 charges against all opposition figures and inde-
3 pendent journalists in Belarus.

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

10 (4) The cessation of all forms of harassment
11 and repression against the independent media, inde-
12 pendent trade unions, nongovernmental organiza-
13 tions, religious organizations (including their leader-
14 ship and members), and the political opposition in
15 Belarus.

16 (5) The implementation of free and fair presi-
17 dential and parliamentary elections in Belarus con-
18 sistent with OSCE commitments.

19 (c) PROHIBITION ON LOANS AND INVESTMENT.—

20 (1) UNITED STATES GOVERNMENT FINANC-
21 ING.—No loan, credit guarantee, insurance, financ-
22 ing, or other similar financial assistance should be
23 extended by any agency of the United States Gov-
24 ernment (including the Export-Import Bank and the
25 Overseas Private Investment Corporation) to the

1 Government of Belarus, except with respect to the
2 provision of humanitarian goods and agricultural or
3 medical products.

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

8 (d) MULTILATERAL FINANCIAL ASSISTANCE.—It is
9 further the sense of Congress that, in addition to the ap-
10 plication of the sanctions described in subsection (c) to
11 the Republic of Belarus (until the President determines
12 and certifies to the appropriate congressional committees
13 that the Government of Belarus has made significant
14 progress in meeting the conditions described in subsection
15 (b)), the Secretary of the Treasury should instruct the
16 United States Executive Director of each international fi-
17 nancial institution to which the United States is a member
18 to use the voice and vote of the United States to oppose
19 any extension by those institutions of any financial assist-
20 ance (including any technical assistance or grant) of any
21 kind to the Government of Belarus, except for loans and
22 assistance that serve humanitarian needs.

23 **SEC. 6. MULTILATERAL COOPERATION.**

24 It is the sense of Congress that the President should
25 continue to seek to coordinate with other countries, par-

1 ticularly European countries, a comprehensive, multilat-
2 eral strategy to further the purposes of this Act, including,
3 as appropriate, encouraging other countries to take meas-
4 ures with respect to the Republic of Belarus that are simi-
5 lar to measures described in this Act.

6 **SEC. 7. REPORT.**

7 (a) REPORT.— Not later than 90 days after the date
8 of the enactment of this Act, and not later than 1 year
9 thereafter, the President shall transmit to the appropriate
10 congressional committees a report that describes, with re-
11 spect to the preceding 12-month period, and to the extent
12 practicable the following:

13 (1) The sale or delivery of weapons or weapons-
14 related technologies from the Republic of Belarus to
15 any country, the government of which the Secretary
16 of State has determined, for purposes of section
17 6(j)(1) of the Export Administration Act of 1979
18 (50 U.S.C. App. 2405(j)(1)), has repeatedly pro-
19 vided support for acts of international terrorism.

20 (2) An identification of each country described
21 in paragraph (1) and a detailed description of the
22 weapons or weapons-related technologies involved in
23 the sale.

24 (3) An identification of the goods, services,
25 credits, or other consideration received by Belarus in

1 exchange for the weapons or weapons-related tech-
2 nologies.

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

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

9 **SEC. 8. DECLARATION OF POLICY.**

10 Congress hereby—

11 (1) 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 (2) expresses its grave concern about the dis-
17 appearance of Victor Gonchar, Anatoly Krasovsky,
18 Yuri Zakharenko, and Dmitry Zavadsky and calls
19 upon the Lukashenka regime to cooperate fully with
20 the Belrussian civil initiative “We Remember” and to
21 extend to this organization all necessary information
22 to find out the truth about the disappearances;

23 (3) calls upon the the Lukashenka regime to co-
24 operate fully with the Parliamentary Assembly of the
25 Council of Europe (PACE) and its specially ap-

1 pointed representatives in matters regarding the res-
2 olution of the cases of the disappeared; and

3 (4) commends the democratic opposition in
4 Belarus for their commitment to participate in Octo-
5 ber 2004 Parliamentary elections as a unified coali-
6 tion and for their courage in the face of the repres-
7 sion of the Lukashenka regime in Belarus.

8 **SEC. 9. DEFINITIONS.**

9 In this Act:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means the Committee on International Re-
13 lations of the House of Representatives and the
14 Committee on Foreign Relations of the Senate.

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

17 (3) SENIOR LEADERSHIP OF THE GOVERNMENT
18 OF BELARUS.—The term “senior leadership of the
19 Government of Belarus” includes—

20 (A) the President, Prime Minister, Deputy
21 Prime Ministers, government ministers, Chair-
22 men of State Committees, and members of the
23 Presidential Administration of Belarus;

24 (B) any official of the Government of
25 Belarus who is personally and substantially in-

1 volved in the suppression of freedom in Belarus,
2 including judges and prosecutors; and

3 (C) any other individual determined by the
4 Secretary of State (or the Secretary's designee)
5 to be personally and substantially involved in
6 the formulation or execution of the policies of
7 the Lukashenka regime that are in contradic-
8 tion of internationally recognized human rights
9 standards.

Passed the House of Representatives October 4,
2004.

Attest:

JEFF TRANDAHL,

Clerk.