H. R. 8438

To reauthorize the Belarus Democracy Act of 2004.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2020

Mr. Smith of New Jersey (for himself, Mr. Engel, Mr. McCaul, Ms. Kaptur, Mr. Kinzinger, and Mr. Keating) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, 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 reauthorize the Belarus Democracy Act of 2004.

Be it enacted by the Senate and House of Representatives 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 inde-
pendent 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 un-
dermining the country’s sovereignty and independ-
ence 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 Govern-
ment 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 Coun-
cil’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 peace-
ful protestors, including by stripping the accredita-
tion 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 Au-
gust 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 considering additional targeted sanctions to promote accountability for those involved in human rights abuses and repression in Belarus.’.

“(18) Following Alyaksandr Lukashenka’s September 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.

“(1) condemn the conduct of the August 9, 2020, presidential election and crackdown on opposition candidates, senior members of the Coordination Council, peaceful protestors, employees from state-owned enterprises participating in strikes, independent election observers, and independent journalists 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 de-
monstrable progress made by the Government of
Belarus consistent with the aims of this Act as stat-
ed in this section.”.

SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY, CIVIL SO-
CIETY, AND SOVEREIGNTY IN BELARUS.

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

(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 “Euro-

pean” 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, United States foreign assistance to Belarusian civil society should be reevaluated and increased to carry out the purposes described in subsection (a) and to include the activities described in subsection (e).
“(e) COORDINATION WITH EUROPEAN PARTNERS.—In order to maximize impact, eliminate duplication, and further the achievement of the purposes described in subsection (a), the Secretary of State shall ensure coordination with the European Union and its institutions, the governments of countries that are members of the European Union, the United Kingdom, and Canada.

“(f) REPORT ON ASSISTANCE.—Not later than one year after the date of the enactment of the Belarus Democracy, Human Rights, and Sovereignty Act of 2020, the Secretary of State, acting through the Office of the Coordinator of U.S. Assistance to Europe and Eurasia, and in coordination with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a report on the programs and activities carried out to achieve the purposes described in subsection (a), including an assessment of whether or not progress was made in achieving those 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 De-
mocracy, 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 govern-
ment or organization for purposes related to the
censorship or surveillance of the internet, in-
cluding 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 orga-
nization for purposes related to the censorship
or surveillance of the internet, including an as-
essment of any such purchase or receipt in the
preceding ten years.

“(F) Assist with the protection of journal-
ists who have been targeted for free speech ac-
tivities, including through the denial of accredi-
tation.

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

“(H) Provide resources for educational ma-
terials and training on digital literacy, bypass-
ing internet censorship, digital safety, and in-
vestigative and analytical journalism for inde-
dependent journalists working in Belarus.

“(I) Build the capacity of civil society,
media, and other nongovernmental and organi-
zations 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 COMPLICIT 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 ac-
creditation 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 nation-
ality of the individual); or

“(9) is a Russian individual that has signifi-
cantly participated in the crackdown on independent
press or human rights abuses related to political re-
pression in Belarus, including the Russian propa-
gandists sent to replace local employees at
Belarusian state media outlets.”;

(3) in subsection (d)(1), by striking “the Over-
seas Private Investment Corporation” and inserting
“the United States International Development Fi-
nance Corporation”;

(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, multilateral 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 un-
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 Government of Russia is exploiting the current political crisis in Belarus to push for deeper political and economic control of or integration with Belarus.

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

“(C) A description of Belarus major enterprises that are vulnerable of being taken over by Russian entities amid the country’s worsening financial crisis.

“(D) A description of how and to what ends the Government of Russia seeks to augment 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 techniques 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 National Intelligence, shall submit to the appropriate congressional committees a report on—
“(A) the total assets under the direct or indirect control of Alyaksandr Lukashenka, including estimated assets and known sources of income of Alyaksandr Lukashenka and his immediate family members, including assets, investments, bank accounts, and other business interests; and

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

“(2) FORM.—The report required by this subsection 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 amended—

(1) by striking paragraph (1) and inserting the following:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ 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 Appropriations 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 independent media and journalists” after “public corruption”.

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