

109TH CONGRESS
1ST SESSION

H. R. 3189

To promote the development of democratic institutions and full respect for
human rights in the countries of Central Asia.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. SMITH of New Jersey introduced the following bill; which was referred
to the Committee on International Relations

A BILL

To promote the development of democratic institutions and
full respect for human rights in the countries of Central
Asia.

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 “Central Asia Democ-
5 racy and Human Rights Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) More than 13 years after independence, the
9 five countries of Central Asia—Kazakhstan,
10 Kyrgyzstan, Tajikistan, Turkmenistan, and

1 Uzbekistan—are struggling, to varying degrees, with
2 their transition from authoritarian rule to demo-
3 cratic societies that fully respect human rights and
4 uphold their freely undertaken commitments as par-
5 ticipating States in the Organization for Security
6 and Cooperation in Europe (OSCE).

7 (2) As OSCE participating States, the countries
8 of Central Asia committed themselves in the Charter
9 of Paris for a New Europe to “build, consolidate
10 and strengthen democracy as the only system of gov-
11 ernment of our nations”.

12 (3) In the Global War on Terrorism, the United
13 States is increasingly engaged with the countries of
14 Central Asia on a political, economic, and military
15 basis.

16 (4) In the Global War on Terrorism, policies
17 that bolster authoritarian governments which sup-
18 press and terrorize their own people will ultimately
19 be self defeating, as repression often breeds extre-
20 mism and terrorism.

21 (5) The Final Report of the National Commis-
22 sion on Terrorist Attacks Upon the United States
23 (commonly referred to as the “9/11 Commission”)
24 recommended: “The U.S. government must define
25 what the message is, what it stands for. We should

1 offer an example of moral leadership in the world,
2 committed to treat people humanely, abide by the
3 rule of law, and be generous and caring to our
4 neighbors.”.

5 (6) The September 2004 Final Report of the
6 Defense Science Board Task Force on Strategic
7 Communication stated: “The perception of intimate
8 U.S. support of tyrannies in the Muslim World is
9 perhaps the critical vulnerability in American strat-
10 egy. It strongly undercuts our message, while
11 strongly promoting that of the enemy.”.

12 (7) In a speech to the United Nations General
13 Assembly on September 21, 2004, President George
14 W. Bush stated: “People everywhere are capable of
15 freedom, and worthy of freedom . . . For too long,
16 many nations, including my own, tolerated, even ex-
17 cused, oppression in the Middle East in the name of
18 stability. Oppression became common, but stability
19 never arrived. We must take a different approach.”.

20 (8) In keeping with the President’s objectives
21 outlined in the September 21, 2004, speech to the
22 United Nations General Assembly, the United States
23 has a clear opportunity to implement short-term
24 policies promoting stability in the countries of Cen-
25 tral Asia, stand for human dignity, foster security,

1 and build long-term popular support for the United
2 States.

3 (9) The September 2002 National Security
4 Strategy of the United States of America stated:
5 “America must stand firmly for the nonnegotiable
6 demands of human dignity: the rule of law; limits on
7 the absolute power of the state; free speech; freedom
8 of worship; equal justice; respect for women; reli-
9 gious and ethnic tolerance; and respect for private
10 property.”.

11 (10) The National Security Strategy of the
12 United States of America further elaborated that the
13 United States must “make freedom and the develop-
14 ment of democratic institutions key themes in our
15 bilateral relations, seeking solidarity and cooperation
16 from other democracies while we press governments
17 that deny human rights to move toward a better fu-
18 ture”.

19 (11) In his second inaugural address on Janu-
20 ary 20, 2005, President George W. Bush stated:
21 “For as long as whole regions of the world simmer
22 in resentment and tyranny—prone to ideologies that
23 feed hatred and excuse murder—violence will gather,
24 and multiply in destructive power, and cross the
25 most defended borders, and raise a mortal threat.”.

1 In this address, President Bush further declared: “It
2 is the policy of the United States to seek and sup-
3 port the growth of democratic movements and insti-
4 tutions in every nation and culture, with the ulti-
5 mate goal of ending tyranny in our world.”.

6 **SEC. 3. SENSE OF THE CONGRESS.**

7 It is the sense of Congress that—

8 (1) the United States should support those gov-
9 ernments and individuals making substantial and
10 sustained progress to establish democracy, guarantee
11 the rule of law, and protect human rights;

12 (2) the United States should use every means
13 at its disposal to encourage the countries of Central
14 Asia to provide greater respect for democracy, the
15 rule of law, and human rights, thereby promoting
16 the long-term stability and security of the Central
17 Asian region, and ensure that all assistance pro-
18 grams for the Central Asian region support and
19 communicate this goal; and

20 (3) the United States should seek and support
21 the growth of democratic movements and institu-
22 tions in every nation and culture, with the ultimate
23 goal of ending tyranny in our world.

1 **SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY, RULE OF**
2 **LAW, AND HUMAN RIGHTS IN THE COUN-**
3 **TRIES OF CENTRAL ASIA.**

4 (a) **PURPOSES OF ASSISTANCE.**—The purposes of as-
5 sistance under this section include—

6 (1) to encourage free and fair presidential, par-
7 liamentary, and local elections in the countries of
8 Central Asia, conducted in a manner consistent with
9 Organization for Security and Cooperation in Eu-
10 rope (OSCE) and internationally accepted standards
11 and under the supervision of international observers;

12 (2) to ensure in the countries of Central Asia
13 the full respect for all human rights, including free-
14 dom of expression and the media, freedom of reli-
15 gion and association, prevention of torture, and the
16 end of human trafficking from, to, and through the
17 Central Asian region; and

18 (3) to develop rule of law, in particular inde-
19 pendent judicial systems and professional law en-
20 forcement, and to combat corruption.

21 (b) **AUTHORIZATION FOR ASSISTANCE.**—To carry out
22 the purposes of subsection (a), the President is authorized
23 to provide assistance for the countries of Central Asia to
24 support the activities described in subsection (c).

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

1 (1) observing elections and promoting free and
2 fair electoral processes;

3 (2) developing sustainable civic organizations,
4 including democratic political parties;

5 (3) establishing nongovernmental organizations
6 that promote democracy and support human rights;

7 (4) developing independent media to work in
8 the countries of Central Asia, supported by
9 nonstate-controlled printing facilities;

10 (5) independent radio and television broad-
11 casting to and within the countries of Central Asia;

12 (6) encouraging the liberalization of laws affect-
13 ing religious practice and their enforcement to pro-
14 mote greater freedoms for individuals to meet alone
15 or in community with others, and in the sharing of
16 beliefs;

17 (7) educating law enforcement officials with re-
18 spect to the existence and enforcement of legal pro-
19 hibitions concerning torture;

20 (8) prosecuting human traffickers, as well as
21 providing increased police training and education ef-
22 forts;

23 (9) training and assistance for judicial reform
24 and development;

1 (10) training in effective human rights and hu-
2 manitarian law as a part of training programs for
3 security forces of the countries of Central Asia;

4 (11) establishing programs to combat corrup-
5 tion and support good governance; and

6 (12) other activities consistent with the pur-
7 poses of this section.

8 (d) REPORT.—

9 (1) IN GENERAL.—Not later than six months
10 after the date of the enactment of this Act, and
11 every six months thereafter, the President shall
12 transmit to the appropriate congressional commit-
13 tees a report on assistance provided for the countries
14 of Central Asia under this section for the six-month
15 period ending 30 days prior to the transmission of
16 the report.

17 (2) CONTENTS.—The report shall include with
18 respect to each country of Central Asia a detailed
19 description of each of the following:

20 (A) The types and amount of assistance
21 provided under this section, including the types
22 and amount of defense articles and defense
23 services and the amount of financial assistance.

24 (B) The use of such assistance, including
25 the use of defense articles, defense services, and

1 financial assistance, by units of the armed
2 forces, border guards, or other security forces
3 of the country.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to the President to carry out this sec-
7 tion not less than \$188,000,000 for fiscal year 2006
8 and each subsequent fiscal year.

9 (2) AVAILABILITY.—Amounts appropriated pur-
10 suant to the authorization of appropriations under
11 paragraph (1) are authorized to remain available
12 until expended.

13 **SEC. 5. RADIO BROADCASTING TO THE COUNTRIES OF CEN-**
14 **TRAL ASIA.**

15 (a) PURPOSE.—The purpose of this section is to au-
16 thorize increased support for surrogate radio broadcasting
17 to the countries of Central Asia that will facilitate the
18 unhindered dissemination of information in the Central
19 Asian region.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-
21 tion to such sums as are otherwise authorized to be appro-
22 priated, there are authorized to be appropriated not less
23 than \$15,000,000 for fiscal year 2006 and each subse-
24 quent fiscal year for Voice of America and RFE/RL, In-
25 corporated for expanded radio broadcasting to the people

1 of the countries of Central Asia in languages spoken in
2 Central Asia.

3 (c) REPORT.—Not later than 120 days after the date
4 of the enactment of this Act, the Secretary of State shall
5 submit to the appropriate congressional committees a re-
6 port on how funds are appropriated and allocated pursu-
7 ant to the authorizations of appropriations under sub-
8 section (b) and section 4(d) will be used to provide AM
9 and FM broadcasting that covers the Central Asian region
10 and delivers independent and uncensored programming.

11 **SEC. 6. LIMITATION ON UNITED STATES ASSISTANCE TO**
12 **THE COUNTRIES OF CENTRAL ASIA.**

13 (a) LIMITATION ON ASSISTANCE.—Subject to para-
14 graphs (1) through (3) of subsection (c), the full amount
15 of assistance described in subsection (e) that is allocated
16 for the government of a country of Central Asia for a fis-
17 cal year may be provided to the government of the country
18 only if the President certifies to the appropriate congres-
19 sional committees that the government of the country
20 meets the requirements described in subsection (b).

21 (b) REQUIREMENTS.—The requirements described in
22 this subsection are the following:

23 (1) DEMOCRATIZATION.—The government of
24 the country is making substantial, sustained, and
25 demonstrable progress toward democratization, such

1 as the establishment of a legal framework, the con-
2 duct of free and fair elections (as determined by
3 monitors of the Organization for Security and Co-
4 operation in Europe (OSCE)), the establishment of
5 political pluralism, and equal opportunity for women.

6 (2) FREEDOM OF EXPRESSION AND THE
7 MEDIA.—The government of the country is making
8 substantial, sustained, and demonstrable progress
9 toward freedom of expression, such as the establish-
10 ment of a legal framework, the elimination of sup-
11 pressive government actions and the elimination of
12 legal penalties for criticizing the government or gov-
13 ernment officials, and openness of media.

14 (3) FREEDOM OF RELIGION, ASSOCIATION, AND
15 THE RIGHT OF PEACEFUL ASSEMBLY.—The govern-
16 ment of the country is making substantial, sus-
17 tained, and demonstrable progress toward—

18 (A) freedom of religion, such as the ability
19 of individuals and communities to freely profess
20 and practice their faith, to share beliefs openly,
21 the opportunity for religious organizations to
22 gain legal status, and the ability of individuals
23 and communities to congregate for worship or
24 other functions openly;

25 (B) freedom of association; and

1 (C) the right of peaceful assembly and the
2 absence of prisoners of conscience.

3 (4) PREVENTION OF TORTURE.—The govern-
4 ment of the country is making substantial, sus-
5 tained, and demonstrable progress toward the estab-
6 lishment and enforcement of legal prohibitions
7 against torture and cruel, inhuman, or degrading
8 treatment or punishment, public denunciations of
9 torture, cooperation with the International Com-
10 mittee of the Red Cross and the United Nations
11 Special Rapporteur on Torture on these matters, as
12 appropriate, and the prosecution of individuals ac-
13 cused of perpetrating acts of torture.

14 (5) RULE OF LAW; NONDISCRIMINATION.—The
15 government of the country is making substantial,
16 sustained, and demonstrable progress toward the es-
17 tablishment and enforcement of the right to a fair
18 trial, independence of the judiciary, implementation
19 of anti-corruption programs, efforts to combat traf-
20 ficking in persons, and nondiscriminatory treatment
21 of ethnic, religious and linguistic minorities.

22 (c) WITHHOLDING OF ASSISTANCE.—

23 (1) FIRST FISCAL YEAR.—If the President does
24 not certify under subsection (a) that the government
25 of a country of Central Asia meets the requirements

1 described in subsection (b) for a fiscal year, then 33
2 percent of the amount of assistance described in
3 subsection (e) that is allocated for the government
4 of the country for such fiscal year shall be withheld
5 from obligation and expenditure.

6 (2) SECOND FISCAL YEAR.—If the President
7 does not certify under subsection (a) that the gov-
8 ernment of a country of Central Asia meets the re-
9 quirements described in subsection (b) for a second
10 consecutive fiscal year, then 66 percent of the
11 amount of assistance described in subsection (e) that
12 is allocated for the government of the country for
13 such fiscal year shall be withheld from obligation
14 and expenditure.

15 (3) THIRD AND SUBSEQUENT FISCAL YEARS.—

16 (A) WITHHOLDING.—If the President does
17 not certify under subsection (a) that the gov-
18 ernment of a country of Central Asia meets the
19 requirements described in subsection (b) for a
20 third consecutive fiscal year, then 100 percent
21 of the amount of assistance described in sub-
22 section (e) that is allocated for the government
23 of the country for such fiscal year, and each
24 consecutive subsequent fiscal year with respect
25 to which a presidential certification under sub-

1 section (a) is not made, shall be withheld from
2 obligation and expenditure.

3 (B) WAIVER.—The President may waive
4 the application of subparagraph (A) with re-
5 spect to a third consecutive fiscal year, or a
6 consecutive subsequent fiscal year described in
7 such subparagraph, if the President determines
8 and certifies to the appropriate congressional
9 committees that it is important to the national
10 security of the United States to do so. If the
11 President exercises the waiver authority under
12 this subparagraph for a fiscal year, then 66
13 percent of the amount of assistance described in
14 subsection (e) that is allocated for the govern-
15 ment of the country for such fiscal year shall be
16 withheld from obligation and expenditure.

17 (4) USE OF WITHHELD ASSISTANCE.—Amounts
18 withheld from obligation and expenditure under this
19 subsection for a fiscal year are authorized to be
20 made available for assistance under section 4 of this
21 Act.

22 (d) REINSTATEMENT OF ASSISTANCE.—If the Presi-
23 dent certifies under subsection (a) that the government
24 of a country of Central Asia meets the requirements of
25 subsection (b) for a fiscal year following a fiscal year with

1 respect to which funds are withheld from obligation and
2 expenditure under paragraph (1), (2), or (3) of subsection
3 (c), then the amount of assistance described in subsection
4 (e) that is allocated for the government of the country for
5 such fiscal year, and each consecutive subsequent fiscal
6 year with respect to which an additional presidential cer-
7 tification under subsection (a) is made, may be increased
8 by 33 percent for each such fiscal year, not to exceed 100
9 percent of the amount of assistance described in sub-
10 section (e) that is allocated for the government of the
11 country for any such fiscal year.

12 (e) ASSISTANCE DESCRIBED.—Assistance described
13 in this subsection is the following:

14 (1) Assistance under the Foreign Assistance
15 Act of 1961, including programs under title IV of
16 chapter 2 of part I of such Act (relating to the Over-
17 seas Private Investment Corporation) and assistance
18 under chapter 12 of part I of such Act (relating to
19 support for the economic and political independence
20 of the countries of the South Caucasus and Central
21 Asia), other than—

22 (A) disaster relief assistance, including any
23 assistance under chapter 9 of part I of that
24 Act;

1 (B) assistance which involves the provision
2 of food (including monetization of food) or med-
3 icine;

4 (C) assistance for refugees; and

5 (D) assistance to combat HIV/AIDS, in-
6 cluding any assistance under section 104A of
7 that Act.

8 (2) Sales, or financing on any terms, under the
9 Arms Export Control Act.

10 (3) Assistance made available by reason of the
11 application of section 9009 of the Department of
12 Defense Appropriations Act, 2005, or any related or
13 successor provision of law.

14 (4) The provision of training, equipment, trans-
15 portation, or other support for the armed forces
16 under any provision of law, other than assistance
17 under programs and activities specified in section
18 1501(b) of the National Defense Authorization Act
19 for Fiscal Year 1997 (relating to Cooperative Threat
20 Reduction programs).

21 (f) EFFECTIVE DATE.—The requirements of this sec-
22 tion apply with respect to funds appropriated for assist-
23 ance for the governments of the countries of Central Asia
24 for fiscal year 2006 and subsequent fiscal years.

1 **SEC. 7. 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 Appropriations and
7 the Committee on International Relations of the
8 House of Representatives; and

9 (B) the Committee on Appropriations and
10 the Committee on Foreign Relations of the Sen-
11 ate.

12 (2) COUNTRIES OF CENTRAL ASIA.—The term
13 “countries of Central Asia” means Kazakhstan,
14 Kyrgyzstan, Tajikistan, Turkmenistan, and
15 Uzbekistan.

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