

112TH CONGRESS
1ST SESSION

H. R. 515

To reauthorize the Belarus Democracy Act of 2004.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. BURTON of Indiana, and Mr. ROHRBACHER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Financial 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 reauthorize the Belarus Democracy Act of 2004.

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 Reauthorization Act of 2011”.

6 **SEC. 2. FINDINGS; STATEMENT OF POLICY.**

7 Sections 2 and 3 of the Belarus Democracy Act of
8 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is
9 amended to read as follows:

1 **“SEC. 2. FINDINGS.**

2 “Congress finds the following:

3 “(1) The Government of Belarus has engaged
4 in a pattern of clear and uncorrected violations of
5 human rights and fundamental freedoms.

6 “(2) The Government of Belarus has engaged
7 in a pattern of clear and uncorrected violations of
8 basic principles of democratic governance, including
9 through a series of fundamentally flawed presi-
10 dential and parliamentary elections undermining the
11 legitimacy of executive and legislative authority in
12 that country.

13 “(3) The Government of Belarus has subjected
14 thousands of pro-democratic political activists to
15 harassment, beatings, and jailings, particularly as a
16 result of their attempts to peacefully exercise their
17 right to freedom of assembly and association.

18 “(4) The Government of Belarus has attempted
19 to maintain a monopoly over the country’s informa-
20 tion space, targeting independent media, including
21 independent journalists, for systematic reprisals and
22 elimination, while suppressing the right to freedom
23 of speech and expression of those dissenting from
24 the dictatorship of Aleksandr Lukashenka, and
25 adopted laws restricting the media, including the

1 Internet, in a manner inconsistent with international
2 human rights agreements.

3 “(5) The Government of Belarus continues a
4 systematic campaign of harassment, repression, and
5 closure of nongovernmental organizations, including
6 independent trade unions and entrepreneurs, and
7 this crackdown has created a climate of fear that in-
8 hibits the development of civil society and social soli-
9 darity.

10 “(6) The Government of Belarus has subjected
11 leaders and members of select ethnic and religious
12 minorities to harassment, including the imposition of
13 heavy fines and denying permission to meet for reli-
14 gious services.

15 “(7) The Government of Belarus has attempted
16 to silence dissent by persecuting human rights and
17 pro-democracy activists with threats, firings, expul-
18 sions, beatings and other forms of intimidation, and
19 restrictions on freedom of movement and prohibition
20 of international travel.

21 “(8) The dictator of Belarus, Aleksandr
22 Lukashenka, established himself in power by orches-
23 trating an illegal and unconstitutional referendum
24 that enabled him to impose a new constitution, abol-
25 ishing the duly elected parliament, the 13th Su-

1 preme Soviet, installing a largely powerless National
2 Assembly, extending his term in office, and removing
3 applicable term limits.

4 “(9) The Government of Belarus has failed to
5 make a convincing effort to solve the cases of dis-
6 appeared opposition figures Yuri Zakharenka, Viktor
7 Gonchar, and Anatoly Krasovsky and journalist
8 Dmitry Zavadsky, even though credible allegations
9 and evidence links top officials of the Government to
10 these disappearance.

11 “(10) The Government of Belarus has re-
12 stricted freedom of expression on the Internet by re-
13 quiring Internet Service Providers to maintain data
14 on Internet users and the sites they view and to pro-
15 vide such data to officials upon request, and by cre-
16 ating a government body with the authority to re-
17 quire Internet Service Providers to block Web sites.

18 “(11) On December 19, 2010, the Government
19 of Belarus conducted a presidential election that
20 failed to meet the standards of the Organization for
21 Security and Cooperation in Europe (OSCE) for
22 democratic elections.

23 “(12) After the December 19, 2010, presi-
24 dential election the Government of Belarus re-
25 sponded to opposition protests by beating an un-

1 known number of protestors and detaining more
2 than 600 peaceful protestors.

3 “(13) After the December 19, 2010, presi-
4 dential election the Government of Belarus jailed
5 seven of the nine opposition presidential candidates
6 and abused the process of criminal prosecution to
7 persecute them.

8 “(14) After the December 19, 2010, presi-
9 dential election, the Government of Belarus dis-
10 rupted independent broadcast and Internet media,
11 and engaged in repressive actions against inde-
12 pendent journalists.

13 “(15) After the December 19, 2010, presi-
14 dential election, Belarusian security services and po-
15 lice conducted raids targeting civil society groups,
16 individual pro-democracy activists, and independent
17 media.

18 “(16) After the December 19, 2010, presi-
19 dential election, Belarusian officials refused to ex-
20 tend the mandate of the OSCE Office in Minsk.

21 “(17) The Department of State, the Depart-
22 ment of the Treasury, and other executive branch
23 agencies have heretofore made effective use of this
24 Act to promote the purposes of this Act, as stated
25 in section 3 of this Act.

1 **“SEC. 3. STATEMENT OF POLICY.**

2 “It is the policy of the United States to—

3 “(1) condemn the conduct of the December 19,
4 2010, presidential election and crackdown on opposi-
5 tion candidates, political leaders, and activists, civil
6 society representatives, and journalists;

7 “(2) continue to call for the immediate release
8 without preconditions of all political prisoners in
9 Belarus, including all those individuals detained in
10 connection with the December 19, 2010, presidential
11 election;

12 “(3) continue to support the aspirations of the
13 people of Belarus for democracy, human rights, and
14 the rule of law;

15 “(4) continue to support the aspirations of the
16 people of Belarus to preserve the independence and
17 sovereignty of their country;

18 “(5) continue to support the growth of demo-
19 cratic movements and institutions in Belarus, with
20 the ultimate goal of ending tyranny in that country;

21 “(6) continue to refuse to accept the results of
22 the fundamentally flawed December 19, 2010, presi-
23 dential election held in Belarus, and to support calls
24 for new presidential and parliamentary elections,
25 conducted in a manner that is free and fair accord-
26 ing to OSCE standards;

1 “(7) continue to call for the fulfillment by the
2 Belarusian government of Belarus’s freely under-
3 taken obligations as an OSCE participating state;

4 “(8) continue to call for a full accounting of the
5 disappearances of opposition leaders and journalists
6 in Belarus, including Victor Gonchar, Anatoly
7 Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky,
8 and the prosecution of those individuals who are in
9 any way responsible for the disappearance of those
10 opposition leaders and journalists;

11 “(9) continue to work closely with the Euro-
12 pean Union and other countries and international
13 organizations, to promote the conditions necessary
14 for the integration of Belarus into the European
15 family of democracies; and

16 “(10) remain open to reevaluating United
17 States policy toward Belarus as warranted by de-
18 monstrable progress made by the Government of
19 Belarus consistent with the aims of this Act as stat-
20 ed in this section. ridi”.

21 **SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
22 **SOCIETY IN BELARUS.**

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

1 (1) in subsection (a)—

2 (A) in paragraph (1), by striking “commu-
3 nity” and inserting “family”; and

4 (B) in paragraph (2), by striking “inter-
5 nationally accepted standards and under the su-
6 pervision of internationally recognized observ-
7 ers” and inserting “OSCE standards and mon-
8 itored by OSCE observers”;

9 (2) in subsection (b), by striking “primarily for
10 indigenous” and inserting “for independent, indige-
11 nous”;

12 (3) in subsection (c)—

13 (A) by amending paragraph (1) to read as
14 follows:

15 “(1) facilitating the development of inde-
16 pendent, indigenous print, radio, television, and
17 Internet broadcasting, whether working within
18 Belarus or from locations outside the country;” and

19 (B) by redesignating paragraphs (3)
20 through (8) as paragraphs (2) through (7), re-
21 spectively; and

22 (4) in subsection (d)(1), by striking “such sums
23 as may be necessary for each of the fiscal years
24 2007 and 2008” and inserting “an amount not to

1 exceed the amount appropriated for fiscal year 2008
2 for each of fiscal years 2012 through 2014”.

3 **SEC. 4. RADIO AND TELEVISION BROADCASTING TO**
4 **BELARUS.**

5 Section 5 of the Belarus Democracy Act of 2004
6 (Public Law 109–480; 22 U.S.C. 5811 note) is amended
7 to read as follows:

8 **“SEC. 5. RADIO, TELEVISION, AND INTERNET BROAD-**
9 **CASTING TO BELARUS.**

10 “It is the sense of Congress that the President should
11 continue to support radio, television, and Internet broad-
12 casting to the people of Belarus in languages spoken in
13 Belarus, by Radio Free Europe/Radio Liberty, the Voice
14 of America, European Radio for Belarus, and Belsat.”.

15 **SEC. 5. SANCTIONS AGAINST THE GOVERNMENT OF**
16 **BELARUS.**

17 Section 6 of the Belarus Democracy Act of 2004
18 (Public Law 109–480; 22 U.S.C. 5811 note) is amend-
19 ed—

20 (1) in subsection (b)—

21 (A) in paragraph (1), by inserting “or ex-
22 pression, including those individuals jailed
23 based on political beliefs or expression in con-
24 nection with repression that attended the presi-

1 dential election of December 19, 2010” before
2 the period at the end;

3 (B) in paragraph (2), by inserting “, in-
4 cluding politically motivated legal charges made
5 in connection with repression that attended the
6 presidential election of December 19, 2010” be-
7 fore the period at the end;

8 (C) in paragraph (5), by inserting “and
9 violations of human rights, including violations
10 of human rights committed in connection with
11 the presidential election of December 19, 2010”
12 before the period at the end; and

13 (D) in paragraph (7), by striking “inter-
14 nationally recognized observers” and inserting
15 “OSCE observers”;

16 (2) in subsection (c)—

17 (A) in paragraph (2)—

18 (i) by striking “subparagraph (A)”

19 and inserting “paragraph (1)”; and

20 (ii) by striking “or” at the end;

21 (B) in paragraph (3), by striking the pe-
22 riod at the end and inserting a semicolon; and

23 (C) by adding at the end the following new
24 paragraphs:

1 “(4) is a member of any branch of the security
 2 or law enforcement services of Belarus and has par-
 3 ticipated in the violent crackdown on opposition
 4 leaders, journalists, and peaceful protestors that oc-
 5 curred in connection with the presidential election of
 6 December 19, 2010; or

7 “(5) is a member of any branch of the security
 8 or law enforcement services of Belarus and has par-
 9 ticipated in the persecution or harassment of reli-
 10 gious groups, human rights defenders, democratic
 11 opposition groups, or independent media or journal-
 12 ists.”;

13 (3) in subsection (e), by striking “of each inter-
 14 national financial institution to which” and inserting
 15 “at each international financial institution of
 16 which”; and

17 (4) in subsection (f)(2)(B)(ii), by striking “(as
 18 defined in section 40102 of title 49, United States
 19 Code)”.

20 **SEC. 6. REPORT.**

21 Section 8(a) of the Belarus Democracy Act of 2004
 22 (Public Law 109–480; 22 U.S.C. 5811 note) is amend-
 23 ed—

24 (1) in the matter preceding paragraph (1)—

1 (A) by striking “this Act” and inserting
2 “the Belarus Democracy Reauthorization Act of
3 2011”; and

4 (B) by inserting “and the Commission on
5 Security and Cooperation in Europe” after “ap-
6 propriate congressional committees”;

7 (2) in paragraph (1), by striking “sale or deliv-
8 ery of weapons or weapons-related technologies” and
9 inserting “sale or delivery or provision of weapons or
10 weapons-related technologies or weapons-related
11 training”;

12 (3) in paragraph (2), by striking “involved in
13 the sale” and inserting “or weapons-related training
14 involved in the sale or delivery or provision”;

15 (4) in paragraph (3), by inserting “or weapons-
16 related training described in paragraph (1)” before
17 the period at the end; and

18 (5) by adding at the end the following new
19 paragraph:

20 “(5) The cooperation of the Government of
21 Belarus with any foreign government or organization
22 for purposes related to the censorship or surveillance
23 of the Internet, or the purchase or receipt by the
24 Government of Belarus of any technology or training
25 from any foreign government or organization for

1 purposes related to the censorship or surveillance of
2 the Internet.”.

3 **SEC. 7. DEFINITIONS.**

4 Section 9 of the Belarus Democracy Act of 2004
5 (Public Law 109–480; 22 U.S.C. 5811 note) is amend-
6 ed—

7 (1) in paragraph (1), by striking “Committee
8 on International Relations” and inserting “Com-
9 mittee on Foreign Affairs”; and

10 (2) in paragraph (3)—

11 (A) in subparagraph (B)(i), by striking
12 “and prosecutors” and inserting “, prosecutors,
13 and heads of professional associations and edu-
14 cational institutions”; and

15 (B) in subparagraph (C), by striking
16 “Lukashenka regime” and inserting “Govern-
17 ment of Belarus”.

○