

Suspend the Rules and Pass the Bill, H. R. 515, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

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 and Human Rights Act of 2011”.

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

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

5 **“SEC. 2. FINDINGS.**

6 “Congress finds the following:

7 “(1) The Government of Belarus has engaged
8 in a pattern of clear and uncorrected violations of
9 human rights and fundamental freedoms.

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

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

22 “(4) The Government of Belarus has attempted
23 to maintain a monopoly over the country’s informa-
24 tion space, targeting independent media, including
25 independent journalists, for systematic reprisals and
26 elimination, while suppressing the right to freedom

1 of speech and expression of those dissenting from
2 the dictatorship of Aleksandr Lukashenka, and
3 adopted laws restricting the media, including the
4 Internet, in a manner inconsistent with international
5 human rights agreements.

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

13 “(6) The Government of Belarus has subjected
14 leaders and members of select ethnic and religious
15 minorities to harassment, including the imposition of
16 heavy fines and denying permission to meet for reli-
17 gious services, sometimes by selective enforcement of
18 the 2002 Belarus religion law.

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

1 “(8) The dictator of Belarus, Aleksandr
2 Lukashenka, established himself in power by orches-
3 trating an illegal and unconstitutional referendum
4 that enabled him to impose a new constitution, abol-
5 ishing the duly elected parliament, the 13th Su-
6 preme Soviet, installing a largely powerless National
7 Assembly, extending his term in office, and removing
8 applicable term limits.

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

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

23 “(11) On December 19, 2010, the Government
24 of Belarus conducted a presidential election that
25 failed to meet the standards of the Organization for

1 Security and Cooperation in Europe (OSCE) for
2 democratic elections.

3 “(12) After the December 19, 2010, presi-
4 dential election the Government of Belarus re-
5 sponded to opposition protests by beating scores of
6 protestors and detaining more than 600 peaceful
7 protestors.

8 “(13) After the December 19, 2010, presi-
9 dential election the Government of Belarus jailed
10 seven of the nine opposition presidential candidates
11 and abused the process of criminal prosecution to
12 persecute them.

13 “(14) After the December 19, 2010, presi-
14 dential election, the Government of Belarus dis-
15 rupted independent broadcast and Internet media,
16 and engaged in repressive actions against inde-
17 pendent journalists.

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

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

1 “(17) After the December 19, 2010, presi-
2 dential election, opposition candidates and activists
3 have been persecuted and detainees have been physi-
4 cally mistreated, and denied access to family, de-
5 fense counsel, medical treatment, and open legal
6 proceedings.

7 “(18) After the December 19, 2010, presi-
8 dential election, lawyers representing those facing
9 criminal charges related to the post-election protest
10 have been subjected to the revocation of licenses,
11 disbarment, and other forms of pressure.

12 “(19) After the December 19, 2010, presi-
13 dential election, the Government of Belarus has con-
14 victed political detainees to harsh prison sentences.

15 “(20) After the December 19, 2010, presi-
16 dential election, the United States and European
17 Union imposed targeted travel and financial sanc-
18 tions on an expanded list of officials of the Govern-
19 ment of Belarus.

20 “(21) After the December 19, 2010, presi-
21 dential election, the United States fully restored
22 sanctions against Belarus’s largest state-owned pe-
23 troleum and chemical conglomerate and all of its
24 subsidiaries.

1 “(22) After the December 19, 2010, presi-
2 dential election, the United States has engaged in
3 assistance efforts to provide legal and humanitarian
4 assistance to those facing repression and preserving
5 access to independent information, and has pledged
6 resources to support human rights advocates, trade
7 unions, youth and environmental groups, business
8 associations, think-tanks, democratic political parties
9 and movements, independent journalists, newspapers
10 and electronic media operating both inside Belarus
11 and broadcasting from its neighbors, and to support
12 access of Belarusian students to independent higher
13 education and expand exchange programs for busi-
14 ness and civil society leaders.

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

20 **“SEC. 3. STATEMENT OF POLICY.**

21 “‘It is the policy of the United States to—

22 “(1) condemn the conduct of the December 19,
23 2010, presidential election and crackdown on opposi-
24 tion candidates, political leaders, and activists, civil
25 society representatives, and journalists;

1 “(2) continue to call for the immediate release
2 without preconditions of all political prisoners in
3 Belarus, including all those individuals detained in
4 connection with the December 19, 2010, presidential
5 election;

6 “(3) continue to support the aspirations of the
7 people of Belarus for democracy, human rights, and
8 the rule of law;

9 “(4) continue to support the aspirations of the
10 people of Belarus to preserve the independence and
11 sovereignty of their country;

12 “(5) continue to support the growth of demo-
13 cratic movements and institutions in Belarus, which
14 empower the people of Belarus to end tyranny in
15 their country;

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

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

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

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

13 “(10) call on the International Ice Hockey Fed-
14 eration to suspend its plan to hold the 2014 Inter-
15 national World Ice Hockey championship in Minsk
16 until the Government of Belarus releases all political
17 prisoners; and

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

1 **SEC. 3. RADIO AND TELEVISION BROADCASTING TO**
2 **BELARUS.**

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

6 **“SEC. 5. RADIO, TELEVISION, AND INTERNET BROAD-**
7 **CASTING TO BELARUS.**

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

13 **SEC. 4. SANCTIONS AGAINST THE GOVERNMENT OF**
14 **BELARUS.**

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

18 (1) in subsection (b)—

19 (A) in paragraph (1), by inserting “or ex-
20 pression, including those individuals jailed
21 based on political beliefs or expression in con-
22 nection with repression that attended the presi-
23 dential election of December 19, 2010” before
24 the period at the end;

25 (B) in paragraph (2), by inserting “, in-
26 cluding politically motivated legal charges made

1 in connection with repression that attended the
2 presidential election of December 19, 2010” be-
3 fore the period at the end;

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

9 (D) in paragraph (7), by striking “inter-
10 nationally recognized observers” and inserting
11 “OSCE observers”;

12 (2) in subsection (c)—

13 (A) in paragraph (2)—

14 (i) by striking “subparagraph (A)”
15 and inserting “paragraph (1)”; and

16 (ii) by striking “or” at the end;

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

19 (C) by adding at the end the following new
20 paragraphs:

21 “(4) is a member of any branch of the security
22 or law enforcement services of Belarus and has par-
23 ticipated in the violent crackdown on opposition
24 leaders, journalists, and peaceful protestors that oc-

1 curred in connection with the presidential election of
2 December 19, 2010; or

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

9 (3) in subsection (e), by striking “of each inter-
10 national financial institution to which” and inserting
11 “at each international financial institution of
12 which”; and

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

16 **SEC. 5. REPORT.**

17 Section 8(a) 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 the matter preceding paragraph (1), by
21 striking “this Act” and inserting “the Belarus De-
22 mocracy and Human Rights Act of 2011”;

23 (2) in paragraph (1), by striking “sale or deliv-
24 ery of weapons or weapons-related technologies” and
25 inserting “sale or delivery or provision of weapons or

1 weapons-related technologies or weapons-related
2 training”;

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

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

9 (5) by adding at the end the following new
10 paragraph:

11 “(5) The cooperation of the Government of
12 Belarus with any foreign government or organization
13 for purposes related to the censorship or surveillance
14 of the Internet, or the purchase or receipt by the
15 Government of Belarus of any technology or training
16 from any foreign government or organization for
17 purposes related to the censorship or surveillance of
18 the Internet.”.

19 **SEC. 6. DEFINITIONS.**

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

23 (1) in paragraph (1), by striking “Committee
24 on International Relations” and inserting “Com-
25 mittee on Foreign Affairs”; and

1 (2) in paragraph (3)—

2 (A) in subparagraph (B)(i), by striking
3 “and prosecutors” and inserting “, prosecutors,
4 and heads of professional associations and edu-
5 cational institutions”; and

6 (B) in subparagraph (C), by striking
7 “Lukashenka regime” and inserting “Govern-
8 ment of Belarus”.

9 **SEC. 7. FUNDING FOR REPORT.**

10 The requirement to prepare and transmit the report
11 required under section 8 of the Belarus Democracy Act
12 of 2004 (Public Law 109–480; 22 U.S.C. 5811 note), as
13 amended by section 5 of this Act, shall be performed with-
14 in current levels of authorized and appropriated funding.