

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 515
OFFERED BY MR. SMITH OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Belarus Democracy
3 and Human Rights Act of 2011”.

4 SEC. 2. FINDINGS; STATEMENT OF POLICY.

5 Sections 2 and 3 of the Belarus Democracy Act of
6 2004 (Public Law 109–480; 22 U.S.C. 5811 note) is
7 amended to read as follows:

8 “SEC. 2. FINDINGS.

9 “Congress finds the following:

10 “(1) The Government of Belarus has engaged
11 in a pattern of clear and uncorrected violations of
12 human rights and fundamental freedoms.

13 “(2) The Government of Belarus has engaged
14 in a pattern of clear and uncorrected violations of
15 basic principles of democratic governance, including
16 through a series of fundamentally flawed presi-
17 dential and parliamentary elections undermining the

1 legitimacy of executive and legislative authority in
2 that country.

3 “(3) The Government of Belarus has subjected
4 thousands of pro-democratic political activists to
5 harassment, beatings, and jailings, particularly as a
6 result of their attempts to peacefully exercise their
7 right to freedom of assembly and association.

8 “(4) The Government of Belarus has attempted
9 to maintain a monopoly over the country’s informa-
10 tion space, targeting independent media, including
11 independent journalists, for systematic reprisals and
12 elimination, while suppressing the right to freedom
13 of speech and expression of those dissenting from
14 the dictatorship of Aleksandr Lukashenka, and
15 adopted laws restricting the media, including the
16 Internet, in a manner inconsistent with international
17 human rights agreements.

18 “(5) The Government of Belarus continues a
19 systematic campaign of harassment, repression, and
20 closure of nongovernmental organizations, including
21 independent trade unions and entrepreneurs, and
22 this crackdown has created a climate of fear that in-
23 hibits the development of civil society and social soli-
24 darity.

1 “(6) The Government of Belarus has subjected
2 leaders and members of select ethnic and religious
3 minorities to harassment, including the imposition of
4 heavy fines and denying permission to meet for reli-
5 gious services, sometimes by selective enforcement of
6 the 2002 Belarus religion law.

7 “(7) The Government of Belarus has attempted
8 to silence dissent by persecuting human rights and
9 pro-democracy activists with threats, firings, expul-
10 sions, beatings and other forms of intimidation, and
11 restrictions on freedom of movement and prohibition
12 of international travel.

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

21 “(9) The Government of Belarus has failed to
22 make a convincing effort to solve the cases of dis-
23 appeared opposition figures Yuri Zakharenka, Viktor
24 Gonchar, and Anatoly Krasovsky and journalist
25 Dmitry Zavadsky, even though credible allegations

1 and evidence links top officials of the Government to
2 these disappearance.

3 “(10) The Government of Belarus has re-
4 stricted freedom of expression on the Internet by re-
5 quiring Internet Service Providers to maintain data
6 on Internet users and the sites they view and to pro-
7 vide such data to officials upon request, and by cre-
8 ating a government body with the authority to re-
9 quire Internet Service Providers to block Web sites.

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

15 “(12) After the December 19, 2010, presi-
16 dential election the Government of Belarus re-
17 sponded to opposition protests by beating scores of
18 protestors and detaining more than 600 peaceful
19 protestors.

20 “(13) After the December 19, 2010, presi-
21 dential election the Government of Belarus jailed
22 seven of the nine opposition presidential candidates
23 and abused the process of criminal prosecution to
24 persecute them.

1 “(14) After the December 19, 2010, presi-
2 dential election, the Government of Belarus dis-
3 rupted independent broadcast and Internet media,
4 and engaged in repressive actions against inde-
5 pendent journalists.

6 “(15) After the December 19, 2010, presi-
7 dential election, Belarusian security services and po-
8 lice conducted raids targeting civil society groups,
9 individual pro-democracy activists, and independent
10 media.

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

14 “(17) After the December 19, 2010, presi-
15 dential election, opposition candidates and activists
16 have been persecuted and detainees have been phys-
17 ically mistreated, and denied access to family, de-
18 fense counsel, medical treatment, and open legal
19 proceedings.

20 “(18) After the December 19, 2010, presi-
21 dential election, lawyers representing those facing
22 criminal charges related to the post-election protest
23 have been subjected to the revocation of licenses,
24 disbarment, and other forms of pressure.

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

4 “(20) After the December 19, 2010, presi-
5 dential election, the United States and European
6 Union imposed targeted travel and financial sanc-
7 tions on an expanded list of officials of the Govern-
8 ment of Belarus.

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

14 “(22) After the December 19, 2010, presi-
15 dential election, the United States has engaged in
16 assistance efforts to provide legal and humanitarian
17 assistance to those facing repression and preserving
18 access to independent information, and has pledged
19 resources to support human rights advocates, trade
20 unions, youth and environmental groups, business
21 associations, think-tanks, democratic political parties
22 and movements, independent journalists, newspapers
23 and electronic media operating both inside Belarus
24 and broadcasting from its neighbors, and to support
25 access of Belarusian students to independent higher

1 education and expand exchange programs for busi-
2 ness and civil society leaders.

3 “(23) The Department of State, the Depart-
4 ment of the Treasury, and other executive branch
5 agencies have heretofore made effective use of this
6 Act to promote the purposes of this Act, as stated
7 in section 3 of this Act.

8 **“SEC. 3. STATEMENT OF POLICY.**

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

10 “(1) condemn the conduct of the December 19,
11 2010, presidential election and crackdown on opposi-
12 tion candidates, political leaders, and activists, civil
13 society representatives, and journalists;

14 “(2) continue to call for the immediate release
15 without preconditions of all political prisoners in
16 Belarus, including all those individuals detained in
17 connection with the December 19, 2010, presidential
18 election;

19 “(3) continue to support the aspirations of the
20 people of Belarus for democracy, human rights, and
21 the rule of law;

22 “(4) continue to support the aspirations of the
23 people of Belarus to preserve the independence and
24 sovereignty of their country;

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

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

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

13 “(8) continue to call for a full accounting of the
14 disappearances of opposition leaders and journalists
15 in Belarus, including Victor Gonchar, Anatoly
16 Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky,
17 and the prosecution of those individuals who are in
18 any way responsible for the disappearance of those
19 opposition leaders and journalists;

20 “(9) continue to work closely with the Euro-
21 pean Union and other countries and international
22 organizations, to promote the conditions necessary
23 for the integration of Belarus into the European
24 family of democracies;

1 “(10) call on the International Ice Hockey Fed-
2 eration to suspend its plan to hold the 2014 Inter-
3 national World Ice Hockey championship in Minsk
4 until the Government of Belarus releases all political
5 prisoners; and

6 “(11) remain open to reevaluating United
7 States policy toward Belarus as warranted by de-
8 monstrable progress made by the Government of
9 Belarus consistent with the aims of this Act as stat-
10 ed in this section.”.

11 **SEC. 3. RADIO AND TELEVISION BROADCASTING TO**
12 **BELARUS.**

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

16 **“SEC. 5. RADIO, TELEVISION, AND INTERNET BROAD-**
17 **CASTING TO BELARUS.**

18 “It is the sense of Congress that the President should
19 continue to support radio, television, and Internet broad-
20 casting to the people of Belarus in languages spoken in
21 Belarus, by Radio Free Europe/Radio Liberty, the Voice
22 of America, European Radio for Belarus, and Belsat.”.

1 **SEC. 4. SANCTIONS AGAINST THE GOVERNMENT OF**
2 **BELARUS.**

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

6 (1) in subsection (b)—

7 (A) in paragraph (1), by inserting “or ex-
8 pression, including those individuals jailed
9 based on political beliefs or expression in con-
10 nection with repression that attended the presi-
11 dential election of December 19, 2010” before
12 the period at the end;

13 (B) in paragraph (2), by inserting “, in-
14 cluding politically motivated legal charges made
15 in connection with repression that attended the
16 presidential election of December 19, 2010” be-
17 fore the period at the end;

18 (C) in paragraph (5), by inserting “and
19 violations of human rights, including violations
20 of human rights committed in connection with
21 the presidential election of December 19, 2010”
22 before the period at the end; and

23 (D) in paragraph (7), by striking “inter-
24 nationally recognized observers” and inserting
25 “OSCE observers”;

26 (2) in subsection (c)—

- 1 (A) in paragraph (2)—
- 2 (i) by striking “subparagraph (A)”
- 3 and inserting “paragraph (1)”; and
- 4 (ii) by striking “or” at the end;
- 5 (B) in paragraph (3), by striking the pe-
- 6 riod at the end and inserting a semicolon; and
- 7 (C) by adding at the end the following new
- 8 paragraphs:
- 9 “(4) is a member of any branch of the security
- 10 or law enforcement services of Belarus and has par-
- 11 ticipated in the violent crackdown on opposition
- 12 leaders, journalists, and peaceful protestors that oc-
- 13 curred in connection with the presidential election of
- 14 December 19, 2010; or
- 15 “(5) is a member of any branch of the security
- 16 or law enforcement services of Belarus and has par-
- 17 ticipated in the persecution or harassment of reli-
- 18 gious groups, human rights defenders, democratic
- 19 opposition groups, or independent media or journal-
- 20 ists.”;
- 21 (3) in subsection (e), by striking “of each inter-
- 22 national financial institution to which” and inserting
- 23 “at each international financial institution of
- 24 which”; and

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

4 **SEC. 5. REPORT.**

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

8 (1) in the matter preceding paragraph (1), by
9 striking “this Act” and inserting “the Belarus De-
10 mocracy and Human Rights Act of 2011”;

11 (2) in paragraph (1), by striking “sale or deliv-
12 ery of weapons or weapons-related technologies” and
13 inserting “sale or delivery or provision of weapons or
14 weapons-related technologies or weapons-related
15 training”;

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

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

22 (5) by adding at the end the following new
23 paragraph:

24 “(5) The cooperation of the Government of
25 Belarus with any foreign government or organization

1 for purposes related to the censorship or surveillance
2 of the Internet, or the purchase or receipt by the
3 Government of Belarus of any technology or training
4 from any foreign government or organization for
5 purposes related to the censorship or surveillance of
6 the Internet.”.

7 **SEC. 6. DEFINITIONS.**

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

11 (1) in paragraph (1), by striking “Committee
12 on International Relations” and inserting “Com-
13 mittee on Foreign Affairs”; and

14 (2) in paragraph (3)—

15 (A) in subparagraph (B)(i), by striking
16 “and prosecutors” and inserting “, prosecutors,
17 and heads of professional associations and edu-
18 cational institutions”; and

19 (B) in subparagraph (C), by striking
20 “Lukashenka regime” and inserting “Govern-
21 ment of Belarus”.

22 **SEC. 7. FUNDING FOR REPORT.**

23 The requirement to prepare and transmit the report
24 required under section 8 of the Belarus Democracy Act
25 of 2004 (Public Law 109–480; 22 U.S.C. 5811 note), as

1 amended by section 5 of this Act, shall be performed with-
2 in current levels of authorized and appropriated funding.

