

112TH CONGRESS
1ST SESSION

S. 735

To reauthorize the Belarus Democracy Act of 2004.

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 2011

Mr. KERRY introduced the following bill; which was read twice and referred
to the Committee on Foreign Relations

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.**

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

10 **“SEC. 2. FINDINGS.**

11 “Congress makes the following findings:

1 “(1) The United States Government supports a
2 prosperous and democratic Belarus that upholds the
3 rule of law and respects the fundamental rights of
4 its citizens, including rights to freedom of assembly,
5 association, and expression.

6 “(2) The United States Government remains
7 committed to the sovereignty and independence of
8 the Republic of Belarus and supports its integration
9 into the Euro-Atlantic community of nations.

10 “(3) The Government of Belarus has engaged
11 in a pattern of clear and systematic abuse of state
12 authority, including through a series of fraudulent
13 elections that have undermined the democratic pro-
14 cess and deprived the people of Belarus of a voice in
15 the conduct of public affairs.

16 “(4) The Government of Belarus has subjected
17 thousands of political activists, civil society rep-
18 resentatives, and independent journalists to harass-
19 ment and intimidation, creating a climate of fear
20 that has weakened the bond of trust between the
21 people of Belarus and their government.

22 “(5) On December 19, 2010, the Government
23 of Belarus conducted flawed and undemocratic presi-
24 dential elections that were marred by significant
25 misconduct, including—

1 “(A) the detention of numerous opposition
2 and civil society representatives;

3 “(B) the use of disproportionate force
4 against pro-democracy political activists, jour-
5 nalists, and opposition candidates; and

6 “(C) the disruption of independent broad-
7 cast and Internet media, including Gmail,
8 Hotmail, Charter97.org, euroradio.by,
9 gazetaby.com, and zapraudu.info.

10 “(6) After the December 19, 2010, presidential
11 election, the Government of Belarus detained or ar-
12 rested more than 600 political activists, journalists,
13 civil society representatives, and seven of the nine
14 presidential candidates, depriving them of their lib-
15 erty, access to legal counsel, and communication
16 with their families.

17 “(7) After the December 19, 2010, presidential
18 election, security services of the Government of
19 Belarus conducted raids at the offices and homes of
20 journalists, political activists, and civil society rep-
21 resentatives, including searches and seizures of
22 equipment at opposition and non-governmental orga-
23 nizations, effectively curtailing their ability to oper-
24 ate.

1 “(8) After the December 19, 2010, presidential
2 election, Belarus officials initiated criminal pro-
3 ceedings against an estimated 40 defendants, dis-
4 barred several opposition defense lawyers, and closed
5 the Organization for Security and Cooperation
6 (OSCE) Office in Minsk, violating its commitment
7 as a participating state of the Organization for Se-
8 curity and Cooperation.

9 “(9) On March 17, 2011, the Senate passed
10 unanimously Senate Resolution 105, condemning the
11 December 19, 2010, presidential election as ‘illegit-
12 imate, fraudulent, and not representative of the will
13 or the aspirations of the voters in Belarus’.”.

14 **SEC. 3. STATEMENT OF POLICY.**

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

18 **“SEC. 3. STATEMENT OF POLICY.**

19 “‘It is the policy of the United States—

20 “(1) to continue its support of those in the Re-
21 public of Belarus seeking—

22 “(A) to promote representative govern-
23 ment, human rights, and the rule of law and to
24 preserve and strengthen the sovereignty and
25 independence of Belarus; and

1 “(B) to promote the integration of Belarus
2 into the Euro-Atlantic community of nations;

3 “(2) to commend the democratic opposition in
4 Belarus for their commitment to fundamental
5 human freedoms, their courage in the face of
6 authoritarianism and repression, and their struggle
7 to forge a vibrant civil society, which is the founda-
8 tion for the institutions of democratic governance;

9 “(3) to condemn the conduct of the December
10 19, 2010, presidential election in Belarus and violent
11 crackdown on opposition candidates, political activ-
12 ists, journalists, and civil society representatives;

13 “(4) to call on the Government of Belarus to
14 release immediately all those who have been unjustly
15 detained for exercising their basic rights;

16 “(5) to continue to refuse to accept as legiti-
17 mate the results of the December 19, 2010, presi-
18 dential election, and to support calls for new presi-
19 dential and parliamentary elections that are free,
20 fair, and consistent with the obligations of the Re-
21 public of Belarus as a participating state of the Or-
22 ganization for Security and Cooperation;

23 “(6) to support the continued application of
24 targeted European Union and United States sanc-
25 tions, including both visa bans and asset freezes,

1 against officials and responsible associates in
2 Belarus until such time as the Government of
3 Belarus treats its people with the dignity and re-
4 spect they deserve;

5 “(7) to call upon other members of the inter-
6 national community, including the Government of
7 the Russian Federation, to use their influence in
8 Belarus to promote the purposes of this Act;

9 “(8) to expand both material and technical as-
10 sistance to the people of Belarus and to Belarusian
11 civil society, including—

12 “(A) support for strengthening regional
13 independent media in Belarus;

14 “(B) support for strengthening online
15 independent media, to include creating mobile-
16 friendly content and multimedia content; and

17 “(C) support for expanding the capacity of
18 non-government organizations and civil society
19 in Belarus, with a focus on reaching women and
20 youth;

21 “(9) to continue to coordinate our actions with
22 the European Union and other countries and inter-
23 national organizations to promote the democratic de-
24 velopment of the Republic of Belarus and its inte-

1 gration into the Euro-Atlantic community of nations;
2 and

3 “(10) to remain open to reevaluating United
4 States policy toward Belarus as warranted and pro-
5 vided that all political prisoners detained arbitrarily
6 as a result of the presidential elections of December
7 19, 2010, are released.”.

8 **SEC. 4. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL**
9 **SOCIETY IN BELARUS.**

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

13 (1) in subsection (b)—

14 (A) by striking “primarily for indigenous”
15 and inserting “for independent, indigenous”;
16 and

17 (B) by inserting “and that are capable of
18 absorbing international assistance” before the
19 period at the end;

20 (2) in subsection (c)—

21 (A) by amending paragraph (1) to read as
22 follows:

23 “(1) facilitating the development of inde-
24 pendent, indigenous print, radio, television, and

1 Internet broadcasting working within Belarus and
2 from locations outside Belarus;” and

3 (3) in subsection (d)(1), by striking “such sums
4 as may be necessary for each of the fiscal years
5 2007 and 2008” and inserting “such sums as may
6 be necessary for each of fiscal years 2012 through
7 2014”.

8 **SEC. 5. RADIO AND TELEVISION BROADCASTING TO**
9 **BELARUS.**

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

13 **“SEC. 5. RADIO, TELEVISION, AND INTERNET BROAD-**
14 **CASTING TO BELARUS.**

15 “It is the sense of Congress that the President should
16 continue to support Radio Free Europe/Radio Liberty and
17 Voice of America broadcasting to the people of Belarus
18 to ensure access to objective and timely information about
19 domestic and global public affairs.”.

20 **SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF**
21 **BELARUS.**

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

1 (1) in paragraph (1), by inserting “or expres-
2 sion, including those individuals jailed based on po-
3 litical beliefs or expression in connection with the
4 presidential election of December 19, 2010” before
5 the period at the end;

6 (2) in paragraph (2), by inserting “, including
7 politically motivated legal charges made in connec-
8 tion with the presidential election of December 19,
9 2010” before the period at the end; and

10 (3) in paragraph (5), by inserting “and
11 abridgements of fundamental freedoms, including
12 abridgements of fundamental freedoms committed in
13 connection with the presidential election of Decem-
14 ber 19, 2010” before the period at the end.

15 **SEC. 7. REPORT.**

16 Section 8(a) of the Belarus Democracy Act of 2004
17 (Public Law 109–480; 22 U.S.C. 5811 note) is amended
18 in the matter preceding paragraph (1)—

19 (1) by striking “this Act” and inserting “the
20 Belarus Democracy Reauthorization Act of 2011”;
21 and

22 (2) by inserting “and the Commission on Secu-
23 rity and Cooperation in Europe” after “appropriate
24 congressional committees”.

1 **SEC. 8. DEFINITIONS.**

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

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

8 (2) in paragraph (3)(C), by striking
9 “Lukashenka regime” and inserting “Government of
10 Belarus”.

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