

113TH CONGRESS
2D SESSION

H. R. 4229

To seek international sanctions against the Government of Venezuela with respect to foreign persons responsible for or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Venezuela, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2014

Ms. ROS-LEHTINEN (for herself, Mr. DIAZ-BALART, Mr. SIRES, Mr. SALMON, Ms. WASSERMAN SCHULTZ, Mr. DESANTIS, Mr. DEUTCH, Mr. GARCIA, Mr. BILIRAKIS, and Ms. FRANKEL of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, 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 seek international sanctions against the Government of Venezuela with respect to foreign persons responsible for or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Venezuela, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Venezuelan Liberty
3 and Democratic Solidarity Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Affairs of
10 the House of Representatives; and

11 (B) the Committee on Foreign Relations of
12 the Senate.

13 (2) **SENSITIVE TECHNOLOGY.**—

14 (A) **IN GENERAL.**—The term “sensitive
15 technology” means hardware, software, tele-
16 communications equipment, or any other tech-
17 nology that the President determines is to be
18 used specifically to—

19 (i) restrict the free flow of unbiased
20 information; or

21 (ii) disrupt, monitor, or otherwise re-
22 strict freedom of speech.

23 (B) **EXCEPTION.**—The term “sensitive
24 technology” does not include information or in-
25 formational materials the exportation of which

1 the President does not have the authority to
2 regulate.

3 **SEC. 3. FINDINGS.**

4 Congress finds the following—

5 (1) On February 12, 2014, also known in Ven-
6 ezuela as the National Youth Day, students began
7 protesting in several cities against Venezuelan leader
8 Nicolás Maduro’s inability to stem violent crime, his
9 undemocratic actions, and a rapidly deteriorating
10 economy marked by high inflation and shortages of
11 consumer goods.

12 (2) On February 12, 2014, a judge issued an
13 arrest warrant for Leopoldo López, leader of the op-
14 position party Voluntad Popular, for unfounded alle-
15 gations in connection with the student protests.

16 (3) On February 17, 2014, the Government of
17 Venezuela notified the United States Department of
18 State that it had declared 3 consular officers at the
19 United States Embassy in Venezuela *personae non*
20 *gratae*.

21 (4) On February 18, 2014, opposition leader
22 Leopoldo López turned himself in to Venezuelan au-
23 thorities, was arrested, and unjustly charged with
24 criminal incitement, conspiracy, arson, and intent to
25 damage property.

1 (5) Leopoldo López is currently being held in a
2 prison at a military facility.

3 (6) Nongovernmental human rights organiza-
4 tions have alleged that the charges brought against
5 Leopoldo López appear to be a politically motivated
6 attempt to silence dissent in the country.

7 (7) As of March 13, 2014, there have been 24
8 people killed, over 100 injured, and many persons
9 unjustly detained in relation to pro-democracy dem-
10 onstrations throughout Venezuela.

11 (8) On February 19, 2014, President Obama
12 criticized the Government of Venezuela for arresting
13 protesters, called for their release, and urged the
14 government to focus on the “legitimate grievances of
15 the Venezuelan people”.

16 (9) According to the Department of State’s
17 Country Reports on Human Rights Practices for
18 2013 for Venezuela, “The principal human rights
19 abuses reported during the year included corruption,
20 politicization in the judicial system, and government
21 actions to impede freedom of expression and restrict
22 freedom of the press. The government did not re-
23 spect judicial independence or permit judges to act
24 according to the law without fear of retaliation. The
25 government used the judiciary to intimidate and se-

1 lectively prosecute political, union, business, and civil
2 society leaders who were critical of government poli-
3 cies or actions. The government harassed and intimi-
4 dated privately owned television stations, other
5 media outlets, and journalists throughout the year,
6 using threats, fines, property seizures, targeted reg-
7 ulations, arrests, and criminal investigations and
8 prosecutions.”.

9 (10) According to the Department of State’s
10 Country Reports on Human Rights Practices for
11 2013 for Venezuela, “The following human rights
12 problems were reported by NGOs, the media, and in
13 some cases the government itself: unlawful killings,
14 including summary killings by police elements; tor-
15 ture and other cruel, inhumane, or degrading treat-
16 ment; harsh and life-threatening prison conditions
17 and lack of due process rights that contributed to
18 widespread violence, riots, injuries, and deaths in
19 prisons; inadequate juvenile detention centers; arbi-
20 trary arrests and detentions; corruption and impu-
21 nity in police forces; political prisoners; interference
22 with privacy rights; corruption at all levels of gov-
23 ernment; threats against domestic NGOs; violence
24 against women; anti-Semitism in the official media;
25 trafficking in persons; violence based on sexual ori-

1 entation and gender identity; and restrictions on
2 workers' right of association.”.

3 (11) According to Freedom House's Freedom in
4 the World report of 2013 on Venezuela, “Nicolás
5 Maduro, further weakened the independent media,
6 reduced the opposition's ability to serve as a check
7 on government policy, and made threats to civil soci-
8 ety groups.”.

9 **SEC. 4. ACTIONS AT THE ORGANIZATION OF AMERICAN**
10 **STATES.**

11 The Secretary of State shall direct the United States
12 Permanent Representative to the Organization of Amer-
13 ican States to use the voice, vote, and influence of the
14 United States at the Organization of American States to
15 defend and protect the Inter-American Democratic Char-
16 ter, and strengthen the independent Inter-American Com-
17 mission on Human Rights to advance the protection of
18 human rights throughout the Western Hemisphere, espe-
19 cially in Venezuela.

1 **SEC. 5. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS**
2 **WHO ARE RESPONSIBLE FOR OR COMPLICIT**
3 **IN HUMAN RIGHTS ABUSES COMMITTED**
4 **AGAINST CITIZENS OF VENEZUELA OR THEIR**
5 **FAMILY MEMBERS.**

6 (a) IN GENERAL.—The President shall impose sanc-
7 tions described in subsection (c) with respect to each per-
8 son on the list required by subsection (b).

9 (b) LIST OF PERSONS WHO ARE RESPONSIBLE FOR
10 OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of the enactment of this Act, the President
13 shall transmit to the appropriate congressional com-
14 mittees a list of persons who are officials of the Gov-
15 ernment of Venezuela or persons acting on behalf of
16 the Government of Venezuela, who the President de-
17 termines, based on credible evidence, are responsible
18 for or complicit in, or responsible for ordering, con-
19 trolling, or otherwise directing, the commission of
20 serious human rights abuses against citizens of Ven-
21 ezuela or their family members.

22 (2) UPDATES OF LIST.—The President shall
23 transmit to the appropriate congressional commit-
24 tees an updated list under paragraph (1)—

25 (A) not later than 180 days after the date
26 of the enactment of this Act; and

1 (B) as new information becomes available.

2 (3) PUBLIC AVAILABILITY.—The list required
3 under paragraph (1) shall be made available to the
4 public and posted on the Web sites of the Depart-
5 ment of the Treasury and the Department of State.

6 (4) CONSIDERATION OF DATA FROM OTHER
7 COUNTRIES AND NONGOVERNMENTAL ORGANIZA-
8 TIONS.—In preparing the list required under para-
9 graph (1), the President may consider credible data
10 already obtained by other countries and nongovern-
11 mental organizations, including organizations in
12 Venezuela, that monitor the human rights abuses of
13 the Government of Venezuela.

14 (c) SANCTIONS DESCRIBED.—The sanctions de-
15 scribed in this subsection are ineligibility for a visa to
16 enter the United States and sanctions pursuant to the
17 International Emergency Economic Powers Act (50
18 U.S.C. 1701 et seq.), including blocking of property and
19 restrictions or prohibitions on financial transactions and
20 the exportation and importation of property, subject to
21 such regulations as the President may prescribe, including
22 regulatory exceptions to permit the United States to com-
23 ply with the Agreement between the United Nations and
24 the United States of America regarding the Headquarters
25 of the United Nations, signed June 26, 1947, and entered

1 into force November 21, 1947, and other applicable inter-
2 national obligations.

3 (d) TERMINATION OF SANCTIONS.—The provisions of
4 this section shall terminate on the date on which the Presi-
5 dent determines and certifies to the appropriate congres-
6 sional committees that Venezuela has—

7 (1) unconditionally released all political pris-
8 oners and opposition leaders;

9 (2) ceased violence, unlawful detention, torture,
10 and abuse of its citizens;

11 (3) cooperated fully with an independent inves-
12 tigation into the killings, arrests, and abuse of
13 peaceful political activists and prosecuted the indi-
14 viduals responsible for such killings, arrests, and
15 abuse; and

16 (4) ceased infringing on freedom of expression
17 and attacking independent media.

18 **SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO THE**
19 **TRANSFER OF GOODS OR TECHNOLOGIES TO**
20 **VENEZUELA THAT ARE LIKELY TO BE USED**
21 **TO COMMIT HUMAN RIGHTS ABUSES.**

22 (a) IN GENERAL.—The President shall impose sanc-
23 tions described in section 5(c) with respect to each person
24 on the list required under subsection (b) of this section.

25 (b) LIST.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the President
3 shall transmit to the appropriate congressional com-
4 mittees a list of persons who the President deter-
5 mines have knowingly engaged in an activity de-
6 scribed in paragraph (2) on or after such date of en-
7 actment.

8 (2) ACTIVITY DESCRIBED.—

9 (A) IN GENERAL.—A person engages in an
10 activity described in this paragraph if the per-
11 son—

12 (i) transfers, or facilitates the transfer
13 of, goods or technologies described in sub-
14 paragraph (C) to Venezuela, any entity or-
15 ganized under the laws of Venezuela, or
16 any national of Venezuela, for use in or
17 with respect to Venezuela; or

18 (ii) provides services (including serv-
19 ices relating to hardware, software, and
20 specialized information, and professional
21 consulting, engineering, and support serv-
22 ices) with respect to goods or technologies
23 described in subparagraph (C) after such
24 goods or technologies are transferred to
25 Venezuela.

1 (B) APPLICABILITY TO CONTRACTS AND
2 OTHER AGREEMENTS.—A person engages in an
3 activity described in subparagraph (A) without
4 regard to whether the activity is carried out
5 pursuant to a contract or other agreement en-
6 tered into before, on, or after the date of the
7 enactment of this Act.

8 (C) GOODS OR TECHNOLOGIES DE-
9 SCRIBED.—Goods or technologies described in
10 this subparagraph are goods or technologies
11 that the President determines are likely to be
12 used by the Government of Venezuela or any of
13 the agencies or instrumentalities of the Govern-
14 ment of Venezuela (or by any other person on
15 behalf of the Government of Venezuela or any
16 of such agencies or instrumentalities) to commit
17 serious human rights abuses against the people
18 of Venezuela, including—

19 (i) firearms or ammunition (as such
20 terms are defined in section 921 of title
21 18, United States Code), rubber bullets,
22 police batons, pepper or chemical sprays,
23 stun grenades, electroshock weapons, tear
24 gas, water cannons, or surveillance tech-
25 nology; or

1 (ii) sensitive technology (as defined in
2 section 2(3)).

3 (3) SPECIAL RULE TO ALLOW FOR TERMI-
4 NATION OF SANCTIONABLE ACTIVITY.—The Presi-
5 dent shall not be required to include a person on the
6 list required under paragraph (1) if the President
7 certifies in writing to the appropriate congressional
8 committees that—

9 (A) the person is no longer engaging in, or
10 has taken significant verifiable steps toward
11 stopping, the activity described in paragraph
12 (2) for which the President would otherwise
13 have included the person on the list; and

14 (B) the President has received reliable as-
15 surances that such person will not knowingly
16 engage in any activity described in such para-
17 graph (2) in the future.

18 (4) UPDATES OF LIST.—The President shall
19 transmit to the appropriate congressional commit-
20 tees an updated list under paragraph (1)—

21 (A) not later than 180 days after the date
22 of the enactment of this Act; and

23 (B) as new information becomes available.

24 (5) FORM OF LIST; PUBLIC AVAILABILITY.—

1 (A) FORM.—The list required under para-
2 graph (1) shall be submitted in unclassified
3 form but may contain a classified annex.

4 (B) PUBLIC AVAILABILITY.—The unclassi-
5 fied portion of the list required under para-
6 graph (1) shall be made available to the public
7 and posted on the Web sites of the Department
8 of the Treasury and the Department of State.

9 **SEC. 7. IMPOSITION OF SANCTIONS WITH RESPECT TO PER-**
10 **SONS WHO ENGAGE IN CENSORSHIP OR**
11 **OTHER RELATED ACTIVITIES AGAINST CITI-**
12 **ZENS OF VENEZUELA.**

13 (a) IN GENERAL.—The President shall impose sanc-
14 tions described in section 5(c) with respect to each person
15 on the list required under subsection (b) of this section.

16 (b) LIST OF PERSONS WHO ENGAGE IN CENSOR-
17 SHIP.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of the enactment of this Act, the President
20 shall transmit to the appropriate congressional com-
21 mittees a list of persons who the President deter-
22 mines have engaged in censorship or other activities
23 with respect to Venezuela that—

1 (A) prohibit, limit, or penalize the exercise
2 of freedom of expression or assembly by citizens
3 of Venezuela; or

4 (B) limit access to print or broadcast
5 media, including the facilitation or support of
6 intentional frequency manipulation by the Gov-
7 ernment of Venezuela or an entity owned or
8 controlled by the Government of Venezuela that
9 would jam or restrict an international signal.

10 (2) UPDATES OF LIST.—The President shall
11 transmit to the appropriate congressional commit-
12 tees an updated list under paragraph (1)—

13 (A) not later than 180 days after the date
14 of the enactment of this Act; and

15 (B) as new information becomes available.

16 (3) FORM OF LIST; PUBLIC AVAILABILITY.—

17 (A) FORM.—The list required under para-
18 graph (1) shall be submitted in unclassified
19 form but may contain a classified annex.

20 (B) PUBLIC AVAILABILITY.—The unclassi-
21 fied portion of the list required under para-
22 graph (1) shall be made available to the public
23 and posted on the Web sites of the Department
24 of the Treasury and the Department of State.

1 **SEC. 8. STATEMENT OF POLICY ON REDUCTION IN IMPOR-**
2 **TATION OF PETROLEUM AND PETROLEUM**
3 **PRODUCTS OF VENEZUELAN ORIGIN.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) On May 24, 2011, the United States Gov-
6 ernment decided to impose sanctions on the state-
7 owned oil company of Venezuela called Petroleos de
8 Venezuela (PDVSA) under the Iran Sanctions Act
9 of 1996 (Public Law 104–172; 50 U.S.C. 1701
10 note), for delivering at least two cargoes of refor-
11 mate to Iran between December 2010 and March
12 2011, worth approximately \$50,000,000.

13 (2) In 2012, Venezuela was the fourth largest
14 foreign supplier of crude oil to the United States.

15 (3) In 2012, the United States imported less
16 barrels of total crude oil than in 2005.

17 (4) According to the U.S. Energy Information
18 Administration, the United States imported approxi-
19 mately 24,000 barrels per day from Venezuela in
20 2013, compared to 29,000 barrels per day in 2012,
21 a 17 percent decrease, and imports from Venezuela
22 have fallen by nearly half since 2004.

23 (b) STATEMENT OF POLICY.—It should be the policy
24 of the United States to reduce petroleum imports from
25 Venezuela in order to prevent its leader Nicolás Maduro
26 from using the profits from the sale of petroleum to fund

1 his regime’s oppression and human rights violations
2 against the people of Venezuela, and to continue the exist-
3 ing downward trend of petroleum imports from Venezuela.

4 **SEC. 9. COMPREHENSIVE STRATEGY TO PROMOTE INTER-**
5 **NET FREEDOM AND ACCESS TO INFORMA-**
6 **TION.**

7 Not later than 90 days after the date of the enact-
8 ment of this Act, the Secretary of State, in consultation
9 with heads of other Federal departments and agencies, as
10 appropriate, shall submit to the appropriate congressional
11 committees a comprehensive strategy to—

12 (1) assist the people Venezuela to produce, ac-
13 cess, and share information freely and safely via the
14 Internet;

15 (2) increase the capabilities and availability of
16 secure mobile and other communications through
17 connective technology among human rights and de-
18 mocracy activists in Venezuela;

19 (3) provide resources for digital safety training
20 for media and academic and civil society organiza-
21 tions in Venezuela;

22 (4) increase emergency resources for the most
23 vulnerable human rights advocates seeking to orga-
24 nize, share information, and support human rights
25 in Venezuela;

1 (5) expand surrogate radio, television, live
2 stream, and social network communications inside
3 Venezuela;

4 (6) expand activities to safely assist and train
5 human rights, civil society, and democracy activists
6 in Venezuela to operate effectively and securely;

7 (7) expand access to proxy servers for democ-
8 racy activists in Venezuela; and

9 (8) discourage telecommunications and software
10 companies from facilitating Internet censorship by
11 the Government of Venezuela.

12 **SEC. 10. COMPREHENSIVE STRATEGY TO ENSURE THAT**
13 **VENEZUELA WILL UPHOLD DEMOCRATIC**
14 **PRINCIPLES.**

15 Not later than 90 days after the date of the enact-
16 ment of this Act, the Secretary of State shall submit to
17 the appropriate congressional committees a comprehensive
18 strategy to ensure that the Government of Venezuela will
19 uphold—

20 (1) free, fair, and transparent elections—

21 (A) conducted under the supervision of
22 internationally recognized observers; and

23 (B) in which—

1 (i) opposition parties were permitted
2 ample time to organize and campaign for
3 such elections; and

4 (ii) all candidates were permitted full
5 access to the media;

6 (2) are showing respect for the basic civil lib-
7 erties and human rights of the citizens of Venezuela;

8 (3) are substantially moving toward a market-
9 oriented economic systems based on the right to own
10 and enjoy property;

11 (4) are committed to making constitutional
12 changes that would ensure regular free and fair elec-
13 tions and the full enjoyment of basic civil liberties
14 and human rights by the citizens of Venezuela; and

15 (5) have made demonstrable progress in estab-
16 lishing independent judiciaries and electoral councils.

17 **SEC. 11. STATEMENT OF POLICY ON POLITICAL PRIS-**
18 **ONERS.**

19 It shall be the policy of the United States—

20 (1) to support efforts to research and identify
21 prisoners of conscience and cases of human rights
22 abuses in Venezuela;

23 (2) to offer refugee status or political asylum in
24 the United States to political dissidents in Venezuela

1 if requested and consistent with the laws and na-
2 tional security interests of the United States;

3 (3) to offer to assist, through the United Na-
4 tions High Commissioner for Refugees, with the re-
5 location of such political prisoners to other countries
6 if requested, as appropriate and with appropriate
7 consideration for the national security interests of
8 the United States; and

9 (4) to publicly call for the release of Venezuelan
10 country dissidents by name and raise awareness with
11 respect to individual cases of Venezuelan country
12 dissidents and prisoners of conscience, as appro-
13 priate and if requested by the dissidents or prisoners
14 themselves or their families.

15 **SEC. 12. SUPPORT FOR CIVIL SOCIETY IN VENEZUELA.**

16 Of the amounts authorized to be appropriated for en-
17 vironmental programs in Ecuador by the United States
18 Agency for International Development, \$3,000,000 shall
19 be made available for assistance to civil society in Ven-
20 ezuela.

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