

113TH CONGRESS
2D SESSION

S. 2142

To impose targeted sanctions on persons responsible for violations of human rights of antigovernment protesters in Venezuela, to strengthen civil society in Venezuela, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2014

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. NELSON, and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To impose targeted sanctions on persons responsible for violations of human rights of antigovernment protesters in Venezuela, to strengthen civil society in 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Venezuela Defense of
5 Human Rights and Civil Society Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The Central Bank of Venezuela and the Na-
2 tional Statistical Institute of Venezuela have stated
3 that the inflation rate in Venezuela was 56.30 per-
4 cent in 2013, the highest level of inflation in the
5 Western Hemisphere and the third highest level of
6 inflation in the world behind South Sudan and
7 Syria.

8 (2) The Central Bank of Venezuela and the
9 Government of Venezuela have imposed a series of
10 currency controls that has exacerbated economic
11 problems and, according to the World Economic
12 Forum, has become the most problematic factor for
13 doing business in Venezuela.

14 (3) The Central Bank of Venezuela and the Na-
15 tional Statistical Institute of Venezuela have de-
16 clared that the scarcity index of Venezuela reached
17 28 percent in December 2013, which signifies that
18 one in 4 basic goods is unavailable at any given
19 time.

20 (4) Since 1999, violent crime in Venezuela has
21 risen sharply and the Venezuelan Violence Observ-
22 atory, an independent nongovernmental organiza-
23 tion, found the national per capita murder rate to be
24 79 per 100,000 people in 2013.

1 (5) The international nongovernmental organi-
2 zation Human Rights Watch recently stated, “Under
3 the leadership of President Chàvez and now Presi-
4 dent Maduro, the accumulation of power in the exec-
5 utive branch and the erosion of human rights guar-
6 antees have enabled the government to intimidate,
7 censor, and prosecute its critics.”.

8 (6) The Country Reports on Human Rights
9 Practices for 2013 of the Department of State main-
10 tained that in Venezuela “the government did not
11 respect judicial independence or permit judges to act
12 according to the law without fear of retaliation” and
13 “the government used the judiciary to intimidate
14 and selectively prosecute political, union, business,
15 and civil society leaders who were critical of govern-
16 ment policies or actions”.

17 (7) The Government of Venezuela has detained
18 foreign journalists and threatened and expelled
19 international media outlets operating in Venezuela,
20 and the international nongovernmental organization
21 Freedom House declared that Venezuela’s “media
22 climate is permeated by intimidation, sometimes in-
23 cluding physical attacks, and strong antimedia rhet-
24 oric by the government is common”.

1 (8) Since February 4, 2014, the Government of
 2 Venezuela has responded to antigovernment protests
 3 with violence and killings perpetrated by public secu-
 4 rity forces, and by arresting and unjustly charging
 5 opposition leader Leopoldo Lopes with criminal in-
 6 citement, conspiracy, arson, and intent to damage
 7 property.

8 (9) As of March 13, 2014, 23 people had been
 9 killed, more than 100 people had been injured, and
 10 dozens had been unjustly detained as a result of
 11 antigovernment demonstrations throughout Ven-
 12 ezuela.

13 **SEC. 3. SENSE OF CONGRESS REGARDING**
 14 **ANTIGOVERNMENT PROTESTS IN VENEZUELA**
 15 **AND THE NEED TO PREVENT FURTHER VIO-**
 16 **LENCE IN VENEZUELA.**

17 It is the sense of Congress that—

18 (1) the United States aspires to a mutually
 19 beneficial relationship with Venezuela based on re-
 20 spect for human rights and the rule of law and a
 21 functional and productive relationship on issues of
 22 public security, including counternarcotics and
 23 counterterrorism;

24 (2) the United States supports the people of
 25 Venezuela in their efforts to realize their full eco-

1 nomic potential and to advance representative de-
2 mocracy, human rights, and the rule of law within
3 their country;

4 (3) the chronic mismanagement by the Govern-
5 ment of Venezuela of its economy has produced con-
6 ditions of economic hardship and scarcity of basic
7 goods and foodstuffs for the people of Venezuela;

8 (4) the failure of the Government of Venezuela
9 to guarantee minimal standards of public security
10 for its citizens has led the country to become one of
11 the most violent in the world;

12 (5) the Government of Venezuela continues to
13 take steps to remove checks and balances on the ex-
14 ecutive, politicize the judiciary, undermine the inde-
15 pendence of the legislature through use of executive
16 decree powers, persecute and prosecute its political
17 opponents, curtail freedom of the press, and limit
18 the free expression of its citizens;

19 (6) the people of Venezuela, responding to on-
20 going economic hardship, high levels of crime and vi-
21 olence, and the lack of basic political rights and indi-
22 vidual freedoms, have turned out in demonstrations
23 in Caracas and throughout the country to protest
24 the inability of the Government of Venezuela to en-

1 sure the political and economic well-being of its citi-
2 zens; and

3 (7) the repeated use of violence perpetrated by
4 the National Guard and security personnel of Ven-
5 ezuela, as well as persons acting on behalf of the
6 Government of Venezuela, in relation to the
7 antigovernment protests that began on February 4,
8 2014, is intolerable and the use of unprovoked vio-
9 lence by protesters is also a matter of serious con-
10 cern.

11 **SEC. 4. UNITED STATES POLICY TOWARD VENEZUELA.**

12 It is the policy of the United States—

13 (1) to support the people of Venezuela in their
14 aspiration to live under conditions of peace and rep-
15 resentative democracy as defined by the Inter-Amer-
16 ican Democratic Charter of the Organization of
17 American States;

18 (2) to work in concert with the other member
19 states within the Organization of American States,
20 as well as the countries of the European Union, to
21 ensure the peaceful resolution of the current situa-
22 tion in Venezuela and the immediate cessation of vi-
23 olence against antigovernment protestors;

24 (3) to hold accountable government and secu-
25 rity officials in Venezuela responsible for or

1 complicit in the use of force in relation to the
 2 antigovernment protests that began on February 4,
 3 2014, and similar future acts of violence; and

4 (4) to continue to support the development of
 5 democratic political processes and independent civil
 6 society in Venezuela.

7 **SEC. 5. SANCTIONS ON PERSONS RESPONSIBLE FOR VIO-**
 8 **LENCE IN VENEZUELA.**

9 (a) IN GENERAL.—The President shall impose the
 10 sanctions described in subsection (b) with respect to any
 11 person, including a current or former official of the Gov-
 12 ernment of Venezuela or a person acting on behalf of that
 13 Government, that the President determines—

14 (1) has perpetrated, or is responsible for order-
 15 ing, controlling, or otherwise directing, significant
 16 acts of violence or serious human rights abuses in
 17 Venezuela against persons associated with the
 18 antigovernment protests in Venezuela that began on
 19 February 4, 2014;

20 (2) has directed or ordered the arrest or pros-
 21 ecution of a person primarily because of the person’s
 22 legitimate exercise of freedom of expression or as-
 23 sembly; or

24 (3) has materially assisted, sponsored, or pro-
 25 vided significant financial, material, or technological

1 support for, or goods or services in support of, the
2 commission of acts described in paragraph (1) or
3 (2).

4 (b) SANCTIONS DESCRIBED.—

5 (1) IN GENERAL.—The sanctions described in
6 this subsection are the following:

7 (A) ASSET BLOCKING.—The exercise of all
8 powers granted to the President by the Inter-
9 national Emergency Economic Powers Act (50
10 U.S.C. 1701 et seq.) to the extent necessary to
11 block and prohibit all transactions in all prop-
12 erty and interests in property of a person deter-
13 mined by the President to be subject to sub-
14 section (a) if such property and interests in
15 property are in the United States, come within
16 the United States, or are or come within the
17 possession or control of a United States person.

18 (B) EXCLUSION FROM THE UNITED
19 STATES AND REVOCATION OF VISA OR OTHER
20 DOCUMENTATION.—In the case of an alien de-
21 termined by the President to be subject to sub-
22 section (a), denial of a visa to, and exclusion
23 from the United States of, the alien, and rev-
24 ocation in accordance with section 221(i) of the
25 Immigration and Nationality Act (8 U.S.C.

1 1201(i)), of any visa or other documentation of
2 the alien.

3 (2) PENALTIES.—A person that violates, at-
4 tempts to violate, conspires to violate, or causes a
5 violation of paragraph (1)(A) or any regulation, li-
6 cense, or order issued to carry out paragraph (1)(A)
7 shall be subject to the penalties set forth in sub-
8 sections (b) and (c) of section 206 of the Inter-
9 national Emergency Economic Powers Act (50
10 U.S.C. 1705) to the same extent as a person that
11 commits an unlawful act described in subsection (a)
12 of that section.

13 (3) EXCEPTION TO COMPLY WITH UNITED NA-
14 TIONS HEADQUARTERS AGREEMENT.—Sanctions
15 under paragraph (1)(B) shall not apply to an alien
16 if admitting the alien into the United States is nec-
17 essary to permit the United States to comply with
18 the Agreement regarding the Headquarters of the
19 United Nations, signed at Lake Success June 26,
20 1947, and entered into force November 21, 1947,
21 between the United Nations and the United States,
22 or other applicable international obligations.

23 (c) WAIVER.—The President may waive the applica-
24 tion of sanctions under subsection (b) with respect to a
25 person if the President—

1 (1) determines that such a waiver is in the na-
2 tional security interests of the United States; and

3 (2) on or before the date on which the waiver
4 takes effect, submits to the Committee on Foreign
5 Relations and the Committee on Banking Housing,
6 and Urban Affairs of the Senate and the Committee
7 on Foreign Affairs and the Committee on Financial
8 Services of the House of Representatives a notice of
9 and justification for the waiver.

10 (d) REGULATORY AUTHORITY.—The President shall
11 issue such regulations, licenses, and orders as are nec-
12 essary to carry out this section.

13 (e) DEFINITIONS.—In this section:

14 (1) ADMITTED; ALIEN.—The terms “admitted”
15 and “alien” have the meanings given those terms in
16 section 101 of the Immigration and Nationality Act
17 (8 U.S.C. 1101).

18 (2) FINANCIAL INSTITUTION.—The term “fi-
19 nancial institution” has the meaning given that term
20 in section 5312 of title 31, United States Code.

21 (3) MATERIALLY ASSISTED.—The term “mate-
22 rially assisted” means the provision of assistance
23 that is significant and of a kind directly relevant to
24 acts described in paragraph (1) or (2) of subsection
25 (a).

1 (4) UNITED STATES PERSON.—The term
2 “United States person” means—

3 (A) a United States citizen or an alien law-
4 fully admitted for permanent residence to the
5 United States; or

6 (B) an entity organized under the laws of
7 the United States or of any jurisdiction within
8 the United States, including a foreign branch of
9 such an entity.

10 **SEC. 6. SUPPORT FOR CIVIL SOCIETY IN VENEZUELA.**

11 (a) IN GENERAL.—The Secretary of State shall, sub-
12 ject to the availability of appropriations, directly or
13 through nongovernmental organizations—

14 (1) defend internationally recognized human
15 rights for the people of Venezuela;

16 (2) build the organizational and operational ca-
17 pacity of democratic civil society activists and orga-
18 nizations in Venezuela at the national and regional
19 level;

20 (3) support the efforts of independent media
21 outlets to broadcast, distribute, and share informa-
22 tion beyond the limited channels made available by
23 the Government of Venezuela;

24 (4) facilitate open and uncensored access to the
25 Internet for the people of Venezuela;

1 (5) improve transparency and accountability of
2 institutions that are part of the Government of Ven-
3 ezuela;

4 (6) provide support to civil society organiza-
5 tions, activists, and peaceful demonstrators in Ven-
6 ezuela that have been targeted for exercising inter-
7 nationally recognized civil and political rights, as
8 well as journalists targeted for activities related to
9 the work of a free press; and

10 (7) provide support for democratic political or-
11 ganizing and election monitoring in Venezuela.

12 (b) STRATEGY REQUIREMENT.—Not later than 60
13 days after the date of the enactment of this Act, the Presi-
14 dent shall submit a strategy to carry out the activities de-
15 scribed in subsection (a) to—

16 (1) the Committee on Foreign Relations of the
17 Senate and the Committee on Foreign Affairs of the
18 House of Representatives; and

19 (2) the Committee on Appropriations of the
20 Senate and the Committee on Appropriations of the
21 House of Representatives.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated to the Secretary of State \$15,000,000
25 for fiscal year 2015 to carry out subsection (a).

1 Amounts appropriated for the activities set forth in
 2 subsection (a) shall be used pursuant to the author-
 3 ization and requirements contained in this section.
 4 Additional amounts may be authorized to be appro-
 5 priated under provisions of law.

6 (2) NOTIFICATION REQUIREMENT.—

7 (A) IN GENERAL.—Funds appropriated or
 8 otherwise made available pursuant to paragraph
 9 (1) may not be obligated until until 15 days
 10 after the date on which the President has pro-
 11 vided notice of intent to obligate such funds
 12 to—

13 (i) the Committee on Foreign Rela-
 14 tions of the Senate and the Committee on
 15 Foreign Affairs of the House of Represent-
 16 atives; and

17 (ii) the Committee on Appropriations
 18 of the Senate and the Committee on Ap-
 19 propriations of the House of Representa-
 20 tives.

21 (B) WAIVER.—The President may waive
 22 the requirement under subparagraph (A) if the
 23 President determines that failure to waive that
 24 requirement would pose a substantial risk to
 25 human health or welfare, in which case notifica-

1 tion shall be provided as early as practicable,
2 but in no event later than 3 days after taking
3 the action to which such notification require-
4 ment was applicable in the context of the cir-
5 cumstances necessitating such waiver.

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