

**Calendar No. 401**113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2142****[Report No. 113-175]**

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.

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**IN THE SENATE OF THE UNITED STATES**

MARCH 13, 2014

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

MAY 22, 2014

Reported by Mr. MENENDEZ, with amendments

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**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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

13 (2) The Central Bank of Venezuela and the  
14 Government of Venezuela have imposed a series of  
15 currency controls that has exacerbated economic  
16 problems and, according to the World Economic  
17 Forum, has become the most problematic factor for  
18 doing business in Venezuela.

19 (3) The Central Bank of Venezuela and the Na-  
20 tional Statistical Institute of Venezuela have de-  
21 clared that the scarcity index of Venezuela reached  
22 28 percent in December 2013, which signifies that  
23 one in 4 basic goods is unavailable at any given  
24 time.

25 (4) Since 1999, violent crime in Venezuela has  
26 risen sharply and the Venezuelan Violence Observ-

1 atory, an independent nongovernmental organiza-  
2 tion, found the national per capita murder rate to be  
3 79 per 100,000 people in 2013.

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

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

20 (7) The Government of Venezuela has detained  
21 foreign journalists and threatened and expelled  
22 international media outlets operating in Venezuela,  
23 and the international nongovernmental organization  
24 Freedom House declared that Venezuela’s “media  
25 climate is permeated by intimidation, sometimes in-

1 cluding physical attacks, and strong antimedia rhet-  
2 oric by the government is common”.

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

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

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

19 It is the sense of Congress that—

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

1           (2) the United States supports the people of  
2           Venezuela in their efforts to realize their full eco-  
3           nomic potential and to advance representative de-  
4           mocracy, human rights, and the rule of law within  
5           their country;

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

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

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

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

1 the inability of the Government of Venezuela to en-  
2 sure the political and economic well-being of its citi-  
3 zens; and

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

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

13 It is the policy of the United States—

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

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

1           (3) to hold accountable government and secu-  
2           rity officials in Venezuela responsible for or  
3           complicit in the use of force in relation to the  
4           antigovernment protests that began on February 4,  
5           2014, and similar future acts of violence; and

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

9   **SEC. 5. SANCTIONS ON PERSONS RESPONSIBLE FOR VIO-**  
10                                   **LENCE IN VENEZUELA.**

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

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

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

1           (3) has materially assisted, sponsored, or pro-  
2           vided significant financial, material, or technological  
3           support for, or goods or services in support of, the  
4           commission of acts described in paragraph (1) or  
5           (2).

6           (b) SANCTIONS DESCRIBED.—

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

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

20                   (B) EXCLUSION FROM THE UNITED  
21                   STATES AND REVOCATION OF VISA OR OTHER  
22                   DOCUMENTATION.—In the case of an alien de-  
23                   termined by the President to be subject to sub-  
24                   section (a), denial of a visa to, and exclusion  
25                   from the United States of, the alien, and rev-

1           ocation in accordance with section 221(i) of the  
2           Immigration and Nationality Act (8 U.S.C.  
3           1201(i)), of any visa or other documentation of  
4           the alien.

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

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

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

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

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

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

16 (e) DEFINITIONS.—In this section:

17 (1) ADMITTED; ALIEN.—The terms “admitted”  
18 and “alien” have the meanings given those terms in  
19 section 101 of the Immigration and Nationality Act  
20 (8 U.S.C. 1101).

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

24 (3) MATERIALLY ASSISTED.—The term “mate-  
25 rially assisted” means the provision of assistance

1 that is significant and of a kind directly relevant to  
 2 acts described in paragraph (1) or (2) of subsection  
 3 (a).

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

6 (A) a United States citizen or an alien law-  
 7 fully admitted for permanent residence to the  
 8 United States; or

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

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

14 (a) IN GENERAL.—The Secretary of State *and the*  
 15 *Administrator of the United States Agency for Inter-*  
 16 *national Development* shall, subject to the availability of  
 17 appropriations, directly or through nongovernmental orga-  
 18 nizations—

19 (1) defend internationally recognized human  
 20 rights for the people of Venezuela;

21 ~~(2) build the organizational and operational ca-~~  
 22 ~~capacity of democratic civil society activists and orga-~~  
 23 ~~nizations in Venezuela at the national and regional~~  
 24 ~~level;~~

1           ~~(3)~~ support the efforts of independent media  
2 outlets to broadcast, distribute, and share informa-  
3 tion beyond the limited channels made available by  
4 the Government of Venezuela;

5           (2) *strengthen the organizational and oper-*  
6 *ational capacity of democratic civil society in Ven-*  
7 *ezuela;*

8           (3) *support the efforts of independent media out-*  
9 *lets to broadcast, distribute, and share information*  
10 *beyond the limited means available as of the date of*  
11 *the enactment of this Act;*

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

14           (5) improve transparency and accountability of  
15 institutions that are part of the Government of Ven-  
16 ezuela;

17           (6) provide support to civil society organiza-  
18 tions, activists, and peaceful demonstrators in Ven-  
19 ezuela that have been targeted for exercising inter-  
20 nationally recognized civil and political rights, as  
21 well as journalists targeted for activities related to  
22 the work of a free press; and

23           (7) provide support for democratic ~~political~~ or-  
24 ganizing and election monitoring in Venezuela.

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

5 (1) the Committee on Foreign Relations of the  
6 Senate and the Committee on Foreign Affairs of the  
7 House of Representatives; and

8 (2) the Committee on Appropriations of the  
9 Senate and the Committee on Appropriations of the  
10 House of Representatives.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be  
13 appropriated to the Secretary of State \$15,000,000  
14 for fiscal year 2015 to carry out subsection (a).  
15 Amounts appropriated for the activities set forth in  
16 subsection (a) shall be used pursuant to the author-  
17 ization and requirements contained in this section.  
18 Additional amounts may be authorized to be appro-  
19 priated under provisions of law.

20 (2) NOTIFICATION REQUIREMENT.—

21 (A) IN GENERAL.—Funds appropriated or  
22 otherwise made available pursuant to paragraph  
23 (1) may not be obligated until until 15 days  
24 after the date on which the President has pro-

1 vided notice of intent to obligate such funds  
2 to—

3 (i) the Committee on Foreign Rela-  
4 tions of the Senate and the Committee on  
5 Foreign Affairs of the House of Represent-  
6 atives; and

7 (ii) the Committee on Appropriations  
8 of the Senate and the Committee on Ap-  
9 propriations of the House of Representa-  
10 tives.

11 (B) WAIVER.—The President may waive  
12 the requirement under subparagraph (A) if the  
13 President determines that failure to waive that  
14 requirement would pose a substantial risk to  
15 human health or welfare, in which case notifica-  
16 tion shall be provided as early as practicable,  
17 but in no event later than 3 days after taking  
18 the action to which such notification require-  
19 ment was applicable in the context of the cir-  
20 cumstances necessitating such waiver.

21 **SEC. 7. REPORT ON BROADCASTING, INFORMATION DIS-**  
22 **TRIBUTION, AND CIRCUMVENTION TECH-**  
23 **NOLOGY DISTRIBUTION IN VENEZUELA.**

24 (a) *IN GENERAL.*—Not later than 30 days after the  
25 date of the enactment of this Act, the Chairman of the

1 *Broadcasting Board of Governors (in this section referred*  
2 *to as the “Board”) shall submit to Congress a report that*  
3 *includes—*

4           (1) *a thorough evaluation of the governmental,*  
5 *political, and technological obstacles faced by the peo-*  
6 *ple of Venezuela in their efforts to obtain accurate, ob-*  
7 *jective, and comprehensive news and information*  
8 *about domestic and international affairs;*

9           (2) *an assessment of current efforts relating to*  
10 *broadcasting, information distribution, and cir-*  
11 *cumvention technology distribution in Venezuela, by*  
12 *the United States Government and otherwise; and*

13           (3) *a strategy for expanding such efforts in Ven-*  
14 *ezuela, including recommendations for additional*  
15 *measures to expand upon current efforts.*

16       (b) *ELEMENTS.—The report required by subsection (a)*  
17 *shall include—*

18           (1) *an assessment of the current level of Federal*  
19 *funding dedicated to broadcasting, information dis-*  
20 *tribution, and circumvention technology distribution*  
21 *in Venezuela by the Board before the date of the en-*  
22 *actment of this Act;*

23           (2) *an assessment of whether the current level*  
24 *and type of news and related programming and con-*  
25 *tent provided by the Voice of America is sufficiently*

1        *addressing the informational needs of the people of*  
2        *Venezuela; and*  
3            *(3) specific measures for increasing broadcasting,*  
4        *information distribution, and circumvention tech-*  
5        *nology distribution in Venezuela.*



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## **A BILL**

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Reported with amendments