

Calendar No. 410

113TH CONGRESS
2^D SESSION**H. R. 4587**

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2014

Received

JUNE 5, 2014

Read twice and placed on the calendar

AN ACT

To impose targeted sanctions on individuals responsible for carrying out or ordering human rights abuses against the 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Venezuelan Human
5 Rights and Democracy Protection Act”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the term “appropriate congressional com-
8 mittees” means—

1 (1) the Committee on Foreign Affairs, the
2 Committee on Financial Services, the Committee on
3 the Judiciary, and the Committee on Ways and
4 Means of the House of Representatives; and

5 (2) the Committee on Foreign Relations, the
6 Committee on Banking, Housing and Urban Affairs,
7 and the Committee on the Judiciary of the Senate.

8 **SEC. 3. FINDINGS.**

9 Congress finds the following:

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

17 (2) On February 12, 2014, a judge issued an
18 arrest warrant for Leopoldo López, leader of the op-
19 position party Voluntad Popular, for allegations in
20 connection with the student protests.

21 (3) On February 17, 2014, the Government of
22 Venezuela notified the United States Department of
23 State that it had declared 3 consular officers at the
24 United States Embassy in Venezuela personae non
25 gratae.

1 (4) On February 18, 2014, opposition leader
2 Leopoldo López turned himself in to Venezuelan au-
3 thorities, was arrested, and charged with criminal
4 incitement, conspiracy, arson, and intent to damage
5 property.

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

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

12 (7) As of May 1, 2014, there have been 41 peo-
13 ple killed, a reported 60 cases of torture, over 100
14 injured, and many oppressively detained in relation
15 to pro-democracy demonstrations throughout Ven-
16 ezuela.

17 (8) On February 19, 2014, President Obama
18 criticized the Government of Venezuela for arresting
19 protesters, called for their release, and urged the
20 government to focus on the “legitimate grievances of
21 the Venezuelan people”.

22 (9) According to the Department of State’s
23 Country Reports on Human Rights Practices for
24 2013 for Venezuela, “The principal human rights
25 abuses reported during the year included corruption,

1 politicization in the judicial system, and government
2 actions to impede freedom of expression and restrict
3 freedom of the press. The government did not re-
4 spect judicial independence or permit judges to act
5 according to the law without fear of retaliation. The
6 government used the judiciary to intimidate and se-
7 lectively prosecute political, union, business, and civil
8 society leaders who were critical of government poli-
9 cies or actions. The government harassed and intimi-
10 dated privately owned television stations, other
11 media outlets, and journalists throughout the year,
12 using threats, fines, property seizures, targeted reg-
13 ulations, arrests, and criminal investigations and
14 prosecutions.”.

15 (10) According to the Department of State’s
16 Country Reports on Human Rights Practices for
17 2013 for Venezuela, “The following human rights
18 problems were reported by NGOs, the media, and in
19 some cases the government itself: unlawful killings,
20 including summary killings by police elements; tor-
21 ture and other cruel, inhumane, or degrading treat-
22 ment; harsh and life-threatening prison conditions
23 and lack of due process rights that contributed to
24 widespread violence, riots, injuries, and deaths in
25 prisons; inadequate juvenile detention centers; arbi-

1 trary arrests and detentions; corruption and impu-
2 nity in police forces; political prisoners; interference
3 with privacy rights; corruption at all levels of gov-
4 ernment; threats against domestic NGOs; violence
5 against women; anti-Semitism in the official media;
6 trafficking in persons; violence based on sexual ori-
7 entation and gender identity; and restrictions on
8 workers' right of association.”.

9 (11) According to Freedom House’s Freedom in
10 the World report of 2013 on Venezuela, “Nicolás
11 Maduro, further weakened the independent media,
12 reduced the opposition’s ability to serve as a check
13 on government policy, and made threats to civil soci-
14 ety groups.”.

15 **SEC. 4. ACTIONS AT THE ORGANIZATION OF AMERICAN**
16 **STATES.**

17 The Secretary of State shall direct the United States
18 Permanent Representative to the Organization of Amer-
19 ican States to use the voice, vote, and influence of the
20 United States at the Organization of American States to
21 defend and protect the Inter-American Democratic Char-
22 ter, and strengthen efforts by international and multilat-
23 eral organizations to advance the protection of human
24 rights throughout the Western Hemisphere, especially in
25 Venezuela.

1 **SEC. 5. SANCTIONS ON PERSONS RESPONSIBLE FOR VIO-**
2 **LENCE IN VENEZUELA.**

3 (a) IN GENERAL.—The President shall impose the
4 sanctions described in subsection (b)(1)(A) and the Sec-
5 retary of State or the Secretary of Homeland Security (or
6 a designee of one of such Secretaries) shall impose the
7 sanctions described in subsection (b)(1)(B) with respect
8 to any person, including a current or former official of
9 the Government of Venezuela or a person acting on behalf
10 of that Government, that the President, or the Secretary
11 of State or the Secretary of Homeland Security (or a des-
12 ignee of one of such Secretaries), as the case may be, de-
13 termines—

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 individuals participating in pro-
18 tests in Venezuela that began on February 12, 2014;

19 (2) has directed or ordered the arrest or pros-
20 ecution of a person primarily because of the person's
21 legitimate exercise of freedom of expression or as-
22 sembly in relation to the protests in Venezuela that
23 began on February 12, 2014;

24 (3) has knowingly materially assisted, spon-
25 sored, or provided significant financial, material, or
26 technological support for, or goods or services in

1 support of, the commission of acts described in para-
2 graph (1) or (2) in relation to protests in Venezuela
3 that began on February 12, 2014; or

4 (4) has engaged in censorship against individ-
5 uals or media outlets disseminating information in
6 relation to protests in Venezuela that began on Feb-
7 ruary 12, 2014.

8 (b) SANCTIONS DESCRIBED.—

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

11 (A) ASSET BLOCKING.—

12 (i) IN GENERAL.—The exercise of all
13 powers granted to the President by the
14 International Emergency Economic Powers
15 Act (50 U.S.C. 1701 et seq.) to the extent
16 necessary to block and prohibit all trans-
17 actions in all property and interests in
18 property of a person determined by the
19 President to be subject to subsection (a) if
20 such property and interests in property are
21 in the United States, come within the
22 United States, or are or come within the
23 possession or control of a United States
24 person.

25 (ii) EXCEPTION.—

1 (I) IN GENERAL.—The authority
2 to impose sanctions under clause (i)
3 shall not include the authority to im-
4 pose sanctions relating to the importa-
5 tion of goods.

6 (II) GOOD DEFINED.—In sub-
7 clause (I), the term “good” has the
8 meaning given that term in section 16
9 of the Export Administration Act of
10 1979 (50 U.S.C. App. 2415) (as con-
11 tinued in effect pursuant to the Inter-
12 national Emergency Economic Powers
13 Act (50 U.S.C. 1701 et seq.)).

14 (B) ALIENS INELIGIBLE FOR VISAS, AD-
15 MISSION, OR PAROLE.—

16 (i) VISAS, ADMISSION, OR PAROLE.—
17 An alien who the Secretary of State or the
18 Secretary of Homeland Security (or a des-
19 ignee of one of such Secretaries) knows or
20 has reasonable grounds to believe meets
21 any of the criteria described in subsection
22 (a) is—

23 (I) inadmissible to the United
24 States;

1 (II) ineligible to receive a visa or
2 other documentation to enter the
3 United States; and

4 (III) otherwise ineligible to be
5 admitted or paroled into the United
6 States or to receive any other benefit
7 under the Immigration and Nation-
8 ality Act (8 U.S.C. 1101 et seq.).

9 (ii) CURRENT VISAS REVOKED.—

10 (I) IN GENERAL.—The issuing
11 consular officer, the Secretary of
12 State, or the Secretary of Homeland
13 Security (or a designee of one of such
14 Secretaries) shall revoke any visa or
15 other entry documentation issued to
16 an alien who meets any of the criteria
17 described in subsection (a), regardless
18 of when issued.

19 (II) EFFECT OF REVOCATION.—

20 A revocation under subclause (I) shall
21 take effect immediately; and shall
22 automatically cancel any other valid
23 visa or entry documentation that is in
24 the alien's possession.

1 (2) PENALTIES.—A person that is subject to
2 sanctions described in paragraph (1)(A) shall be
3 subject to the penalties set forth in subsections (b)
4 and (c) of section 206 of the International Emer-
5 gency Economic Powers Act (50 U.S.C. 1705) to the
6 same extent as a person that commits an unlawful
7 act described in subsection (a) of that section.

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

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

21 (1) determines that such a waiver is in the na-
22 tional interests of the United States and on or be-
23 fore the date on which the waiver takes effect, sub-
24 mits to the appropriate congressional committees a
25 notice of and justification for the waiver; or

1 (2) determines that the conditions in Venezuela
2 have improved with regard to respect for peaceful
3 protest and basic human rights and on or before the
4 date on which the waiver takes effect, submits to the
5 appropriate congressional committees a notice of and
6 justification for the waiver.

7 (d) IMPLEMENTATION AUTHORITY.—

8 (1) IN GENERAL.—The President may exercise
9 all authorities provided to the President under sec-
10 tions 203 and 205 of the International Emergency
11 Economic Powers Act (50 U.S.C. 1702 and 1704)
12 for purposes of carrying out this section.

13 (2) EXCEPTION.—

14 (A) IN GENERAL.—The authority to im-
15 pose sanctions under paragraph (1) shall not
16 include the authority to impose sanctions relat-
17 ing to the importation of goods.

18 (B) GOOD DEFINED.—In subparagraph
19 (A), the term “good” has the meaning given
20 that term in section 16 of the Export Adminis-
21 tration Act of 1979 (50 U.S.C. App. 2415) (as
22 continued in effect pursuant to the Inter-
23 national Emergency Economic Powers Act (50
24 U.S.C. 1701 et seq.)).

1 (e) REGULATORY AUTHORITY.—The President shall
2 issue such regulations, licenses, and orders as are nec-
3 essary to carry out this section.

4 (f) DEFINITIONS.—In this section:

5 (1) ADMITTED; ALIEN.—The terms “admitted”
6 and “alien” have meanings given those terms in sec-
7 tion 101 of the Immigration and Nationality Act (8
8 U.S.C. 1101).

9 (2) MATERIALLY ASSISTED.—The term “mate-
10 rially assisted” means the provision of assistance
11 that is significant and of a kind directly relevant to
12 acts described in paragraph (1) or (2) of subsection
13 (a).

14 (3) UNITED STATES PERSON.—The term
15 “United States person” means—

16 (A) a United States citizen or an alien law-
17 fully admitted for permanent residence to the
18 United States; or

19 (B) an entity organized under the laws of
20 the United States or of any jurisdiction within
21 the United States, including a foreign branch of
22 such an entity.

1 **SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO THE**
2 **TRANSFER OF GOODS OR TECHNOLOGIES TO**
3 **VENEZUELA THAT ARE LIKELY TO BE USED**
4 **TO COMMIT HUMAN RIGHTS ABUSES.**

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

8 (b) LIST.—

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

16 (2) ACTIVITY DESCRIBED.—

17 (A) IN GENERAL.—A person knowingly en-
18 gages in an activity described in this paragraph
19 if the person—

20 (i) transfers, or facilitates the transfer
21 of, goods or technologies described in sub-
22 paragraph (C) to Venezuela, any person
23 organized under the laws of Venezuela, or
24 any national of Venezuela, for use in or
25 with respect to Venezuela; or

1 (ii) provides services (including serv-
2 ices relating to hardware, software, and
3 specialized information, and professional
4 consulting, engineering, and support serv-
5 ices) with respect to goods or technologies
6 described in subparagraph (C) after such
7 goods or technologies are transferred to
8 Venezuela.

9 (B) APPLICABILITY TO CONTRACTS AND
10 OTHER AGREEMENTS.—A person engages in an
11 activity described in subparagraph (A) without
12 regard to whether the activity is carried out
13 pursuant to a contract or other agreement en-
14 tered into before, on, or after the date of the
15 enactment of this Act.

16 (C) GOODS OR TECHNOLOGIES DE-
17 SCRIBED.—

18 (i) IN GENERAL.—Goods or tech-
19 nologies described in this subparagraph are
20 goods or technologies that the President
21 determines are to be used by the Govern-
22 ment of Venezuela or any of the agencies
23 or instrumentalities of the Government of
24 Venezuela (or by any other person on be-
25 half of the Government of Venezuela or

1 any of such agencies or instrumentalities)
2 to commit serious human rights abuses
3 against the people of Venezuela, includ-
4 ing—

5 (I) firearms or ammunition (as
6 such terms are defined in section 921
7 of title 18, United States Code), rub-
8 ber bullets, police batons, pepper or
9 chemical sprays, stun grenades, elec-
10 troshock weapons, tear gas, water
11 cannons, or surveillance technology; or

12 (II) sensitive technology.

13 (ii) SENSITIVE TECHNOLOGY DE-
14 FINED.—

15 (I) IN GENERAL.—For purposes
16 of clause (i)(II), the term “sensitive
17 technology” means hardware, soft-
18 ware, telecommunications equipment,
19 or any other technology, that the
20 President determines is to be used
21 specifically—

22 (aa) to restrict the free flow
23 of unbiased information in Ven-
24 ezuela; or

1 (bb) to disrupt, monitor, or
2 otherwise restrict speech of the
3 people of Venezuela.

4 (II) EXCEPTION.—The term
5 “sensitive technology” does not in-
6 clude information or informational
7 materials the exportation of which the
8 President does not have the authority
9 to regulate or prohibit pursuant to
10 section 203(b)(3) of the International
11 Emergency Economic Powers Act (50
12 U.S.C. 1702(b)(3)).

13 (3) SPECIAL RULE TO ALLOW FOR TERMI-
14 NATION OF SANCTIONABLE ACTIVITY.—The Presi-
15 dent shall not be required to include a person on the
16 list required under paragraph (1) if—

17 (A) the President determines that the per-
18 son is no longer engaging in, or has taken sig-
19 nificant credible steps toward stopping (includ-
20 ing winding down contracts or other agreements
21 that were in effect prior to the date of the en-
22 actment of this Act) the activity described in
23 paragraph (2) for which the President would
24 otherwise have included the person on the list;
25 and

1 (B) the President has received reliable as-
2 surances that such person will not knowingly
3 engage in any new activity described in such
4 paragraph (2).

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

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

10 (B) as new information becomes available.

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

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

15 (B) PUBLIC AVAILABILITY.—The unclassi-
16 fied portion of the list required under para-
17 graph (1) shall be made available to the public
18 and posted on the Web site of the Department
19 of State.

20 (c) WAIVER.—The President may waive the applica-
21 tion of sanctions described in section 5(b) with respect to
22 a person on the list required under subsection (b) of this
23 section if the President—

24 (1) determines that such a waiver is in the na-
25 tional interests of the United States and on or be-

1 fore the date on which the waiver takes effect, sub-
2 mits to the appropriate congressional committees a
3 notice of and justification for the waiver; or

4 (2) determines that the conditions in Venezuela
5 have improved with regard to respect for peaceful
6 protest and basic human rights and on or before the
7 date on which the waiver takes effect, submits to the
8 appropriate congressional committees a notice of and
9 justification for the waiver.

10 (d) IMPLEMENTATION AUTHORITY.—

11 (1) IN GENERAL.—The President may exercise
12 all authorities provided under sections 203 and 205
13 of the International Emergency Economic Powers
14 Act (50 U.S.C. 1702 and 1704) to carry out this
15 section.

16 (2) EXCEPTION.—

17 (A) IN GENERAL.—The authority to im-
18 pose sanctions under paragraph (1) shall not
19 include the authority to impose sanctions relat-
20 ing to the importation of goods.

21 (B) GOOD DEFINED.—In subparagraph
22 (A), the term “good” has the meaning given
23 that term in section 16 of the Export Adminis-
24 tration Act of 1979 (50 U.S.C. App. 2415) (as
25 continued in effect pursuant to the Inter-

1 national Emergency Economic Powers Act (50
2 U.S.C. 1701 et seq.)).

3 **SEC. 7. COMPREHENSIVE STRATEGY TO PROMOTE INTER-**
4 **NET FREEDOM AND ACCESS TO INFORMA-**
5 **TION.**

6 Not later than 120 days after the date of the enact-
7 ment of this Act, the Secretary of State, in consultation
8 with heads of other Federal departments and agencies, as
9 appropriate, shall submit to the Committee on Foreign Af-
10 fairs of the House of Representatives and the Committee
11 on Foreign Relations of the Senate a comprehensive strat-
12 egy that is classified to the extent necessary to—

13 (1) assist the people of Venezuela to produce,
14 access, and share information freely and safely via
15 the Internet;

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

20 (3) provide resources for digital training for
21 media and academic and civil society organizations
22 in Venezuela;

23 (4) increase emergency resources for the most
24 vulnerable human rights advocates seeking to orga-

1 nize, share information, and support human rights
2 in Venezuela;

3 (5) expand access to uncensored sources of local
4 news and information using all available and effective
5 mediums of communication, especially through
6 platforms that leverage public-private partnerships;

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

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

12 (8) discourage telecommunications and software
13 companies from facilitating Internet censorship by
14 the Government of Venezuela.

15 **SEC. 8. COMPREHENSIVE STRATEGY TO ENCOURAGE VEN-**
16 **EZUELA TO ABIDE BY THE PRINCIPLES EN-**
17 **SHRINED IN THE INTER-AMERICAN DEMO-**
18 **CRATIC CHARTER.**

19 Not later than 120 days after the date of the enact-
20 ment of this Act, the Secretary of State shall submit to
21 the Committee on Foreign Affairs of the House of Rep-
22 resentatives and the Committee on Foreign Relations of
23 the Senate a comprehensive strategy outlining how the
24 United States is supporting the citizens of Venezuela in
25 seeking—

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

2 (A) conducted with the presence of inter-
3 nationally recognized observers; and

4 (B) in which—

5 (i) all parties are permitted ample
6 time to organize and campaign for such
7 elections; and

8 (ii) all candidates are permitted equi-
9 table access to the media;

10 (2) basic civil liberties and human rights, in-
11 cluding access to and support for nongovernmental
12 organizations in such activities;

13 (3) establishment of independent judiciaries and
14 electoral councils; and

15 (4) development of an independent civil society
16 with the capacity to advocate on behalf of constitu-
17 ents.

18 **SEC. 9. STATEMENT OF POLICY ON POLITICAL PRISONERS.**

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. 10. AUTHORIZATION OF APPROPRIATIONS FOR AS-**
16 **SISTANCE TO SUPPORT CIVIL SOCIETY IN**
17 **VENEZUELA.**

18 There is authorized to be appropriated to the United
19 States Agency for International Development for fiscal
20 year 2015 not less than \$5,000,000 to provide assistance
21 to civil society in Venezuela.

22 **SEC. 11. OFFSET.**

23 Section 102(a) of the Enhanced Partnership with
24 Pakistan Act of 2009 (22 U.S.C. 8412(a); Public Law

1 111–73; 123 Stat. 2068) is amended by striking
2 “\$1,500,000,000” and inserting “\$1,493,000,000”.

3 **SEC. 12. SUNSET.**

4 This Act shall cease to be effective beginning on the
5 date that is 2 years after the date of the enactment of
6 this Act.

Passed the House of Representatives May 28, 2014.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 410

113TH CONGRESS
2^D Session

H. R. 4587

AN ACT

To impose targeted sanctions on individuals responsible for carrying out or ordering human rights abuses against the citizens of Venezuela, and for other purposes.

JUNE 5, 2014

Read twice and placed on the calendar