

113TH CONGRESS
2^D SESSION

H. R. 4587

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

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2014

Ms. ROS-LEHTINEN (for herself, Mr. DIAZ-BALART, Mr. SALMON, Mr. SIRES, Mr. DEUTCH, Mr. MURPHY of Florida, Mr. STOCKMAN, Mr. GARCIA, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 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”.

1 **SEC. 2. DEFINITION.**

2 In this Act, the term “appropriate congressional com-
3 mittees” means—

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

8 (2) the Committee on Foreign Relations, the
9 Committee on Banking, Housing and Urban Affairs,
10 and the Committee on the Judiciary of the Senate.

11 **SEC. 3. FINDINGS.**

12 Congress finds the following:

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

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

24 (3) On February 17, 2014, the Government of
25 Venezuela notified the United States Department of
26 State that it had declared 3 consular officers at the

1 United States Embassy in Venezuela personae non
2 gratae.

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

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

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

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

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

24 (9) According to the Department of State’s
25 Country Reports on Human Rights Practices for

1 2013 for Venezuela, “The principal human rights
2 abuses reported during the year included corruption,
3 politicization in the judicial system, and government
4 actions to impede freedom of expression and restrict
5 freedom of the press. The government did not re-
6 spect judicial independence or permit judges to act
7 according to the law without fear of retaliation. The
8 government used the judiciary to intimidate and se-
9 lectively prosecute political, union, business, and civil
10 society leaders who were critical of government poli-
11 cies or actions. The government harassed and intimi-
12 dated privately owned television stations, other
13 media outlets, and journalists throughout the year,
14 using threats, fines, property seizures, targeted reg-
15 ulations, arrests, and criminal investigations and
16 prosecutions.”.

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

1 widespread violence, riots, injuries, and deaths in
2 prisons; inadequate juvenile detention centers; arbitrary
3 arrests and detentions; corruption and impunity
4 in police forces; political prisoners; interference
5 with privacy rights; corruption at all levels of government;
6 threats against domestic NGOs; violence
7 against women; anti-Semitism in the official media;
8 trafficking in persons; violence based on sexual orientation
9 and gender identity; and restrictions on
10 workers' right of association.”.

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

17 **SEC. 4. ACTIONS AT THE ORGANIZATION OF AMERICAN**
18 **STATES.**

19 The Secretary of State shall direct the United States
20 Permanent Representative to the Organization of American
21 States to use the voice, vote, and influence of the
22 United States at the Organization of American States to
23 defend and protect the Inter-American Democratic Charter,
24 and strengthen the independent Inter-American Commission
25 on Human Rights to advance the protection of

1 human rights throughout the Western Hemisphere, espe-
2 cially in Venezuela.

3 **SEC. 5. SANCTIONS ON PERSONS RESPONSIBLE FOR VIO-**
4 **LENCE IN VENEZUELA.**

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

10 (1) has perpetrated, or is responsible for order-
11 ing, controlling, or otherwise directing, significant
12 acts of violence or serious human rights abuses in
13 Venezuela against individuals participating in pro-
14 tests in Venezuela that began on February 12, 2014;

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

20 (3) has knowingly materially assisted, spon-
21 sored, or provided significant financial, material, or
22 technological support for, or goods or services in
23 support of, the commission of acts described in para-
24 graph (1) or (2) in relation to protests in Venezuela
25 that began on February 12, 2014; or

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

5 (b) SANCTIONS DESCRIBED.—

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

8 (A) ASSET BLOCKING.—

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

21 (ii) EXCEPTION.—

22 (I) IN GENERAL.—The authority
23 to impose sanctions under clause (i)
24 shall not include the authority to im-

1 pose sanctions relating to the importa-
2 tion of goods.

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

11 (B) ALIENS INELIGIBLE FOR VISAS, AD-
12 MISSION, OR PAROLE.—

13 (i) VISAS, ADMISSION, OR PAROLE.—
14 An alien who is a person determined by the
15 President to be subject to subsection (a)
16 is—

17 (I) inadmissible to the United
18 States;

19 (II) ineligible to receive a visa or
20 other documentation to enter the
21 United States; and

22 (III) otherwise ineligible to be
23 admitted or paroled into the United
24 States or to receive any other benefit

1 under the Immigration and Nation-
2 ality Act (8 U.S.C. 1101 et seq.).

3 (ii) CURRENT VISAS REVOKED.—

4 (I) IN GENERAL.—The issuing
5 consular officer, the Secretary of
6 State, or the Secretary of Homeland
7 Security (or a designee of one of such
8 Secretaries) shall revoke any visa or
9 other entry documentation issued to
10 an alien who meets any of the criteria
11 described in subsection (a), regardless
12 of when issued.

13 (II) EFFECT OF REVOCATION.—

14 A revocation under subclause (I) shall
15 take effect immediately; and shall
16 automatically cancel any other valid
17 visa or entry documentation that is in
18 the alien's possession.

19 (2) PENALTIES.—A person that violates, at-
20 tempts to violate, conspires to violate, or causes a
21 violation of paragraph (1)(A) or any regulation, li-
22 cense, or order issued to carry out paragraph (1)(A)
23 shall be subject to the penalties set forth in sub-
24 sections (b) and (c) of section 206 of the Inter-
25 national Emergency Economic Powers Act (50

1 U.S.C. 1705) to the same extent as a person that
2 commits an unlawful act described in subsection (a)
3 of that section.

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

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

17 (1) determines that such a waiver is in the na-
18 tional security interests of the United States and on
19 or before the date on which the waiver takes effect,
20 submits to the appropriate congressional committees
21 a notice of and justification for the waiver; or

22 (2) determines that the conditions in Venezuela
23 have improved with regard to respect for peaceful
24 protest and basic human rights and on or before the
25 date on which the waiver takes effect, submits to the

1 appropriate congressional committees a notice of and
2 justification for the waiver.

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

6 (e) DEFINITIONS.—In this section:

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

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

14 (3) MATERIALLY ASSISTED.—The term “mate-
15 rially assisted” means the provision of assistance
16 that is significant and of a kind directly relevant to
17 acts described in paragraph (1) or (2) of subsection
18 (a).

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

21 (A) a United States citizen or an alien law-
22 fully admitted for permanent residence to the
23 United States; or

24 (B) an entity organized under the laws of
25 the United States or of any jurisdiction within

1 the United States, including a foreign branch of
2 such an entity.

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

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

10 (b) LIST.—

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 the President deter-
15 mines have knowingly engaged in an activity de-
16 scribed in paragraph (2) on or after such date of en-
17 actment.

18 (2) ACTIVITY DESCRIBED.—

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

22 (i) transfers, or facilitates the transfer
23 of, goods or technologies described in sub-
24 paragraph (C) to Venezuela, any entity or-
25 ganized under the laws of Venezuela, or

1 any national of Venezuela, for use in or
2 with respect to Venezuela; or

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

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

18 (C) GOODS OR TECHNOLOGIES DE-
19 SCRIBED.—

20 (i) IN GENERAL.—Goods or tech-
21 nologies described in this subparagraph are
22 goods or technologies that the President
23 determines are likely to be used by the
24 Government of Venezuela or any of the
25 agencies or instrumentalities of the Gov-

1 ernment of Venezuela (or by any other per-
2 son on behalf of the Government of Ven-
3 ezuela or any of such agencies or instru-
4 mentalities) to commit serious human
5 rights abuses against the people of Ven-
6 ezuela, including—

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

14 (II) sensitive technology.

15 (ii) SENSITIVE TECHNOLOGY DE-
16 FINED.—

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

1 (aa) to restrict the free flow
2 of unbiased information in Ven-
3 ezuela; or

4 (bb) to disrupt, monitor, or
5 otherwise restrict speech of the
6 people of Venezuela.

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

16 (3) SPECIAL RULE TO ALLOW FOR TERMI-
17 NATION OF SANCTIONABLE ACTIVITY.—The Presi-
18 dent shall not be required to include a person on the
19 list required under paragraph (1) if the President
20 certifies in writing to the appropriate congressional
21 committees that—

22 (A) the person is no longer engaging in, or
23 has taken significant verifiable steps toward
24 stopping, the activity described in paragraph

1 (2) for which the President would otherwise
2 have included the person on the list; and

3 (B) the President has received reliable as-
4 surances that such person will not knowingly
5 engage in any activity described in such para-
6 graph (2) in the future.

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

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

12 (B) as new information becomes available.

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

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

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

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

1 (1) determines that such a waiver is in the na-
2 tional security interests of the United States and on
3 or before the date on which the waiver takes effect,
4 submits to the appropriate congressional committees
5 a notice of and justification for the waiver; or

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

12 **SEC. 7. COMPREHENSIVE STRATEGY TO PROMOTE INTER-**
13 **NET FREEDOM AND ACCESS TO INFORMA-**
14 **TION.**

15 Not later than 120 days after the date of the enact-
16 ment of this Act, the Secretary of State, in consultation
17 with heads of other Federal departments and agencies, as
18 appropriate, shall submit to the Committee on Foreign Af-
19 fairs of the House of Representatives and the Committee
20 on Foreign Relations of the Senate a comprehensive strat-
21 egy that is classified to the extent necessary to—

22 (1) assist the people of Venezuela to produce,
23 access, and share information freely and safely via
24 the Internet;

1 (2) increase the capabilities and availability of
2 secure mobile and other communications through
3 connective technology among human rights and de-
4 mocracy activists in Venezuela;

5 (3) provide resources for digital safety training
6 for media and academic and civil society organiza-
7 tions in Venezuela;

8 (4) increase emergency resources for the most
9 vulnerable human rights advocates seeking to orga-
10 nize, share information, and support human rights
11 in Venezuela;

12 (5) expand access to uncensored sources of local
13 news and information using all available and effec-
14 tive mediums of communication, especially through
15 platforms that leverage public-private partnerships;

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

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

21 (8) discourage telecommunications and software
22 companies from facilitating Internet censorship by
23 the Government of Venezuela.

1 **SEC. 8. COMPREHENSIVE STRATEGY TO ENCOURAGE VEN-**
2 **EZUELA TO ABIDE BY THE PRINCIPLES EN-**
3 **SHRINED IN THE INTER-AMERICAN DEMO-**
4 **CRATIC CHARTER.**

5 Not later than 120 days after the date of the enact-
6 ment of this Act, the Secretary of State shall submit to
7 the Committee on Foreign Affairs of the House of Rep-
8 resentatives and the Committee on Foreign Relations of
9 the Senate a comprehensive strategy outlining how the
10 United States is supporting the citizens of Venezuela in
11 seeking—

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

13 (A) conducted with the presence of inter-
14 nationally recognized observers; and

15 (B) in which—

16 (i) all parties are permitted ample
17 time to organize and campaign for such
18 elections; and

19 (ii) all candidates are permitted equi-
20 table access to the media;

21 (2) basic civil liberties and human rights;

22 (3) establishment of independent judiciaries and
23 electoral councils; and

24 (4) development of an independent civil society
25 with the capacity to advocate on behalf of constitu-
26 ents.

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

2 It shall be the policy of the United States—

3 (1) to support efforts to research and identify
4 prisoners of conscience and cases of human rights
5 abuses in Venezuela;

6 (2) to offer refugee status or political asylum in
7 the United States to political dissidents in Venezuela
8 if requested and consistent with the laws and na-
9 tional security interests of the United States;

10 (3) to offer to assist, through the United Na-
11 tions High Commissioner for Refugees, with the re-
12 location of such political prisoners to other countries
13 if requested, as appropriate and with appropriate
14 consideration for the national security interests of
15 the United States; and

16 (4) to publicly call for the release of Venezuelan
17 country dissidents by name and raise awareness with
18 respect to individual cases of Venezuelan country
19 dissidents and prisoners of conscience, as appro-
20 priate and if requested by the dissidents or prisoners
21 themselves or their families.

22 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS FOR AS-**
23 **SISTANCE TO SUPPORT CIVIL SOCIETY IN**
24 **VENEZUELA.**

25 There is authorized to be appropriated to the United
26 States Agency for International Development for fiscal

1 year 2015 not less than \$5,000,000 to provide assistance
2 to civil society in Venezuela.

3 **SEC. 11. 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.

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