

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.

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 Human
3 Rights and Democracy Protection Act”.

4 **SEC. 2. DEFINITION.**

5 In this Act, the term “appropriate congressional com-
6 mittees” means—

7 (1) the Committee on Foreign Affairs, the
8 Committee on Financial Services, the Committee on
9 the Judiciary, and the Committee on Ways and
10 Means of the House of Representatives; and

11 (2) the Committee on Foreign Relations, the
12 Committee on Banking, Housing and Urban Affairs,
13 and the Committee on the Judiciary of the Senate.

14 **SEC. 3. FINDINGS.**

15 Congress finds the following:

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

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

1 (3) On February 17, 2014, the Government of
2 Venezuela notified the United States Department of
3 State that it had declared 3 consular officers at the
4 United States Embassy in Venezuela personae non
5 gratae.

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

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

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

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

22 (8) On February 19, 2014, President Obama
23 criticized the Government of Venezuela for arresting
24 protesters, called for their release, and urged the

1 government to focus on the “legitimate grievances of
2 the Venezuelan people”.

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

21 (10) According to the Department of State’s
22 Country Reports on Human Rights Practices for
23 2013 for Venezuela, “The following human rights
24 problems were reported by NGOs, the media, and in
25 some cases the government itself: unlawful killings,

1 including summary killings by police elements; tor-
2 ture and other cruel, inhumane, or degrading treat-
3 ment; harsh and life-threatening prison conditions
4 and lack of due process rights that contributed to
5 widespread violence, riots, injuries, and deaths in
6 prisons; inadequate juvenile detention centers; arbi-
7 trary arrests and detentions; corruption and impu-
8 nity in police forces; political prisoners; interference
9 with privacy rights; corruption at all levels of gov-
10 ernment; threats against domestic NGOs; violence
11 against women; anti-Semitism in the official media;
12 trafficking in persons; violence based on sexual ori-
13 entation and gender identity; and restrictions on
14 workers' right of association.”.

15 (11) According to Freedom House's Freedom in
16 the World report of 2013 on Venezuela, “Nicolás
17 Maduro, further weakened the independent media,
18 reduced the opposition's ability to serve as a check
19 on government policy, and made threats to civil soci-
20 ety groups.”.

21 **SEC. 4. ACTIONS AT THE ORGANIZATION OF AMERICAN**
22 **STATES.**

23 The Secretary of State shall direct the United States
24 Permanent Representative to the Organization of Amer-
25 ican States to use the voice, vote, and influence of the

1 United States at the Organization of American States to
2 defend and protect the Inter-American Democratic Char-
3 ter, and strengthen efforts by international and multilat-
4 eral organizations to advance the protection of human
5 rights throughout the Western Hemisphere, especially in
6 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)(1)(A) and the Sec-
11 retary of State or the Secretary of Homeland Security (or
12 a designee of one of such Secretaries) shall impose the
13 sanctions described in subsection (b)(1)(B) with respect
14 to any person, including a current or former official of
15 the Government of Venezuela or a person acting on behalf
16 of that Government, that the President, or the Secretary
17 of State or the Secretary of Homeland Security (or a des-
18 ignee of one of such Secretaries), as the case may be, de-
19 termines—

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

1 (2) has directed or ordered the arrest or prosecution of a person primarily because of the person's
2 legitimate exercise of freedom of expression or assembly in relation to the protests in Venezuela that
3 began on February 12, 2014;

4 (3) has knowingly materially assisted, sponsored, or provided significant financial, material, or
5 technological support for, or goods or services in support of, the commission of acts described in paragraph (1) or (2) in relation to protests in Venezuela
6 that began on February 12, 2014; or

7 (4) has engaged in censorship against individuals or media outlets disseminating information in
8 relation to protests in Venezuela that began on February 12, 2014.

9 (b) SANCTIONS DESCRIBED.—

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

11 (A) ASSET BLOCKING.—

12 (i) IN GENERAL.—The exercise of all powers granted to the President by the
13 International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent
14 necessary to block and prohibit all transactions in all property and interests in
15

1 property of a person determined by the
2 President to be subject to subsection (a) if
3 such property and interests in property are
4 in the United States, come within the
5 United States, or are or come within the
6 possession or control of a United States
7 person.

8 (ii) EXCEPTION.—

9 (I) IN GENERAL.—The authority
10 to impose sanctions under clause (i)
11 shall not include the authority to im-
12 pose sanctions relating to the importa-
13 tion of goods.

14 (II) GOOD DEFINED.—In sub-
15 clause (I), the term “good” has the
16 meaning given that term in section 16
17 of the Export Administration Act of
18 1979 (50 U.S.C. App. 2415) (as con-
19 tinued in effect pursuant to the Inter-
20 national Emergency Economic Powers
21 Act (50 U.S.C. 1701 et seq.)).

22 (B) ALIENS INELIGIBLE FOR VISAS, AD-
23 MISSION, OR PAROLE.—

24 (i) VISAS, ADMISSION, OR PAROLE.—

25 An alien who the Secretary of State or the

1 Secretary of Homeland Security (or a des-
2 ignee of one of such Secretaries) knows or
3 has reasonable grounds to believe meets
4 any of the criteria described in subsection
5 (a) is—

6 (I) inadmissible to the United
7 States;

8 (II) ineligible to receive a visa or
9 other documentation to enter the
10 United States; and

11 (III) otherwise ineligible to be
12 admitted or paroled into the United
13 States or to receive any other benefit
14 under the Immigration and Nation-
15 ality Act (8 U.S.C. 1101 et seq.).

16 (ii) CURRENT VISAS REVOKED.—

17 (I) IN GENERAL.—The issuing
18 consular officer, the Secretary of
19 State, or the Secretary of Homeland
20 Security (or a designee of one of such
21 Secretaries) shall revoke any visa or
22 other entry documentation issued to
23 an alien who meets any of the criteria
24 described in subsection (a), regardless
25 of when issued.

1 (II) EFFECT OF REVOCATION.—

2 A revocation under subclause (I) shall
3 take effect immediately; and shall
4 automatically cancel any other valid
5 visa or entry documentation that is in
6 the alien's possession.

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

14 (3) EXCEPTION TO COMPLY WITH UNITED NA-
15 TIONS HEADQUARTERS AGREEMENT.—Sanctions
16 under paragraph (1)(B) shall not apply to an alien
17 if admitting the alien into the United States is nec-
18 essary to permit the United States to comply with
19 the Agreement regarding the Headquarters of the
20 United Nations, signed at Lake Success June 26,
21 1947, and entered into force November 21, 1947,
22 between the United Nations and the United States,
23 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 interests of the United States and on or be-
6 fore the date on which the waiver takes effect, sub-
7 mits to the appropriate congressional committees a
8 notice of and justification for the waiver; or

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

15 (d) IMPLEMENTATION AUTHORITY.—

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

21 (2) EXCEPTION.—

22 (A) IN GENERAL.—The authority to im-
23 pose sanctions under paragraph (1) shall not
24 include the authority to impose sanctions relat-
25 ing to the importation of goods.

1 (B) GOOD DEFINED.—In subparagraph
2 (A), the term “good” has the meaning given
3 that term in section 16 of the Export Adminis-
4 tration Act of 1979 (50 U.S.C. App. 2415) (as
5 continued in effect pursuant to the Inter-
6 national Emergency Economic Powers Act (50
7 U.S.C. 1701 et seq.)).

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

11 (f) DEFINITIONS.—In this section:

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

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

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

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

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States, including a foreign branch of
4 such an entity.

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

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

12 (b) LIST.—

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

20 (2) ACTIVITY DESCRIBED.—

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

24 (i) transfers, or facilitates the transfer
25 of, goods or technologies described in sub-

1 paragraph (C) to Venezuela, any person
2 organized under the laws of Venezuela, or
3 any national of Venezuela, for use in or
4 with respect to Venezuela; or

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

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

20 (C) GOODS OR TECHNOLOGIES DE-
21 SCRIBED.—

22 (i) IN GENERAL.—Goods or tech-
23 nologies described in this subparagraph are
24 goods or technologies that the President
25 determines are to be used by the Govern-

1 ment of Venezuela or any of the agencies
2 or instrumentalities of the Government of
3 Venezuela (or by any other person on be-
4 half of the Government of Venezuela or
5 any of such agencies or instrumentalities)
6 to commit serious human rights abuses
7 against the people of Venezuela, includ-
8 ing—

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

16 (II) sensitive technology.

17 (ii) SENSITIVE TECHNOLOGY DE-
18 FINED.—

19 (I) IN GENERAL.—For purposes
20 of clause (i)(II), the term “sensitive
21 technology” means hardware, soft-
22 ware, telecommunications equipment,
23 or any other technology, that the
24 President determines is to be used
25 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—

20 (A) the President determines that the per-
21 son is no longer engaging in, or has taken sig-
22 nificant credible steps toward stopping (includ-
23 ing winding down contracts or other agreements
24 that were in effect prior to the date of the en-
25 actment of this Act) the activity described in

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

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

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

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

13 (B) as new information becomes available.

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

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

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

23 (c) WAIVER.—The President may waive the applica-
24 tion of sanctions described in section 5(b) with respect to

1 a person on the list required under subsection (b) of this
2 section if the President—

3 (1) determines that such a waiver is in the na-
4 tional interests of the United States and on or be-
5 fore the date on which the waiver takes effect, sub-
6 mits to the appropriate congressional committees a
7 notice of and justification for the waiver; or

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

14 (d) IMPLEMENTATION AUTHORITY.—

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

20 (2) EXCEPTION.—

21 (A) IN GENERAL.—The authority to im-
22 pose sanctions under paragraph (1) shall not
23 include the authority to impose sanctions relat-
24 ing to the importation of goods.

1 (B) GOOD DEFINED.—In subparagraph
2 (A), the term “good” has the meaning given
3 that term in section 16 of the Export Adminis-
4 tration Act of 1979 (50 U.S.C. App. 2415) (as
5 continued in effect pursuant to the Inter-
6 national Emergency Economic Powers Act (50
7 U.S.C. 1701 et seq.)).

8 **SEC. 7. COMPREHENSIVE STRATEGY TO PROMOTE INTER-**
9 **NET FREEDOM AND ACCESS TO INFORMA-**
10 **TION.**

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

18 (1) assist the people of Venezuela to produce,
19 access, and share information freely and safely via
20 the Internet;

21 (2) increase the capabilities and availability of
22 secure mobile and other communications through
23 connective technology among human rights and de-
24 mocracy advocates in Venezuela;

1 (3) provide resources for digital training for
2 media and academic and civil society organizations
3 in Venezuela;

4 (4) increase emergency resources for the most
5 vulnerable human rights advocates seeking to orga-
6 nize, share information, and support human rights
7 in Venezuela;

8 (5) expand access to uncensored sources of local
9 news and information using all available and effec-
10 tive mediums of communication, especially through
11 platforms that leverage public-private partnerships;

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

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

17 (8) discourage telecommunications and software
18 companies from facilitating Internet censorship by
19 the Government of Venezuela.

20 **SEC. 8. COMPREHENSIVE STRATEGY TO ENCOURAGE VEN-**
21 **EZUELA TO ABIDE BY THE PRINCIPLES EN-**
22 **SHRINED IN THE INTER-AMERICAN DEMO-**
23 **CRATIC CHARTER.**

24 Not later than 120 days after the date of the enact-
25 ment of this Act, the Secretary of State shall submit to

1 the Committee on Foreign Affairs of the House of Rep-
2 resentatives and the Committee on Foreign Relations of
3 the Senate a comprehensive strategy outlining how the
4 United States is supporting the citizens of Venezuela in
5 seeking—

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

7 (A) conducted with the presence of inter-
8 nationally recognized observers; and

9 (B) in which—

10 (i) all parties are permitted ample
11 time to organize and campaign for such
12 elections; and

13 (ii) all candidates are permitted equi-
14 table access to the media;

15 (2) basic civil liberties and human rights, in-
16 cluding access to and support for nongovernmental
17 organizations in such activities;

18 (3) establishment of independent judiciaries and
19 electoral councils; and

20 (4) development of an independent civil society
21 with the capacity to advocate on behalf of constitu-
22 ents.

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

24 It shall be the policy of the United States—

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

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

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

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

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

23 There is authorized to be appropriated to the United
24 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. OFFSET.**

4 Section 102(a) of the Enhanced Partnership with
5 Pakistan Act of 2009 (22 U.S.C. 8412(a); Public Law
6 111-73; 123 Stat. 2068) is amended by striking
7 “\$1,500,000,000” and inserting “\$1,493,000,000”.

8 **SEC. 12. SUNSET.**

9 This Act shall cease to be effective beginning on the
10 date that is 2 years after the date of the enactment of
11 this Act.

Passed the House of Representatives May 28, 2014.

Attest:

Clerk.

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.