

113TH CONGRESS  
2D SESSION

# H. R. 4587

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## 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; torture and other cruel, inhumane, or degrading treatment; harsh and life-threatening prison conditions and lack of due process rights that contributed to widespread violence, riots, injuries, and deaths in prisons; inadequate juvenile detention centers; arbitrary arrests and detentions; corruption and impunity in police forces; political prisoners; interference with privacy rights; corruption at all levels of government; threats against domestic NGOs; violence against women; anti-Semitism in the official media; trafficking in persons; violence based on sexual orientation and gender identity; and restrictions on 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 society 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 American  
25       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 pros-  
2                         ecution of a person primarily because of the person's  
3                         legitimate exercise of freedom of expression or as-  
4                         sembly in relation to the protests in Venezuela that  
5                         began on February 12, 2014;

6                         (3) has knowingly materially assisted, spon-  
7                         sored, or provided significant financial, material, or  
8                         technological support for, or goods or services in  
9                         support of, the commission of acts described in para-  
10                        graph (1) or (2) in relation to protests in Venezuela  
11                        that began on February 12, 2014; or

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

16                       (b) SANCTIONS DESCRIBED.—

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

19                        (A) ASSET BLOCKING.—

20                        (i) IN GENERAL.—The exercise of all  
21                        powers granted to the President by the  
22                        International Emergency Economic Powers  
23                        Act (50 U.S.C. 1701 et seq.) to the extent  
24                        necessary to block and prohibit all trans-  
25                        actions in all property and interests in

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

Secretary of Homeland Security (or a designee of one of such Secretaries) knows or has reasonable grounds to believe meets any of the criteria described in subsection (a) is—

(I) inadmissible to the United States;

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

16 (ii) CURRENT VISAS REVOKED.—

## (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.

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.

(B) GOOD DEFINED.—In subparagraph (A), the term “good” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 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).

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

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of 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.—

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-



(aa) to restrict the free flow of unbiased information in Venezuela; or

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

(II) EXCEPTION.—The term ‘sensitive technology’ does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

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.

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

Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with heads of other Federal departments and agencies, as appropriate, shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a comprehensive strategy 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;

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;

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.*

113<sup>TH</sup> CONGRESS  
2D SESSION

**H. R. 4587**

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**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.