

117TH CONGRESS
2D SESSION

S. 688

AN ACT

To prohibit contracting with persons that have business operations with the Maduro regime, 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 “Banning Operations
3 and Leases with the Illegitimate Venezuelan Authoritarian
4 Regime Act” or the “BOLIVAR Act”.

5 **SEC. 2. PROHIBITION ON CONTRACTING WITH PERSONS**
6 **THAT HAVE BUSINESS OPERATIONS WITH**
7 **THE MADURO REGIME.**

8 (a) PROHIBITION.—Except as provided in subsections
9 (b), (c), and (d), the head of an executive agency may not
10 enter into a contract for the procurement of goods or serv-
11 ices with any person that the head of an executive agency
12 determines, with the concurrence of the Secretary of
13 State, knowingly engages in significant business oper-
14 ations with an authority of the Government of Venezuela
15 that is not recognized as the legitimate Government of
16 Venezuela by the United States.

17 (b) EXCEPTIONS.—

18 (1) IN GENERAL.—The prohibition under sub-
19 section (a) does not apply to a contract that the Sec-
20 retary of State determines—

21 (A) is necessary—

22 (i) for purposes of providing humani-
23 tarian assistance to the people of Ven-
24 ezuela;

1 (ii) for purposes of providing disaster
 2 relief and other urgent life-saving meas-
 3 ures; or

4 (iii) to carry out noncombatant evacu-
 5 ations; or

6 (B) is in the national security interests of
 7 the United States.

8 (2) SUPPORT FOR UNITED STATES GOVERN-
 9 MENT ACTIVITIES.—The prohibition in subsection
 10 (a) shall not apply to contracts that support United
 11 States Government activities in Venezuela, including
 12 those necessary for the maintenance of United
 13 States Government facilities in Venezuela, or to con-
 14 tracts with international organizations.

15 (3) NOTIFICATION REQUIREMENT.—The Sec-
 16 retary of State shall notify the appropriate congres-
 17 sional committees of any contract entered into on
 18 the basis of an exception provided for under para-
 19 graph (1).

20 (c) OFFICE OF FOREIGN ASSETS CONTROL LI-
 21 CENSES.—The prohibition in subsection (a) does not apply
 22 to a person that has a valid license to operate in Venezuela
 23 issued by the Office of Foreign Assets Control.

24 (d) AMERICAN DIPLOMATIC MISSION IN VEN-
 25 EZUELA.—The prohibition in subsection (a) does not

1 apply to contracts related to the operation and mainte-
2 nance of the United States Government’s consular offices
3 and diplomatic posts in Venezuela.

4 (e) WAIVER.—The Secretary of State may waive the
5 requirements of subsection (a) if the Secretary of State
6 determines that to do so is in the national interest of the
7 United States.

8 (f) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means the Committee on Homeland Secu-
12 rity and Governmental Affairs and the Committee
13 on Foreign Relations of the Senate and the Com-
14 mittee on Homeland Security and the Committee on
15 Foreign Affairs of the House of Representatives.

16 (2) BUSINESS OPERATIONS.—The term “busi-
17 ness operations” means engaging in commerce in
18 any form, including acquiring, developing, maintain-
19 ing, owning, selling, possessing, leasing, or operating
20 equipment, facilities, personnel, products, services,
21 personal property, real property, or any other appa-
22 ratus of business or commerce.

23 (3) EXECUTIVE AGENCY.—The term “executive
24 agency” has the meaning given the term in section
25 133 of title 41, United States Code.

1 (4) GOVERNMENT OF VENEZUELA.—(A) The
 2 term “Government of Venezuela” includes the gov-
 3 ernment of any political subdivision of Venezuela,
 4 and any agency or instrumentality of the Govern-
 5 ment of Venezuela.

6 (B) For purposes of subparagraph (A), the
 7 term “agency or instrumentality of the Government
 8 of Venezuela” means an agency or instrumentality
 9 of a foreign state as defined in section 1603(b) of
 10 title 28, United States Code, with each reference in
 11 such section to “a foreign state” deemed to be a ref-
 12 erence to “Venezuela”.

13 (5) PERSON.—The term “person” means—

14 (A) a natural person, corporation, com-
 15 pany, business association, partnership, society,
 16 trust, or any other nongovernmental entity, or-
 17 ganization, or group;

18 (B) any governmental entity or instrumen-
 19 tality of a government; and

20 (C) any successor, subunit, parent entity,
 21 or subsidiary of, or any entity under common
 22 ownership or control with, any entity described
 23 in subparagraph (A) or (B).

24 (g) TERM OF APPLICABILITY.—This section shall
 25 apply with respect to any contract entered into during the

- 1 three-year period beginning on the date of the enactment
- 2 of this Act.

Passed the Senate December 15, 2022.

Attest:

Secretary.

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