

113TH CONGRESS
2^D SESSION

S. 2142

AN ACT

To impose targeted sanctions on persons responsible for violations of human rights of antigovernment protesters in Venezuela, to strengthen civil society in 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 “Venezuela Defense of
3 Human Rights and Civil Society Act of 2014”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The Central Bank of Venezuela and the Na-
7 tional Statistical Institute of Venezuela stated that
8 the annual inflation rate in Venezuela in 2013 was
9 56.30, the highest level of inflation in the Western
10 Hemisphere and the third highest level of inflation
11 in the world behind South Sudan and Syria.

12 (2) The Central Bank of Venezuela and the
13 Government of Venezuela have imposed a series of
14 currency controls that has exacerbated economic
15 problems and, according to the World Economic
16 Forum, has become the most problematic factor for
17 doing business in Venezuela.

18 (3) The Central Bank of Venezuela declared
19 that the scarcity index of Venezuela reached 29.4
20 percent in March 2014, which signifies that fewer
21 than one in 4 basic goods is unavailable at any given
22 time. The Central Bank has not released any infor-
23 mation on the scarcity index since that time.

24 (4) Since 1999, violent crime in Venezuela has
25 risen sharply and the Venezuelan Violence Observ-
26 atory, an independent nongovernmental organiza-

1 tion, found the national per capita murder rate to be
2 79 per 100,000 people in 2013.

3 (5) The international nongovernmental organi-
4 zation Human Rights Watch recently stated, “Under
5 the leadership of President Chàvez and now Presi-
6 dent Maduro, the accumulation of power in the exec-
7 utive branch and the erosion of human rights guar-
8 antees have enabled the government to intimidate,
9 censor, and prosecute its critics.”.

10 (6) The Country Reports on Human Rights
11 Practices for 2013 of the Department of State main-
12 tained that in Venezuela “the government did not
13 respect judicial independence or permit judges to act
14 according to the law without fear of retaliation” and
15 “the government used the judiciary to intimidate
16 and selectively prosecute political, union, business,
17 and civil society leaders who were critical of govern-
18 ment policies or actions”.

19 (7) The Government of Venezuela has detained
20 foreign journalists and threatened and expelled
21 international media outlets operating in Venezuela,
22 and the international nongovernmental organization
23 Freedom House declared that Venezuela’s “media
24 climate is permeated by intimidation, sometimes in-

1 including physical attacks, and strong antimedia rhet-
2 oric by the government is common”.

3 (8) Since February 4, 2014, the Government of
4 Venezuela has responded to antigovernment protests
5 with violence and killings perpetrated by its public
6 security forces.

7 (9) In May 2014, Human Rights Watch found
8 that the unlawful use of force perpetrated against
9 antigovernment protesters was “part of a systematic
10 practice by the Venezuelan security forces”.

11 (10) As of September 1, 2014, 41 people had
12 been killed, approximately 3,000 had been arrested
13 unjustly, and more than 150 remained in prison and
14 faced criminal charges as a result of antigovernment
15 demonstrations throughout Venezuela.

16 (11) Opposition leader Leopoldo Lopez was ar-
17 rested on February 18, 2014, in relation to the pro-
18 tests and was unjustly charged with criminal incite-
19 ment, conspiracy, arson, and property damage. Since
20 his arrest, Lopez has been held in solitary confine-
21 ment and has been denied 58 out of 60 of his pro-
22 posed witnesses at his ongoing trial.

23 (12) As of September 1, 2014, not a single
24 member of the public security forces of the Govern-
25 ment of Venezuela had been held accountable for

1 acts of violence perpetrated against antigovernment
2 protesters.

3 **SEC. 3. SENSE OF CONGRESS REGARDING**
4 **ANTIGOVERNMENT PROTESTS IN VENEZUELA**
5 **AND THE NEED TO PREVENT FURTHER VIO-**
6 **LENCE IN VENEZUELA.**

7 It is the sense of Congress that—

8 (1) the United States aspires to a mutually
9 beneficial relationship with Venezuela based on re-
10 spect for human rights and the rule of law and a
11 functional and productive relationship on issues of
12 public security, including counternarcotics and
13 counterterrorism;

14 (2) the United States supports the people of
15 Venezuela in their efforts to realize their full eco-
16 nomic potential and to advance representative de-
17 mocracy, human rights, and the rule of law within
18 their country;

19 (3) the chronic mismanagement by the Govern-
20 ment of Venezuela of its economy has produced con-
21 ditions of economic hardship and scarcity of basic
22 goods and foodstuffs for the people of Venezuela;

23 (4) the failure of the Government of Venezuela
24 to guarantee minimal standards of public security

1 for its citizens has led the country to become one of
2 the most violent and corrupt in the world;

3 (5) the Government of Venezuela continues to
4 take steps to remove checks and balances on the ex-
5 ecutive, politicize the judiciary, undermine the inde-
6 pendence of the legislature through use of executive
7 decree powers, persecute and prosecute its political
8 opponents, curtail freedom of the press, and limit
9 the free expression of its citizens;

10 (6) Venezuelans, responding to ongoing eco-
11 nomic hardship, high levels of crime and violence,
12 and the lack of basic political rights and individual
13 freedoms, have turned out in demonstrations in Ca-
14 racas and throughout the country to protest the fail-
15 ure of the Government of Venezuela to protect the
16 political and economic well-being of its citizens; and

17 (7) the repeated use of violence perpetrated by
18 the National Guard and security personnel of Ven-
19 ezuela, as well as persons acting on behalf of the
20 Government of Venezuela, against antigovernment
21 protesters that began on February 4, 2014, is intol-
22 erable and the use of unprovoked violence by pro-
23 testers is also a matter of serious concern.

24 **SEC. 4. UNITED STATES POLICY TOWARD VENEZUELA.**

25 It is the policy of the United States—

1 (1) to support the people of Venezuela in their
2 aspiration to live under conditions of peace and rep-
3 resentative democracy as defined by the Inter-Amer-
4 ican Democratic Charter of the Organization of
5 American States;

6 (2) to work in concert with the other member
7 states within the Organization of American States,
8 as well as the countries of the European Union, to
9 ensure the peaceful resolution of the current situa-
10 tion in Venezuela and the immediate cessation of vi-
11 olence against antigovernment protestors;

12 (3) to hold accountable government and secu-
13 rity officials in Venezuela responsible for or
14 complicit in the use of force in relation to
15 antigovernment protests and similar future acts of
16 violence; and

17 (4) to continue to support the development of
18 democratic political processes and independent civil
19 society in Venezuela.

20 **SEC. 5. SANCTIONS ON PERSONS RESPONSIBLE FOR VIO-**
21 **LENCE IN VENEZUELA.**

22 (a) IN GENERAL.—The President shall impose the
23 sanctions described in subsection (b) with respect to any
24 foreign person, including any current or former official of

1 the Government of Venezuela or any person acting on be-
2 half of that Government, that the President determines—

3 (1) has perpetrated, or is responsible for order-
4 ing or otherwise directing, significant acts of vio-
5 lence or serious human rights abuses in Venezuela
6 against persons associated with the antigovernment
7 protests in Venezuela that began on February 4,
8 2014;

9 (2) has ordered or otherwise directed the arrest
10 or prosecution of a person in Venezuela primarily
11 because of the person’s legitimate exercise of free-
12 dom of expression or assembly; or

13 (3) has knowingly materially assisted, spon-
14 sored, or provided significant financial, material, or
15 technological support for, or goods or services in
16 support of, the commission of acts described in para-
17 graph (1) or (2).

18 (b) SANCTIONS DESCRIBED.—

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

21 (A) ASSET BLOCKING.—The exercise of all
22 powers granted to the President by the Inter-
23 national Emergency Economic Powers Act (50
24 U.S.C. 1701 et seq.) to the extent necessary to
25 block and prohibit all transactions in all prop-

1 erty and interests in property of a person deter-
2 mined by the President to be subject to sub-
3 section (a) if such property and interests in
4 property are in the United States, come within
5 the United States, or are or come within the
6 possession or control of a United States person.

7 (B) EXCLUSION FROM THE UNITED
8 STATES AND REVOCATION OF VISA OR OTHER
9 DOCUMENTATION.—In the case of an alien de-
10 termined by the President to be subject to sub-
11 section (a), denial of a visa to, and exclusion
12 from the United States of, the alien, and rev-
13 ocation in accordance with section 221(i) of the
14 Immigration and Nationality Act (8 U.S.C.
15 1201(i)), of any visa or other documentation of
16 the alien.

17 (2) PENALTIES.—A person that violates, at-
18 tempts to violate, conspires to violate, or causes a
19 violation of paragraph (1)(A) or any regulation, li-
20 cense, or order issued to carry out paragraph (1)(A)
21 shall be subject to the penalties set forth in sub-
22 sections (b) and (c) of section 206 of the Inter-
23 national Emergency Economic Powers Act (50
24 U.S.C. 1705) to the same extent as a person that

1 commits an unlawful act described in subsection (a)
2 of that section.

3 (3) EXCEPTION RELATING TO IMPORTATION OF
4 GOODS.—The requirement to block and prohibit all
5 transactions in all property and interests in property
6 under paragraph (1)(A) shall not include the author-
7 ity to impose sanctions on the importation of goods.

8 (4) 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 interest of the United States; and

23 (2) on or before the date on which the waiver
24 takes effect, submits to the Committee on Foreign
25 Relations and the Committee on Banking Housing,

1 and Urban Affairs of the Senate and the Committee
2 on Foreign Affairs and the Committee on Financial
3 Services of the House of Representatives a notice of
4 and justification for the waiver.

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

8 (e) TERMINATION.—The requirement to impose sanc-
9 tions under this section shall terminate on December 31,
10 2016.

11 (f) DEFINITIONS.—In this section:

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

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

19 (3) FOREIGN PERSON.—The term “foreign per-
20 son” means a person that is not a United States
21 person.

22 (4) GOOD.—The term “good” has the meaning
23 given that term in section 16 of the Export Adminis-
24 tration Act of 1979 (50 U.S.C. App. 2415) (as con-
25 tinued in effect pursuant to the International Emer-

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

3 (5) KNOWINGLY.—The term “knowingly”, with
4 respect to conduct, a circumstance, or a result,
5 means that a person has actual knowledge, or should
6 have known, of the conduct, the circumstance, or the
7 result.

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

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

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

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

1 **SEC. 6. REPORT ON BROADCASTING, INFORMATION DIS-**
2 **TRIBUTION, AND CIRCUMVENTION TECH-**
3 **NOLOGY DISTRIBUTION IN VENEZUELA.**

4 (a) IN GENERAL.—Not later than 30 days after the
5 date of the enactment of this Act, the Chairman of the
6 Broadcasting Board of Governors (in this section referred
7 to as the “Board”) shall submit to Congress a report that
8 includes—

9 (1) a thorough evaluation of the governmental,
10 political, and technological obstacles faced by the
11 people of Venezuela in their efforts to obtain accu-
12 rate, objective, and comprehensive news and infor-
13 mation about domestic and international affairs;

14 (2) an assessment of current efforts relating to
15 broadcasting, information distribution, and cir-
16 cumvention technology distribution in Venezuela, by
17 the United States Government and otherwise; and

18 (3) a strategy for expanding such efforts in
19 Venezuela, including recommendations for additional
20 measures to expand upon current efforts.

21 (b) ELEMENTS.—The report required by subsection
22 (a) shall include—

23 (1) an assessment of the current level of Fed-
24 eral funding dedicated to broadcasting, information
25 distribution, and circumvention technology distribu-

1 tion in Venezuela by the Board before the date of
2 the enactment of this Act;

3 (2) an assessment of the extent to which the
4 current level and type of news and related program-
5 ming and content provided by the Voice of America
6 and other sources is addressing the informational
7 needs of the people of Venezuela; and

8 (3) recommendations for increasing broad-
9 casting, information distribution, and circumvention
10 technology distribution in Venezuela.

Passed the Senate December 8, 2014.

Attest:

Secretary.

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