Suspend the Rules and Pass the Bill, H.R. 920, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS 1ST SESSION H. R. 920

To restrict the transfer of defense articles, defense services, and crime control articles to any element of the security forces of Venezuela that is under the authority of a government of Venezuela that is not recognized as the legitimate government of Venezuela by the Government of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2019

Ms. Shalala (for herself, Mr. Diaz-Balart, Ms. Wasserman Schultz, Miss Gonzalez-Colón of Puerto Rico, Mr. Soto, Mrs. Murphy, Ms. Mucarsel-Powell, and Mr. Sires) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To restrict the transfer of defense articles, defense services, and crime control articles to any element of the security forces of Venezuela that is under the authority of a government of Venezuela that is not recognized as the legitimate government of Venezuela by the Government of the United States, and for other purposes.

Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Venezuela Arms Restric-
tion Act”.

SEC. 2. RESTRICTION ON EXPORT OF COVERED ARTICLES

AND SERVICES TO CERTAIN SECURITY

FORCES OF VENEZUELA.

(a) IN GENERAL.—Notwithstanding any other provi-
sion of law, covered articles or services may not be ex-
ported from the United States to any element of the secu-

rity forces of Venezuela that is under the authority of a
government of Venezuela that is not recognized as the le-
gitimate government of Venezuela by the Government of
the United States.

(b) REPORT.—Not later than 180 days after the date
of enactment of this Act, the Secretary of State, in con-
sultation with the Secretary of Commerce and the heads
of other departments and agencies as appropriate, shall—

(1) determine, using such information that is
available to the Secretary of State, whether any cov-
ered article or service has been transferred since
July 2017 to the security forces of Venezuela with-
out a license or other authorization as required by
law; and

(2) submit such determination in writing to the

appropriate congressional committees.
SEC. 3. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce as appropriate, shall submit to the appropriate congressional committees a report on the transfer by foreign persons of covered articles or services to elements of the security forces of Venezuela that are under the authority of a government of Venezuela that is not recognized as the legitimate government of Venezuela by the Government of the United States.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A list of all significant transfers by foreign persons of covered articles or services to such elements of the security forces of Venezuela since July 2017.

(2) A list of all foreign persons who maintain an existing defense relationship with such elements of the security forces of Venezuela.

(3) Any known use of covered articles or services by such elements of the security forces of Venezuela or associated forces, including paramilitary groups, that have coordinated with such security forces to assault, intimidate, or murder political ac-
tivists, protesters, dissidents, and other civil society leaders, including Juan Guaido.

SEC. 4. TERMINATION.

This Act shall expire on the earlier of—

(1) the date that is 3 years after the date of the enactment of this Act; or

(2) the date on which the President certifies to the appropriate congressional committees that the Government of Venezuela has returned to a democratic form of government with respect for the essential elements of representative democracy as set forth in Article 3 of the Inter-American Democratic Charter.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.
(2) COVERED ARTICLE OR SERVICE.—The term “covered article or service”—

(A) for purposes of section 2, means—

(i) a defense article or defense service, as such terms are defined in section 47 of the Arms Export Control Act (22 U.S.C. 2794); and

(ii) any article included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled for crime control purposes, if it is determined that the end-user is likely to use the article to violate the human rights of the citizens of Venezuela; and

(B) for purposes of section 3, means—

(i) any defense article or defense service of the type described in section 47 of the Arms Export Control Act; and

(ii) any article of the type included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Ex-
port Administration Regulations and controlled for crime control purposes.

(3) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

(4) PERSON.—The term “person” means an individual or entity.

(5) SECURITY FORCES OF VENEZUELA.—The term “security forces of Venezuela” includes—

(A) the Bolivarian National Armed Forces, including the Bolivarian National Guard;

(B) the Bolivarian National Intelligence Service;

(C) the Bolivarian National Police; and

(D) the Bureau for Scientific, Criminal and Forensic Investigations of the Ministry of Interior, Justice, and Peace.

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(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.