

Suspend the Rules and Pass the Bill, H.R. 825, With an Amendment

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

118TH CONGRESS
1ST SESSION

H. R. 825

To prohibit contracting with persons that have business operations with the Maduro regime, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Mr. WALTZ (for himself, Ms. WASSERMAN SCHULTZ, Ms. SALAZAR, Mr. GIMENEZ, Mrs. GONZÁLEZ-COLÓN, Mr. RESCHENTHALER, Mr. LAMBORN, Mr. DIAZ-BALART, and Ms. MACE) introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Banning Operations
5 and Leases with the Illegitimate Venezuelan Authoritarian
6 Regime Act” or the “BOLIVAR Act”.

1 **SEC. 2. PROHIBITION ON CONTRACTING WITH PERSONS**
2 **THAT HAVE BUSINESS OPERATIONS WITH**
3 **THE MADURO REGIME.**

4 (a) PROHIBITION.—Except as provided in subsections
5 (b), (c), and (d), the head of an executive agency may not
6 enter into a contract for the procurement of goods or serv-
7 ices with any person that the head of an executive agency
8 determines, with the concurrence of the Secretary of
9 State, in consultation with the Director of the Office of
10 Management and Budget, knowingly engages in signifi-
11 cant business operations, as defined by the Secretary in
12 consultation with the Director, with an authority of the
13 Government of Venezuela that is not recognized as the le-
14 gitimate Government of Venezuela by the United States.

15 (b) EXCEPTIONS.—

16 (1) IN GENERAL.—The prohibition under sub-
17 section (a) does not apply to a contract that the Sec-
18 retary of State, in consultation with the Director of
19 the Office of Management and Budget, determines—

20 (A) is necessary—

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

24 (ii) for purposes of providing disaster
25 relief and other urgent humanitarian aid
26 or life-saving measures; or

1 (iii) to carry out noncombatant evacu-
2 ations; or

3 (B) is in the national security interests of
4 the United States.

5 (2) SUPPORT FOR UNITED STATES GOVERN-
6 MENT ACTIVITIES.—The prohibition in subsection
7 (a) shall not apply to contracts and agreements that
8 support United States Government activities in Ven-
9 ezuela, including those necessary for the mainte-
10 nance of United States Government facilities in Ven-
11 ezuela, or to contracts with international organiza-
12 tions.

13 (3) NOTIFICATION REQUIREMENT.—The Sec-
14 retary of State shall notify the appropriate congres-
15 sional committees of any contract entered into on
16 the basis of an exception provided for under para-
17 graph (1), which may be submitted in a classified
18 form, as appropriate.

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

23 (d) AMERICAN DIPLOMATIC MISSION IN VEN-
24 EZUELA.—The prohibition in subsection (a) does not
25 apply to contracts related to the operation and mainte-

1 nance of the United States Government’s consular offices
2 and diplomatic posts in Venezuela.

3 (e) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—

4 The prohibition in subsection (a) does not apply to any
5 activity subject to the reporting requirements under title
6 V of the National Security Act of 1947 (50 U.S.C. 3091
7 et seq.), any authorized intelligence activity of the United
8 States, or any activity or procurement that supports an
9 authorized intelligence activity.

10 (f) WAIVER.—The Secretary of State may waive the
11 requirements of subsection (a) if the Secretary of State
12 determines that to do so is in the national interest of the
13 United States.

14 (g) DEFINITIONS.—In this section:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means the Committee on Homeland Secu-
18 rity and Governmental Affairs and the Committee
19 on Foreign Relations of the Senate and the Com-
20 mittee on Homeland Security and the Committee on
21 Foreign Affairs of the House of Representatives.

22 (2) BUSINESS OPERATIONS.—The term “busi-
23 ness operations” means engaging in commerce in
24 any form, including acquiring, developing, maintain-
25 ing, owning, selling, possessing, leasing, or operating

1 equipment, facilities, personnel, products, services,
2 personal property, real property, or any other appa-
3 ratus of business or commerce.

4 (3) EXECUTIVE AGENCY.—The term “executive
5 agency” has the meaning given the term in section
6 133 of title 41, United States Code.

7 (4) GOVERNMENT OF VENEZUELA.—(A) The
8 term “Government of Venezuela” includes the gov-
9 ernment of any political subdivision of Venezuela,
10 and any agency or instrumentality of the Govern-
11 ment of Venezuela.

12 (B) For purposes of subparagraph (A), the
13 term “agency or instrumentality of the Govern-
14 ment of Venezuela” means an agency or instru-
15 mentality of a foreign state as defined in sec-
16 tion 1603(b) of title 28, United States Code,
17 with each reference in such section to “a for-
18 eign state” deemed to be a reference to “Ven-
19 ezuela”.

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

21 (A) a natural person, corporation, com-
22 pany, business association, partnership, society,
23 trust, or any other nongovernmental entity, or-
24 ganization, or group;

1 (B) any governmental entity or instrumen-
2 tality of a government; and

3 (C) any successor, subunit, parent entity,
4 or subsidiary of, or any entity under common
5 ownership or control with, any entity described
6 in subparagraph (A) or (B).

7 (h) TERM OF APPLICABILITY.—This section shall
8 apply with respect to any contract entered into during the
9 three-year period beginning on the date that is 180 days
10 after the enactment of this Act.