

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 2142

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Venezuela Defense of
5 Human Rights and Civil Society Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Central Bank of Venezuela and the Na-
9 tional Statistical Institute of Venezuela stated that
10 the annual inflation rate in Venezuela in 2013 was
11 56.30, the highest level of inflation in the Western

1 Hemisphere and the third highest level of inflation
2 in the world behind South Sudan and Syria.

3 (2) The Central Bank of Venezuela and the
4 Government of Venezuela have imposed a series of
5 currency controls that has exacerbated economic
6 problems and, according to the World Economic
7 Forum, has become the most problematic factor for
8 doing business in Venezuela.

9 (3) The Central Bank of Venezuela declared
10 that the scarcity index of Venezuela reached 29.4
11 percent in March 2014, which signifies that fewer
12 than one in 4 basic goods is unavailable at any given
13 time. The Central Bank has not released any infor-
14 mation on the scarcity index since that time.

15 (4) Since 1999, violent crime in Venezuela has
16 risen sharply and the Venezuelan Violence Observ-
17 atory, an independent nongovernmental organiza-
18 tion, found the national per capita murder rate to be
19 79 per 100,000 people in 2013.

20 (5) The international nongovernmental organi-
21 zation Human Rights Watch recently stated, “Under
22 the leadership of President Chàvez and now Presi-
23 dent Maduro, the accumulation of power in the exec-
24 utive branch and the erosion of human rights guar-

1 antees have enabled the government to intimidate,
2 censor, and prosecute its critics.”.

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

12 (7) The Government of Venezuela has detained
13 foreign journalists and threatened and expelled
14 international media outlets operating in Venezuela,
15 and the international nongovernmental organization
16 Freedom House declared that Venezuela’s “media
17 climate is permeated by intimidation, sometimes in-
18 cluding physical attacks, and strong antimedia rhet-
19 oric by the government is common”.

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

24 (9) In May 2014, Human Rights Watch found
25 that the unlawful use of force perpetrated against

1 antigovernment protesters was “part of a systematic
2 practice by the Venezuelan security forces”.

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

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

15 (12) As of September 1, 2014, not a single
16 member of the public security forces of the Govern-
17 ment of Venezuela had been held accountable for
18 acts of violence perpetrated against antigovernment
19 protesters.

20 **SEC. 3. SENSE OF CONGRESS REGARDING**
21 **ANTIGOVERNMENT PROTESTS IN VENEZUELA**
22 **AND THE NEED TO PREVENT FURTHER VIO-**
23 **LENCE IN VENEZUELA.**

24 It is the sense of Congress that—

1 (1) the United States aspires to a mutually
2 beneficial relationship with Venezuela based on re-
3 spect for human rights and the rule of law and a
4 functional and productive relationship on issues of
5 public security, including counternarcotics and
6 counterterrorism;

7 (2) the United States supports the people of
8 Venezuela in their efforts to realize their full eco-
9 nomic potential and to advance representative de-
10 mocracy, human rights, and the rule of law within
11 their country;

12 (3) the chronic mismanagement by the Govern-
13 ment of Venezuela of its economy has produced con-
14 ditions of economic hardship and scarcity of basic
15 goods and foodstuffs for the people of Venezuela;

16 (4) the failure of the Government of Venezuela
17 to guarantee minimal standards of public security
18 for its citizens has led the country to become one of
19 the most violent and corrupt in the world;

20 (5) the Government of Venezuela continues to
21 take steps to remove checks and balances on the ex-
22 ecutive, politicize the judiciary, undermine the inde-
23 pendence of the legislature through use of executive
24 decree powers, persecute and prosecute its political

1 opponents, curtail freedom of the press, and limit
2 the free expression of its citizens;

3 (6) Venezuelans, responding to ongoing eco-
4 nomic hardship, high levels of crime and violence,
5 and the lack of basic political rights and individual
6 freedoms, have turned out in demonstrations in Ca-
7 racas and throughout the country to protest the fail-
8 ure of the Government of Venezuela to protect the
9 political and economic well-being of its citizens; and

10 (7) the repeated use of violence perpetrated by
11 the National Guard and security personnel of Ven-
12 ezuela, as well as persons acting on behalf of the
13 Government of Venezuela, against antigovernment
14 protesters that began on February 4, 2014, is intol-
15 erable and the use of unprovoked violence by pro-
16 testers is also a matter of serious concern.

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

18 It is the policy of the United States—

19 (1) to support the people of Venezuela in their
20 aspiration to live under conditions of peace and rep-
21 resentative democracy as defined by the Inter-Amer-
22 ican Democratic Charter of the Organization of
23 American States;

24 (2) to work in concert with the other member
25 states within the Organization of American States,

1 as well as the countries of the European Union, to
2 ensure the peaceful resolution of the current situa-
3 tion in Venezuela and the immediate cessation of vi-
4 olence against antigovernment protestors;

5 (3) to hold accountable government and secu-
6 rity officials in Venezuela responsible for or
7 complicit in the use of force in relation to
8 antigovernment protests and similar future acts of
9 violence; and

10 (4) to continue to support the development of
11 democratic political processes and independent civil
12 society in Venezuela.

13 **SEC. 5. SANCTIONS ON PERSONS RESPONSIBLE FOR VIO-**
14 **LENCE IN VENEZUELA.**

15 (a) IN GENERAL.—The President shall impose the
16 sanctions described in subsection (b) with respect to any
17 foreign person, including any current or former official of
18 the Government of Venezuela or any person acting on be-
19 half of that Government, that the President determines—

20 (1) has perpetrated, or is responsible for order-
21 ing or otherwise directing, significant acts of vio-
22 lence or serious human rights abuses in Venezuela
23 against persons associated with the antigovernment
24 protests in Venezuela that began on February 4,
25 2014;

1 (2) has ordered or otherwise directed the arrest
2 or prosecution of a person in Venezuela primarily
3 because of the person's legitimate exercise of free-
4 dom of expression or assembly; or

5 (3) has knowingly materially assisted, spon-
6 sored, or provided significant financial, material, or
7 technological support for, or goods or services in
8 support of, the commission of acts described in para-
9 graph (1) or (2).

10 (b) SANCTIONS DESCRIBED.—

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

13 (A) ASSET BLOCKING.—The exercise of all
14 powers granted to the President by the Inter-
15 national Emergency Economic Powers Act (50
16 U.S.C. 1701 et seq.) to the extent necessary to
17 block and prohibit all transactions in all prop-
18 erty and interests in property of a person deter-
19 mined by the President to be subject to sub-
20 section (a) if such property and interests in
21 property are in the United States, come within
22 the United States, or are or come within the
23 possession or control of a United States person.

24 (B) EXCLUSION FROM THE UNITED
25 STATES AND REVOCATION OF VISA OR OTHER

1 DOCUMENTATION.—In the case of an alien de-
2 termined by the President to be subject to sub-
3 section (a), denial of a visa to, and exclusion
4 from the United States of, the alien, and rev-
5 ocation in accordance with section 221(i) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1201(i)), of any visa or other documentation of
8 the alien.

9 (2) PENALTIES.—A person that violates, at-
10 tempts to violate, conspires to violate, or causes a
11 violation of paragraph (1)(A) or any regulation, li-
12 cense, or order issued to carry out paragraph (1)(A)
13 shall be subject to the penalties set forth in sub-
14 sections (b) and (c) of section 206 of the Inter-
15 national Emergency Economic Powers Act (50
16 U.S.C. 1705) to the same extent as a person that
17 commits an unlawful act described in subsection (a)
18 of that section.

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

24 (4) EXCEPTION TO COMPLY WITH UNITED NA-
25 TIONS HEADQUARTERS AGREEMENT.—Sanctions

1 under paragraph (1)(B) shall not apply to an alien
2 if admitting the alien into the United States is nec-
3 essary to permit the United States to comply with
4 the Agreement regarding the Headquarters of the
5 United Nations, signed at Lake Success June 26,
6 1947, and entered into force November 21, 1947,
7 between the United Nations and the United States,
8 or other applicable international obligations.

9 (c) WAIVER.—The President may waive the applica-
10 tion of sanctions under subsection (b) with respect to a
11 person if the President—

12 (1) determines that such a waiver is in the na-
13 tional interest of the United States; and

14 (2) on or before the date on which the waiver
15 takes effect, submits to the Committee on Foreign
16 Relations and the Committee on Banking Housing,
17 and Urban Affairs of the Senate and the Committee
18 on Foreign Affairs and the Committee on Financial
19 Services of the House of Representatives a notice of
20 and justification for the waiver.

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

1 (e) TERMINATION.—The requirement to impose sanc-
2 tions under this section shall terminate on December 31,
3 2016.

4 (f) DEFINITIONS.—In this section:

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

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

12 (3) FOREIGN PERSON.—The term “foreign per-
13 son” means a person that is not a United States
14 person.

15 (4) GOOD.—The term “good” has the meaning
16 given that term in section 16 of the Export Adminis-
17 tration Act of 1979 (50 U.S.C. App. 2415) (as con-
18 tinued in effect pursuant to the International Emer-
19 gency Economic Powers Act (50 U.S.C. 1701 et
20 seq.)).

21 (5) KNOWINGLY.—The term “knowingly”, with
22 respect to conduct, a circumstance, or a result,
23 means that a person has actual knowledge, or should
24 have known, of the conduct, the circumstance, or the
25 result.

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

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

8 (A) a United States citizen or an alien law-
9 fully admitted for permanent residence to the
10 United States; or

11 (B) an entity organized under the laws of
12 the United States or of any jurisdiction within
13 the United States, including a foreign branch of
14 such an entity.

15 **SEC. 6. REPORT ON BROADCASTING, INFORMATION DIS-**
16 **TRIBUTION, AND CIRCUMVENTION TECH-**
17 **NOLOGY DISTRIBUTION IN VENEZUELA.**

18 (a) **IN GENERAL.**—Not later than 30 days after the
19 date of the enactment of this Act, the Chairman of the
20 Broadcasting Board of Governors (in this section referred
21 to as the “Board”) shall submit to Congress a report that
22 includes—

23 (1) a thorough evaluation of the governmental,
24 political, and technological obstacles faced by the
25 people of Venezuela in their efforts to obtain accu-

1 rate, objective, and comprehensive news and infor-
2 mation about domestic and international affairs;

3 (2) an assessment of current efforts relating to
4 broadcasting, information distribution, and cir-
5 cumvention technology distribution in Venezuela, by
6 the United States Government and otherwise; and

7 (3) a strategy for expanding such efforts in
8 Venezuela, including recommendations for additional
9 measures to expand upon current efforts.

10 (b) ELEMENTS.—The report required by subsection
11 (a) shall include—

12 (1) an assessment of the current level of Fed-
13 eral funding dedicated to broadcasting, information
14 distribution, and circumvention technology distribu-
15 tion in Venezuela by the Board before the date of
16 the enactment of this Act;

17 (2) an assessment of the extent to which the
18 current level and type of news and related program-
19 ming and content provided by the Voice of America
20 and other sources is addressing the informational
21 needs of the people of Venezuela; and

22 (3) recommendations for increasing broad-
23 casting, information distribution, and circumvention
24 technology distribution in Venezuela.