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.

IN THE SENATE OF THE UNITED STATES

Mr. Menendez (for himself, Mr. Rubio, and Mr. Nelson) introduced the following bill; which was read twice and referred to the Committee on

A BILL

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress makes the following findings:
(1) The Central Bank of Venezuela and the National Statistical Institute of Venezuela have stated that the inflation rate in Venezuela was 56.30 percent in 2013, the highest level of inflation in the Western Hemisphere and the third highest level of inflation in the world behind South Sudan and Syria.

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

(3) The Central Bank of Venezuela and the National Statistical Institute of Venezuela have declared that the scarcity index of Venezuela reached 28 percent in December 2013, which signifies that one in 4 basic goods is unavailable at any given time.

(4) Since 1999, violent crime in Venezuela has risen sharply and the Venezuelan Violence Observatory, an independent nongovernmental organization, found the national per capita murder rate to be 79 per 100,000 people in 2013.
(5) The international nongovernmental organization Human Rights Watch recently stated, “Under the leadership of President Chávez and now President Maduro, the accumulation of power in the executive branch and the erosion of human rights guarantees have enabled the government to intimidate, censor, and prosecute its critics.”

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

(7) The Government of Venezuela has detained foreign journalists and threatened and expelled international media outlets operating in Venezuela, and the international nongovernmental organization Freedom House declared that Venezuela’s “media climate is permeated by intimidation, sometimes including physical attacks, and strong antimedia rhetoric by the government is common”.
Since February 4, 2014, the Government of Venezuela has responded to antigovernment protests with violence and killings perpetrated by public security forces, and by arresting and unjustly charging opposition leader Leopoldo Lopes with criminal incitement, conspiracy, arson, and intent to damage property.

As of March 13, 2014, 23 people had been killed, more than 100 people had been injured, and dozens had been unjustly detained as a result of antigovernment demonstrations throughout Venezuela.

SEC. 3. SENSE OF CONGRESS REGARDING ANTIGOVERNMENT PROTESTS IN VENEZUELA AND THE NEED TO PREVENT FURTHER VIOLENCE IN VENEZUELA.

It is the sense of Congress that—

(1) the United States aspires to a mutually beneficial relationship with Venezuela based on respect for human rights and the rule of law and a functional and productive relationship on issues of public security, including counternarcotics and counterterrorism;

(2) the United States supports the people of Venezuela in their efforts to realize their full eco-
nomics potential and to advance representative dem-
docracy, human rights, and the rule of law within
their country;

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

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

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

(6) the people of Venezuela, responding to on-
going economic hardship, high levels of crime and vi-
olence, and the lack of basic political rights and indi-
vidual freedoms, have turned out in demonstrations
in Caracas and throughout the country to protest
the inability of the Government of Venezuela to en-
sure the political and economic well-being of its citi-
zens; and

(7) the repeated use of violence perpetrated by
the National Guard and security personnel of Ven-
ezuela, as well as persons acting on behalf of the
Government of Venezuela, in relation to the
antigovernment protests that began on February 4,
2014, is intolerable and the use of unprovoked vio-
lence by protesters is also a matter of serious con-
cern.

SEC. 4. UNITED STATES POLICY TOWARD VENEZUELA.

It is the policy of the United States—

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

(2) to work in concert with the other member
states within the Organization of American States,
as well as the countries of the European Union, to
ensure the peaceful resolution of the current situ-
tion in Venezuela and the immediate cessation of vi-
olece against antigovernment protestors;

(3) to hold accountable government and secu-
rity officials in Venezuela responsible for or
complicit in the use of force in relation to the antigovernment protests that began on February 4, 2014, and similar future acts of violence; and

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

SEC. 5. SANCTIONS ON PERSONS RESPONSIBLE FOR VIOLENCE IN VENEZUELA.

(a) In General.—The President shall impose the sanctions described in subsection (b) with respect to any person, including a current or former official of the Government of Venezuela or a person acting on behalf of that Government, that the President determines—

(1) has perpetrated, or is responsible for ordering, controlling, or otherwise directing, significant acts of violence or serious human rights abuses in Venezuela against persons associated with the antigovernment protests in Venezuela that began on February 4, 2014;

(2) has directed or ordered the arrest or prosecution of a person primarily because of the person’s legitimate exercise of freedom of expression or assembly; or

(3) has materially assisted, sponsored, or provided significant financial, material, or technological
support for, or goods or services in support of, the
commission of acts described in paragraph (1) or
(2).

(b) SANCTIONS DESCRIBED.—

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

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

(B) EXCLUSION FROM THE UNITED
STATES AND REVOCATION OF VISA OR OTHER
DOCUMENTATION.—In the case of an alien de-
determined by the President to be subject to sub-
section (a), denial of a visa to, and exclusion
from the United States of, the alien, and rev-
ocation in accordance with section 221(i) of the
Immigration and Nationality Act (8 U.S.C.
1. 1201(i)), of any visa or other documentation of
the alien.

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

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

(e) Waiver.—The President may waive the applica-
tion of sanctions under subsection (b) with respect to a
person if the President—
(1) determines that such a waiver is in the national security interests of the United States; and

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

(d) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(e) DEFINITIONS.—In this section:

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

(2) FINANCIAL INSTITUTION.—The term “financial institution” has the meaning given that term in section 5312 of title 31, United States Code.

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

SEC. 6. SUPPORT FOR CIVIL SOCIETY IN VENEZUELA.

(a) IN GENERAL.—The Secretary of State shall, subject to the availability of appropriations, directly or through nongovernmental organizations—

(1) defend internationally recognized human rights for the people of Venezuela;

(2) build the organizational and operational capacity of democratic civil society activists and organizations in Venezuela at the national and regional level;

(3) support the efforts of independent media outlets to broadcast, distribute, and share information beyond the limited channels made available by the Government of Venezuela;

(4) facilitate open and uncensored access to the Internet for the people of Venezuela;
(5) improve transparency and accountability of institutions that are part of the Government of Venezuela;

(6) provide support to civil society organizations, activists, and peaceful demonstrators in Venezuela that have been targeted for exercising internationally recognized civil and political rights, as well as journalists targeted for activities related to the work of a free press; and

(7) provide support for democratic political organizing and election monitoring in Venezuela.

(b) Strategy Requirement.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a strategy to carry out the activities described in subsection (a) to—

(1) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Secretary of State $15,000,000 for fiscal year 2014 to carry out subsection (a).
Amounts appropriated for the activities set forth in subsection (a) shall be used pursuant to the authorization and requirements contained in this section. Additional amounts may be authorized to be appropriated under with provisions of law.

(2) Notification requirement.—

(A) In general.—Funds appropriated or otherwise made available pursuant to paragraph (1) may not be obligated until until 15 days after the date on which the President has provided notice of intent to obligate such funds to—

(i) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(ii) the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(B) Waiver.—The President may waive the requirement under subparagraph (A) if the President determines that failure to waive that requirement would pose a substantial risk to human health or welfare, in which case notifica-
tion shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable in the context of the circumstances necessitating such waiver.