

Calendar No. 96

117TH CONGRESS
1ST SESSION

S. 688

[Report No. 117–28]

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

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2021

Mr. SCOTT of Florida (for himself, Mr. RUBIO, Mr. TILLIS, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 12, 2021

Reported by Mr. PETERS, without amendment

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, knowingly engages in significant business oper-
10 ations with an authority of the Government of Venezuela
11 that is not recognized as the legitimate Government of
12 Venezuela by the United States.

13 (b) EXCEPTIONS.—

14 (1) IN GENERAL.—The prohibition under sub-
15 section (a) does not apply to a contract that the Sec-
16 retary of State determines—

17 (A) is necessary—

18 (i) for purposes of providing humani-
19 tarian assistance to the people of Ven-
20 ezuela;

21 (ii) for purposes of providing disaster
22 relief and other urgent life-saving meas-
23 ures; or

24 (iii) to carry out noncombatant evacu-
25 ations; or

1 (B) is in the national security interests of
2 the United States.

3 (2) SUPPORT FOR UNITED STATES GOVERN-
4 MENT ACTIVITIES.—The prohibition in subsection
5 (a) shall not apply to contracts that support United
6 States Government activities in Venezuela, including
7 those necessary for the maintenance of United
8 States Government facilities in Venezuela, or to con-
9 tracts with international organizations.

10 (3) NOTIFICATION REQUIREMENT.—The Sec-
11 retary of State shall notify the appropriate congres-
12 sional committees of any contract entered into on
13 the basis of an exception provided for under para-
14 graph (1).

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

19 (d) AMERICAN DIPLOMATIC MISSION IN VEN-
20 EZUELA.—The prohibition in subsection (a) does not
21 apply to contracts related to the operation and mainte-
22 nance of the United States Government's consular offices
23 and diplomatic posts in Venezuela.

24 (e) WAIVER.—The Secretary of State may waive the
25 requirements of subsection (a) if the Secretary of State

1 determines that to do so is in the national interest of the
2 United States.

3 (f) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means the Committee on Homeland Secu-
7 rity and Governmental Affairs of the Senate and the
8 Committee on Homeland Security of the House of
9 Representatives.

10 (2) BUSINESS OPERATIONS.—The term “busi-
11 ness operations” means engaging in commerce in
12 any form, including acquiring, developing, maintain-
13 ing, owning, selling, possessing, leasing, or operating
14 equipment, facilities, personnel, products, services,
15 personal property, real property, or any other appa-
16 ratus of business or commerce.

17 (3) EXECUTIVE AGENCY.—The term “executive
18 agency” has the meaning given the term in section
19 133 of title 41, United States Code.

20 (4) GOVERNMENT OF VENEZUELA.—(A) The
21 term “Government of Venezuela” includes the gov-
22 ernment of any political subdivision of Venezuela,
23 and any agency or instrumentality of the Govern-
24 ment of Venezuela.

1 (B) For purposes of subparagraph (A), the
2 term “agency or instrumentality of the Government
3 of Venezuela” means an agency or instrumentality
4 of a foreign state as defined in section 1603(b) of
5 title 28, United States Code, with each reference in
6 such section to “a foreign state” deemed to be a ref-
7 erence to “Venezuela”.

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

9 (A) a natural person, corporation, com-
10 pany, business association, partnership, society,
11 trust, or any other nongovernmental entity, or-
12 ganization, or group;

13 (B) any governmental entity or instrumen-
14 tality of a government; and

15 (C) any successor, subunit, parent entity,
16 or subsidiary of, or any entity under common
17 ownership or control with, any entity described
18 in subparagraph (A) or (B).

19 (g) APPLICABILITY.—This section shall apply with
20 respect to any contract entered into on or after the date
21 of the enactment of this section.

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