

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.**

**S. 1151**

To prohibit contracting with persons that have business operations with the Maduro regime, 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 Mr. SCOTT of Florida

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Venezuelan Contracting Restriction Act”.  
5

6 **SEC. 2. PROHIBITION ON CONTRACTING WITH PERSONS**

7 **THAT HAVE BUSINESS OPERATIONS WITH**

8 **THE MADURO REGIME.**

9 (a) PROHIBITION.—Except as provided in subsections  
10 (b), (c), and (d), the head of an executive agency may not  
11 enter into a contract for the procurement of goods or services  
12 with any person that the head of an executive agency

1 determines, with the concurrence of the Secretary of  
2 State, knowingly engages in significant business oper-  
3 ations with an authority of the Government of Venezuela  
4 that is not recognized as the legitimate Government of  
5 Venezuela by the United States.

6 (b) EXCEPTIONS.—

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

10 (A) is necessary—

11 (i) for purposes of providing humani-  
12 tarian assistance to the people of Ven-  
13 ezuela;

14 (ii) for purposes of providing disaster  
15 relief and other urgent life-saving meas-  
16 ures; or

17 (iii) to carry out noncombatant evacu-  
18 ations; or

19 (B) is in the national security interests of  
20 the United States.

21 (2) SUPPORT FOR UNITED STATES GOVERN-  
22 MENT ACTIVITIES.—The prohibition in subsection  
23 (a) shall not apply to contracts that support United  
24 States Government activities in Venezuela, including  
25 those necessary for the maintenance of United

1 States Government facilities in Venezuela, or to con-  
2 tracts with international organizations.

3 (3) NOTIFICATION REQUIREMENT.—The Sec-  
4 retary of State shall notify the appropriate congres-  
5 sional committees of any contract entered into on  
6 the basis of an exception provided for under para-  
7 graph (1).

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

12 (d) AMERICAN DIPLOMATIC MISSION IN VEN-  
13 EZUELA.—The prohibition in subsection (a) does not  
14 apply to contracts related to the operation and mainte-  
15 nance of the United States Government’s consular offices  
16 and diplomatic posts in Venezuela.

17 (e) WAIVER.—The Secretary of State may waive the  
18 requirements of subsection (a) if the Secretary of State  
19 determines that to do so is in the national interest of the  
20 United States.

21 (f) DEFINITIONS.—In this section:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
23 TEES.—The term “appropriate congressional com-  
24 mittees” means the Committee on Homeland Secu-  
25 rity and Governmental Affairs of the Senate and the

1 Committee on Homeland Security of the House of  
2 Representatives.

3 (2) BUSINESS OPERATIONS.—The term “busi-  
4 ness operations” means engaging in commerce in  
5 any form, including acquiring, developing, maintain-  
6 ing, owning, selling, possessing, leasing, or operating  
7 equipment, facilities, personnel, products, services,  
8 personal property, real property, or any other appa-  
9 ratus of business or commerce.

10 (3) EXECUTIVE AGENCY.—The term “executive  
11 agency” has the meaning given the term in section  
12 133 of title 41, United States Code.

13 (4) GOVERNMENT OF VENEZUELA.—(A) The  
14 term “Government of Venezuela” includes the gov-  
15 ernment of any political subdivision of Venezuela,  
16 and any agency or instrumentality of the Govern-  
17 ment of Venezuela.

18 (B) For purposes of subparagraph (A), the  
19 term “agency or instrumentality of the Government  
20 of Venezuela” means an agency or instrumentality  
21 of a foreign state as defined in section 1603(b) of  
22 title 28, United States Code, with each reference in  
23 such section to “a foreign state” deemed to be a ref-  
24 erence to “Venezuela”.

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

1           (A) a natural person, corporation, com-  
2           pany, business association, partnership, society,  
3           trust, or any other nongovernmental entity, or-  
4           ganization, or group;

5           (B) any governmental entity or instrumen-  
6           tality of a government; and

7           (C) any successor, subunit, parent entity,  
8           or subsidiary of, or any entity under common  
9           ownership or control with, any entity described  
10          in subparagraph (A) or (B).

11          (g) **APPLICABILITY.**—This section shall apply with  
12          respect to any contract entered into on or after the date  
13          of the enactment of this section.