

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 825  
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**5 SEC. 2. PROHIBITION ON CONTRACTING WITH PERSONS  
6                   THAT HAVE BUSINESS OPERATIONS WITH  
7                   THE MADURO REGIME.**

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

18       (b) EXCEPTIONS.—

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

5                   (A) is necessary—

6                           (i) for purposes of providing humani-  
7                           tarian assistance to the people of Ven-  
8                           ezuela;

9                           (ii) for purposes of providing disaster  
10                          relief and other urgent humanitarian aid  
11                          or life-saving measures; or

12                          (iii) to carry out noncombatant evacu-  
13                          ations; or

14                          (B) is in the national security interests of  
15           the United States.

16           (2) SUPPORT FOR UNITED STATES GOVERN-  
17           MENT ACTIVITIES.—The prohibition in subsection  
18           (a) shall not apply to contracts and agreements that  
19           support United States Government activities in Ven-  
20           ezuela, including those necessary for the mainte-  
21           nance of United States Government facilities in Ven-  
22           ezuela, or to contracts with international organiza-  
23           tions.

24           (3) NOTIFICATION REQUIREMENT.—The Sec-  
25           retary of State shall notify the appropriate congres-

1 sional committees of any contract entered into on  
2 the basis of an exception provided for under para-  
3 graph (1), which may be submitted in a classified  
4 form, as appropriate.

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

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

14 (e) EXCEPTION FOR INTELLIGENCE ACTIVITIES.—  
15 The prohibition in subsection (a) does not apply to any  
16 activity subject to the reporting requirements under title  
17 V of the National Security Act of 1947 (50 U.S.C. 3091  
18 et seq.), any authorized intelligence activity of the United  
19 States, or any activity or procurement that supports an  
20 authorized intelligence activity.

21 (f) WAIVER.—The Secretary of State may waive the  
22 requirements of subsection (a) if the Secretary of State  
23 determines that to do so is in the national interest of the  
24 United States.

25 (g) DEFINITIONS.—In this section:

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

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

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

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

23                        (B) For purposes of subparagraph (A), the  
24                        term “agency or instrumentality of the Govern-  
25                        ment of Venezuela” means an agency or instru-

1           mentality of a foreign state as defined in sec-  
2           tion 1603(b) of title 28, United States Code,  
3           with each reference in such section to “a for-  
4           eign state” deemed to be a reference to “Ven-  
5           ezuela”.

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

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

11                   (B) any governmental entity or instrumen-  
12                  tality of a government; and

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

17           (h) TERM OF APPLICABILITY.—This section shall  
18           apply with respect to any contract entered into during the  
19           three-year period beginning on the date of the enactment  
20           of this Act.

