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# Venezuela: Background and U.S. Relations

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## Venezuela: Background and U.S. Relations

The crisis in Venezuela has deepened under the authoritarian rule of Nicolás Maduro, who has consolidated power despite presiding over a dire economic and humanitarian crisis worsened by the Coronavirus Disease 2019 (COVID-19) pandemic. Maduro, narrowly elected in 2013 after the death of Hugo Chávez (president, 1999-2013), and the United Socialist Party of Venezuela (PSUV) took de facto control of the National Assembly, the last independent branch of government, in January 2021. Maduro has resisted U.S. and international pressure to step down and an opposition led by Juan Guaidó, the National Assembly president elected in 2015 and once regarded as interim president by nearly 60 countries.

Venezuela's economy has collapsed. The country is plagued by hyperinflation, severe shortages of food and medicine, and a dire humanitarian crisis that has further deteriorated as a result of gasoline shortages, COVID-19, and U.S. sanctions. Maduro has blamed sanctions for the economic crisis, but many observers cite economic mismanagement and corruption as the main factors. U.N. agencies estimate 5.6 million Venezuelans have fled the country as of April 2021.

### U.S. Policy

The U.S. government ceased recognizing Maduro as Venezuela's legitimate president in January 2019. Although the Administration of former President Donald Trump initially discussed the possibility of using military force in Venezuela, it ultimately sought to compel Maduro to leave office through diplomatic, economic, and legal pressure. Officials in the Administration of President Joe Biden have stated that the Administration's approach toward the crisis in Venezuela will focus on supporting the Venezuelan people and engaging in multilateral diplomacy to press for a return to democracy and to hold Maduro officials and supporters accountable for their actions. On March 8, 2021, the Biden Administration designated Venezuela for Temporary Protected Status (TPS), after President Trump ended removals of Venezuelans eligible for Deferred Enforced Departure (DED) on January 19, 2021. Biden Administration officials also are reviewing the humanitarian impacts of U.S. sanctions.

### Congressional Action

Congress supported the Trump Administration's efforts to promote a restoration of democracy in Venezuela without the use of military force and to provide humanitarian assistance to Venezuelans, although some Members expressed concerns about the humanitarian impact of sanctions. In December 2019, Congress enacted the Venezuela Emergency Relief, Democracy Assistance, and Development Act of 2019 (VERDAD Act; P.L. 116-94, Division J) a comprehensive bill to address the crisis in Venezuela. In the FY2020 National Defense Authorization Act (NDAA; P.L. 116-92), Congress prohibited the Department of Defense from contracting with persons who do business with the Maduro government. The Consolidated Appropriations Act, 2021 (P.L. 116-260), provided not less than \$33 million in Economic Support Funds for democracy programs in Venezuela and an unspecified level of humanitarian support for countries sheltering Venezuelan refugees. The 117<sup>th</sup> Congress may examine policy approaches by the Biden Administration and further legislative options, such as additional sanctions against the Maduro government and its enablers or additional humanitarian assistance. S.Res. 44, reported by the Senate Foreign Relations Committee on March 24, condemns the December legislative elections and calls for free and fair presidential and legislative elections in Venezuela.

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## Introduction

Venezuela, long one of the most prosperous countries in South America, with the world's largest proven oil reserves, remains in the throes of a deep, multifaceted crisis under the authoritarian rule of Nicolás Maduro of the United Socialist Party of Venezuela (PSUV). Despite international pressure for Maduro to cede power and his mishandling of Venezuela's dire economic and humanitarian crisis, he has consolidated power. In January 2021, the PSUV took de facto control of the National Assembly, effectively taking over the last independent branch of government and challenging the legitimacy of Juan Guaidó, president of the National Assembly elected in 2015. Many of the nearly 60 countries that recognized Guaidó as Interim President of Venezuela in 2019 did so on the basis of his position as National Assembly president. Although the Administration of President Joe Biden still recognizes Guaidó as interim president, many U.S. allies, including European Union (EU) member states, do not.

### Venezuela at a Glance

**Population:** 28 million (2020 est., IMF)  
**Area:** 912,050 km<sup>2</sup> (slightly more than twice the size of California)  
**GDP:** \$47.3 billion (2020, current prices, IMF est.)  
**GDP Growth:** -30% (2020, IMF est.)  
**GDP Per Capita:** \$1,540 (2020, current prices, IMF est.)  
**Key Trading Partners:** Exports—Turkey: 36%, Brazil: 22%, U.S.: 1.4%. Imports—U.S.: 16.8%, Brazil: 10.8%, Turkey: 4.6%. (2020, TDM)  
**Unemployment:** 50.3% (2020, EIU)  
**Life Expectancy:** 72.1 years (2019, UNDP)  
**Legislature:** 2015 National Assembly (unicameral), with 167 members; 2021 National Assembly, with 277 members (United States does not recognize)  
**Sources:** Economist Intelligence Unit (EIU); International Monetary Fund (IMF); Trade Data Monitor (TDM); United Nations Development Programme (UNDP).

U.S. relations with Venezuela, once a major oil supplier, deteriorated under the Hugo Chávez government (1999-2013), which undermined human rights, the separation of powers, and freedom of expression. U.S. concerns have deepened as the Maduro government has cracked down on the opposition, media, and civil society; engaged in drug trafficking and corruption; convened fraudulent elections, and impeded humanitarian aid distribution. The Administration of former President Donald Trump sought to exert diplomatic, economic, and legal pressure on Maduro until he agreed to leave office so that a transition government could convene free and fair elections. The Biden Administration is focused on addressing the humanitarian situation, supporting the Venezuelan people, and engaging in multilateral diplomacy to hold corrupt and

abusive officials accountable and to press for a return to democracy.<sup>1</sup>

This report provides an overview of the overlapping political, economic, and humanitarian crises in Venezuela, followed by an overview of U.S. policy toward Venezuela.

## Political Situation

### Background<sup>2</sup>

In the late 1990s, Hugo Chávez rose to power on a populist platform that promised to redistribute Venezuela's oil wealth and political power from corrupt elites to the people of Venezuela. Under

<sup>1</sup> U.S. Department of State, "Background Press Call by Senior Administration Officials on Venezuela," press briefing, March 8, 2021.

<sup>2</sup> CRS Report R42989, *Hugo Chávez's Death: Implications for Venezuela and U.S. Relations*, by Mark P. Sullivan; and CRS Report R43239, *Venezuela: Issues for Congress, 2013-2016*, by Mark P. Sullivan.

Chávez (1999-2013), Venezuela adopted a new constitution (ratified by plebiscite in 1999); a new unicameral legislature; and a new name for the country—the Bolivarian Republic of Venezuela, named after the 19<sup>th</sup>-century South American liberator Simón Bolívar. Buoyed by windfall profits from high oil prices, the Chávez government expanded the state’s role in the economy. Chávez’s charisma, use of oil revenue to fund social programs and provide subsidized oil to Cuba and other countries, and opposition to the United States captured global attention.

**Figure 1. Political Map of Venezuela**



**Source:** Congressional Research Service (CRS).

Chávez’s legacy has been debated. President Chávez established an array of social programs and services that helped reduce poverty by some 20% and improve literacy and access to health care.<sup>3</sup> Nevertheless, his presidency was “characterized by a dramatic concentration of power and open disregard for basic human rights guarantees,” especially after his brief ouster from power in 2002.<sup>4</sup> Declining oil production, combined with massive debt and high inflation, have shown the costs of Chávez’s failure to save or invest past oil profits, tendency to take on debt and print money, and decision to fire thousands of technocrats after an oil workers’ strike in 2002-2003.

<sup>3</sup> Daniel Hellinger and Anthony Petros Spanakos, “The Legacy of Hugo Chávez,” *Latin American Perspectives*, vol. 44, no. 1, January 2017, pp. 4-15.

<sup>4</sup> Human Rights Watch, “Venezuela: Chávez’s Authoritarian Legacy,” March 5, 2013.

After Chávez's death in March 2013, Acting President Nicolás Maduro narrowly defeated Henrique Capriles of the Democratic Unity Roundtable (MUD) of opposition parties in April elections. The opposition alleged significant irregularities and protested; Maduro sought to consolidate his authority. Security forces and allied civilian groups violently suppressed protests and restricted freedom of speech and assembly. In 2014, 43 people died and 800 were injured in clashes between pro-Maduro forces and student-led protesters concerned about rising crime. Maduro imprisoned opposition figures, including Leopoldo López, head of the Popular Will (VP) party, for allegedly inciting violence. In February 2015, the government again cracked down.

### Nicolás Maduro

A former trade unionist who served in Venezuela's legislature from 1998 until 2006, Nicolás Maduro held the position of National Assembly president from 2005 to 2006, when he became President Chávez's foreign minister. Maduro retained that position until mid-January 2013, concurrently serving as vice president beginning in October 2012, when President Chávez tapped him to serve in that position following his reelection. Maduro often was described as a staunch Chávez loyalist. Maduro's partner since 1992 is well-known Chávez supporter Cilia Flores, who served as the president of the National Assembly from 2006 to 2011; the two married in 2013.

In the December 2015 legislative elections, the MUD captured a two-thirds majority in the National Assembly—a major setback for Maduro. The PSUV-aligned Supreme Court blocked three MUD deputies from taking office, depriving the opposition of a two-thirds majority. From January 2016 to August 2017, the Supreme Court blocked laws and assumed the legislature's functions. In 2016, opposition efforts to recall President Maduro in a national referendum were delayed and then suspended by the National Electoral Council (CNE). Most of the opposition (except the VP party) entered talks with the government mediated by the Vatican and others. By December, the opposition had left the talks as the Maduro government failed to meet its commitments.<sup>5</sup>

In early 2017, President Maduro appointed a hard-line vice president, Tareck elAissami, a U.S.-designated drug kingpin, and cracked down on freedom of assembly and expression. Despite these moves, the MUD was reenergized after the Supreme Court's March 2017 rulings to dissolve the legislature. After domestic protests and international criticism, President Maduro urged the court to revise those rulings, and it complied. In April 2017, the government banned Capriles from seeking office for 15 years, which fueled more protests. From March to July 2017, the opposition conducted large protests against the government. Clashes between security forces (backed by armed civilian militias) and protesters left more than 130 dead.<sup>6</sup>

In May 2017, President Maduro announced he would convene a constituent assembly to revise the constitution and scheduled July 30 elections to select delegates to that assembly. The Supreme Court ruled that Maduro could convoke the assembly without first holding a popular referendum (as the constitution requires). The opposition boycotted, arguing the elections were unconstitutional, a position shared by international observers (including the United States). Despite an opposition boycott, the government orchestrated the July 2017 election of a 545-member National Constituent Assembly (ANC), which served as a parallel legislative body until members of the PSUV-dominated National Assembly took their seats in January 2021.

President Maduro gained the upper hand over the MUD despite international condemnation of his actions. In October 2017, the PSUV won 18 of 23 gubernatorial elections. Although fraud likely took place given the discrepancies between opinion polls and the election results, the opposition

<sup>5</sup> Those commitments included (1) releasing political prisoners, (2) announcing an electoral calendar, (3) respecting the National Assembly's decisions, and (4) addressing humanitarian needs.

<sup>6</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), *Human Rights Violations and Abuses in the Context of Protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017*, August 30, 2017.

could not prove that it was widespread. There is evidence that the PSUV linked receipt of future government food assistance to votes for its candidates by placing food assistance card registration centers next to polling stations, a practice also used in subsequent elections.<sup>7</sup> The MUD coalition initially rejected the election results, but four victorious MUD governors took their oaths of office in front of the ANC (rather than the National Assembly), a decision that fractured the coalition.

With the opposition in disarray, President Maduro moved to consolidate power and blamed U.S. sanctions for the country's economic problems. Maduro fired and arrested the head of *Petróleos de Venezuela, S.A. (PdVSA)* and the oil minister for corruption. He appointed a general with no experience in energy to fill both positions, consolidating military control over the economy. The ANC approved a law to further restrict freedom of expression and assembly. Although most opposition parties did not participate in municipal elections held in December 2017, a few fielded candidates. The PSUV won more than 300 of 335 mayoralties.

### May 2018 Elections and Aftermath

The Venezuelan constitution established that the country's presidential elections were to be held by December 2018. Although many prominent opposition politicians had been imprisoned (Leopoldo López, under house arrest), barred from seeking office (Henrique Capriles), or in exile, some Democratic Unity Roundtable (MUD) leaders sought to unseat President Maduro through elections. Those leaders negotiated with the United Socialist Party of Venezuela (PSUV) to try to obtain guarantees, such as a reconstituted National Electoral Council (CNE) and international observers, to help ensure the elections would be as free and fair as possible. In January 2018, the National Constituent Assembly (ANC) ignored those negotiations and called for elections to be moved up from December to May 2018, violating a constitutional requirement that elections be called with at least six months anticipation. The MUD declared an election boycott, but Henri Falcón broke with the coalition to run.

Venezuela's presidential election proved to be minimally competitive and took place within a climate of state repression. There were no internationally accredited election monitors. The government coerced its workers to vote and placed food assistance card distribution centers next to polling stations. The CNE reported that Maduro received 67.7% of the votes followed by Falcón (21%). Voter turnout was much lower in 2018 (46%) than in 2013 (80%). After independent monitors reported widespread fraud, Falcón called for new elections.

Following the disputed election, Maduro faced mounting economic problems, coup attempts, and international isolation. His government released some political prisoners but also increased Maduro's control over the judiciary and the intelligence services.

## Maduro's Second Term: 2019-Present

The United States, the EU, and many neighboring countries ceased to recognize Maduro as Venezuela's legitimate president in January 2019, following his fraudulent May 2018 reelection. These countries also do not recognize the legitimacy of the legislature seated in January 2021, following December 2020 elections that did not meet international standards.

On January 5, 2019, the democratically elected, opposition-controlled National Assembly elected Juan Guaidó, a 35-year-old industrial engineer from the VP party, as its president. Guaidó then announced he was willing to serve as interim president until new elections were held. Buoyed by a huge turnout after calling for protests, Guaidó took the oath of office on January 23, 2019. The United States and nearly 60 countries recognized Guaidó as interim president.

The United States continues to recognize Juan Guaidó as Venezuela's legitimate leader and the 2015 National Assembly as the only democratic institution in the country, but Guaidó's domestic and international support has eroded substantially. In 2019, Guaidó's supporters organized two

<sup>7</sup> Michael Penfold, *Food, Technology, and Authoritarianism in Venezuela's Elections*, Woodrow Wilson Center, April 18, 2018.



high-profile but ultimately unsuccessful efforts to encourage security forces to abandon Maduro. Some observers then hoped talks mediated by Norway could lead to a negotiated solution that would establish the conditions for internationally monitored elections to be held.<sup>8</sup> Hopes faded, however, after Maduro stopped participating in negotiations in early August 2019 following new U.S. sanctions. In 2020, restrictions on freedom of assembly prompted by the Coronavirus Disease 2019 (COVID-19) pandemic impeded Guaidó's ability to mobilize supporters. He lost further support after reports surfaced that he had condoned a plan that ended in a botched raid against Maduro in May 2020.<sup>9</sup>

A key to Maduro's resilience has been the loyalty he has retained among most Venezuelan security forces. For years, military leaders and other officials have enriched themselves through corruption, drug trafficking, and other illicit industries. Some military leaders also may fear that, under a new government, they could face prosecution or extradition abroad for human rights abuses. The U.S. government has said it may remove sanctions on officials who abandon Maduro (as it did with Manuel Cristopher Figuera in May 2019), but doing so could be difficult, depending upon the individual and sanctions involved.<sup>10</sup> Finally, Venezuelan intelligence officials, trained and supported by Cubans, have arrested dissidents within the military. In June 2019, a naval officer died after being tortured in custody.

In 2020, Maduro used the pandemic to increase repression and secured control of the National Assembly by convening elections that were due to be held by December 2020.<sup>11</sup> In June, the Supreme Court ruled that, since efforts to select a CNE had stalled in the National Assembly, it would name new CNE rectors. After naming a new CNE, the Supreme Court disbanded the leadership of three major opposition parties and named new leaders for each. The CNE held elections on December 6, 2020, but most opposition parties boycotted. With low voter turnout, the PSUV captured 255 of the 277 seats at stake in the newly expanded National Assembly.

Guaidó and the broader opposition face a difficult future.<sup>12</sup> Guaidó and other opposition legislators are under investigation for seditious actions by a committee in the de facto National Assembly.<sup>13</sup> Guaidó's position as head of the opposition also is tenuous. In mid-2020, former presidential candidate Capriles, backed by the EU, broke with Guaidó to seek better conditions and a postponement of the December legislative elections rather than the preemptive boycott that Guaidó, with U.S. support, had declared.<sup>14</sup> More recently, Capriles has negotiated with the Maduro government to have two opposition rectors placed on the new CNE that the National

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<sup>8</sup> David Smilde and Geoff Ramsey, *International Peacemaking in Venezuela's Intractable Conflict*, Fundación Carolina, 2020; and International Crisis Group, *Peace in Venezuela: Is There Life after the Barbados Talks?*, Briefing No. 41, December 11, 2019.

<sup>9</sup> Nick Schiffrin, "Inside the Botched Venezuela Raid that Maduro is Trying to Exploit," *PBS News Hour*, May 12, 2020.

<sup>10</sup> U.S. Department of the Treasury, "Treasury Removes Sanctions Imposed on Former High-Ranking Venezuelan Intelligence Official After Public Break with Maduro and Dismissal," May 7, 2019.

<sup>11</sup> This draws from: International Crisis Group, *Venezuela: What Lies Ahead after Election Clinches Maduro's Clean Sweep*, December 21, 2020.

<sup>12</sup> Anatoly Kurmanaev and Lara Jakes, "To Fight or Adapt? Venezuela's Fading Opposition Struggles to Keep Going," *New York Times*, March 8, 2021.

<sup>13</sup> OHCHR, "Statement by Marta Valiñas, Chairperson of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, at the 46<sup>th</sup> session of the Human Rights Council," March 10, 2021. Hereinafter, OHCHR, "Statement by Marta Valiñas."

<sup>14</sup> Scott Smith, "Venezuelan Opposition Leader, EU Urge Delay in Election," AP, September 30, 2020.

Assembly is selecting.<sup>15</sup> Other opposition leaders, particularly those in exile, favor more aggressive options, including military intervention in Venezuela.<sup>16</sup> (For prospects, see “Outlook,” below.)

## Human Rights

Human rights organizations, international organizations, and U.S. officials have expressed concerns about the deterioration of democratic institutions and threats to freedom of speech and press in Venezuela; concerns have increased since 2014.<sup>17</sup> The nongovernmental organization (NGO) Reporters Without Borders has described an “extremely tense” environment for journalists since 2016, with independent outlets harassed and journalists subject to arbitrary detentions.<sup>18</sup> DeJusticia, a Venezuelan human rights organization, has catalogued the dangers facing human rights defenders in Venezuela.<sup>19</sup> In 2017, Venezuelan security forces and allied armed civilian militias (*colectivos*) committed numerous human rights violations against protesters. Since then, cases involving extrajudicial killings of protesters have remained unpunished.<sup>20</sup>

Venezuela has among the highest homicide and crime victimization rates in Latin America and the Caribbean, with security forces accused of an increasing percentage of killings and other violent crimes. According to the Venezuelan Violence Observatory (OVV), the overall homicide rate in Venezuela declined in 2020 (45.6 homicides per 100,000 people, compared with 60.3 per 100,000 people in 2019), but much of that decline was due to quarantine restrictions. Homicides increased in six border states, according to Fundaredes, a group that tracks violence in those states.<sup>21</sup> Additionally, 2020 marked the first year in which the OVV attributed a higher percentage of homicides to security forces than to criminal groups.<sup>22</sup> The Special Action Force of Venezuela’s National Police (FAES), which Maduro created in 2017, has been accused of hundreds of extrajudicial killings, including a massacre that occurred in January 2021.<sup>23</sup> Human Rights Watch has documented killings and torture by Venezuelan armed forces involved in a March 2021 offensive against Revolutionary Armed Forces of Colombia (FARC) dissidents on the border with Colombia.<sup>24</sup>

U.N. High Commissioner for Human Rights Michelle Bachelet visited Venezuela in June 2019. The U.N. Office of the High Commissioner for Human Rights (OHCHR) then issued a report in

<sup>15</sup> Joshua Goodman, “U.S. Weighs Policy on Venezuela as Maduro Signals Flexibility,” AP, April 26, 2021.

<sup>16</sup> International Crisis Group, *The Exile Effect: Venezuela’s Overseas Opposition and Social Media*, February 24, 2021.

<sup>17</sup> Freedom House, *Freedom in the World*, 2020.

<sup>18</sup> Reporters Without Borders, “Venezuela: Ever More Authoritarian,” at <https://rsf.org/en/venezuela>.

<sup>19</sup> Ezekiel Monsalve et. al., *Defender los Derechos Humanos en Venezuela*, DeJusticia, 2021, at [https://www.dejusticia.org/wp-content/uploads/2021/04/DefenderDDHEnVenezuela\\_Web.pdf](https://www.dejusticia.org/wp-content/uploads/2021/04/DefenderDDHEnVenezuela_Web.pdf).

<sup>20</sup> OHCHR, *Human Rights Violations and Abuses in the Context of Protests in the Bolivarian Republic of Venezuela from 1 April to 31 July 2017*, August 30, 2017.

<sup>21</sup> Parker Asmann and Katie Jones, “InSight Crime’s 2020 Homicide Round-Up,” January 29, 2021 (hereinafter, Asmann and Jones, “Homicide Round-Up”); and Fundaredes, *Curva de la Violencia 2020*, March 2021. Thus far in 2021, clashes between the Venezuelan government and illegally armed groups also have prompted thousands to flee into Colombia. AP, “Thousands Flee to Colombia After Clashes on Venezuela Border,” March 24, 2021.

<sup>22</sup> Asmann and Jones, “Homicide Round-Up.”

<sup>23</sup> Amnesty International, “International Criminal Court Prosecutor Must Include New Mass Extrajudicial Executions in Preliminary Examination,” February 18, 2021.

<sup>24</sup> Human Rights Watch, *Venezuela: Security Force Abuses at Colombia Border*, April 26, 2021.

July 2019 documenting a range of significant human rights abuses perpetrated by the Maduro government, including evidence that security forces committed some 6,800 extrajudicial killings from January 2018 to May 2019.<sup>25</sup> In July 2020, the OHCHR issued two reports on Venezuela.<sup>26</sup> The U.S. State Department's *Country Report on Human Rights Practices* covering 2020 cited "extrajudicial killings by security forces;... forced disappearances; torture and cases of cruel, inhuman, and degrading treatment by security forces" as among the most serious human rights abuses in Venezuela. In September 2020, the OHCHR's independent fact-finding mission on Venezuela reported that some abuses committed by Venezuelan security forces since 2014, including extrajudicial executions, enforced disappearances, and torture, amounted to crimes against humanity.<sup>27</sup> In a March 2021 update, the OHCHR mission said it was investigating some 200 alleged extrajudicial killings committed since January 2021 and monitoring new government harassment of human rights and humanitarian organizations.<sup>28</sup>

Repression may continue in Venezuela as the Maduro government broadens the scope of those it considers "internal threats," surging cases of COVID-19 prompt crackdowns on civil liberties, and the legislature considers a law that would require news outlets and NGOs receiving foreign funds to register with the government.<sup>29</sup> According to *Foro Penal*, a Venezuelan human rights organization, there were an estimated 318 political prisoners (125 soldiers) in Venezuela as of April 28, 2021. The number of political prisoners has stayed relatively stable over time, as some political detainees have been released (but remain under surveillance) and others have been arrested.<sup>30</sup> In 2020, security forces detained doctors and journalists critical of the government's pandemic response,<sup>31</sup> and the Supreme Court further stripped opposition lawmakers' immunity from prosecution. Dozens of legislators have been detained in recent years (and, upon release, monitored by the Maduro government) or have fled into exile (including Leopoldo López in 2020). This trend may accelerate, as the Maduro-aligned judiciary asserts that Guaidó and all other legislators elected in 2015 no longer have immunity from prosecution.

In addition, other prisoners have been detained for crimes such as corruption, sometimes without evidence. Six former Citgo executives, five with dual U.S. citizenship and one U.S. legal permanent resident, were imprisoned in 2017 and convicted to multiyear sentences on

<sup>25</sup> OHCHR, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Bolivarian Republic of Venezuela*, Annual Report no. A/HRC/41/18, July 5, 2019.

<sup>26</sup> The first report provided an updated assessment on the human rights situation in the country, including evidence that security forces committed some 1,300 extrajudicial killings from January to May 2020. The second report documented labor exploitation and other serious human rights abuses committed by criminal groups in Venezuela's mining regions. OHCHR, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Bolivarian Republic of Venezuela*, Annual Report no. A/HRC/44/20, July 2, 2020; and OHCHR, *Independence of the Justice System and Access to Justice in the Bolivarian Republic of Venezuela*, July 15, 2020.

<sup>27</sup> U.N. Human Rights Council, *Report of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, 14 September-2 October 2020*.

<sup>28</sup> OHCHR, "Statement by Marta Valiñas."

<sup>29</sup> OHCHR, "Statement by Marta Valiñas"; and *Latin News Daily*, "Venezuela: Maduro Announces New Lockdown as Covid Cases Spike," March 23, 2021; John Otis, "Proposed Venezuelan Foreign Funding Law Could Have 'Huge Impact' on Independent Outlets," Committee to Protect Journalists, April 19, 2021.

<sup>30</sup> For more information, see Foro Penal, <https://foropenal.com/presos-politicos/>. For analysis on how the Maduro government has relied on cycles of repression to maintain its grip on power, see Alfredo Romero, *The Repression Clock: A Strategy Behind Autocratic Regimes*, Woodrow Wilson Report on the Americas, #40, August 2020.

<sup>31</sup> Anatoly Kurmanav, Isayen Herrera and Sheyla Urdaneta, "Venezuela Deploys Security Forces in Coronavirus Crackdown," *New York Times*, August 19, 2020.

embezzlement charges in November 2020.<sup>32</sup> Two Americans detained in May for participating in a botched raid against Maduro have been sentenced to 20 years in prison.<sup>33</sup>

For other sources on human rights in Venezuela, see **Appendix B**.

**International Investigations into Human Rights Abuses.** In September 2019, the U.N. Human Rights Council passed a resolution condemning human rights abuses by the Maduro government and establishing an independent fact-finding mission in Venezuela with a mandate for one year. The mission’s mandate has been extended through 2022. Venezuela’s October 2019 election to a three-year seat on the Human Rights Council, which began in January 2020, thus far has not impeded the mission’s ongoing reporting.

The Inter-American Commission for Human Rights (IACHR) has issued annual reports documenting the situation of human rights in Venezuela.<sup>34</sup> In October 2019, the IACHR created a Special Follow-Up Mechanism for Venezuela (MESEVE) to work with the U.N. to respond to human rights violations within Venezuela and in countries hosting Venezuelans. The MESEVE receives and responds to requests for “precautionary measures” from those under serious threat and supports litigation regarding Venezuela before the Inter-American Court of Human Rights.<sup>35</sup> In addition, the IACHR’s Special Rapporteur for Freedom of Expression has condemned abuses against journalists and media outlets in Venezuela, including a January 2021 Venezuelan Supreme Court decision ordering *El Nacional* to pay \$13 million to a former legislator who the newspaper reported was possibly tied to drug trafficking.<sup>36</sup>

In September 2018, Argentina, Canada, Chile, Colombia, Paraguay, and Peru submitted a joint claim asking the International Criminal Court (ICC) to investigate serious human rights abuses committed by the Maduro government. Former Venezuelan officials and the Organization of American States (OAS) also have asked the ICC to investigate violations committed by the Maduro government. The ICC prosecutor opened a preliminary investigation in February 2018. In December 2020, she filed a report stating she had a “reasonable basis” to determine the Maduro government had committed crimes against humanity and would determine whether to launch a full investigation in 2021.<sup>37</sup>

## Economic Crisis<sup>38</sup>

Venezuela is in the throes of a multiyear economic crisis, one of the worst economic crises in the world since World War II:

<sup>32</sup> Jaclyn Diaz, “6 U.S. Citgo Executives Convicted And Sentenced In Venezuela,” *NPR*, November 27, 2020.

<sup>33</sup> AP, “2 Ex-Green Berets Sentenced to 20 Years for Venezuela Attack,” August 8, 2020.

<sup>34</sup> IACHR, “Special Report: Venezuela,” in *Annual Report 2020*, at <https://www.oas.org/en/iachr/reports/ia.asp?Year=2020>.

<sup>35</sup> Organization of American States (OAS), IACHR, “Precautionary Measures,” at <http://www.oas.org/en/iachr/decisions/precautionary.asp>.

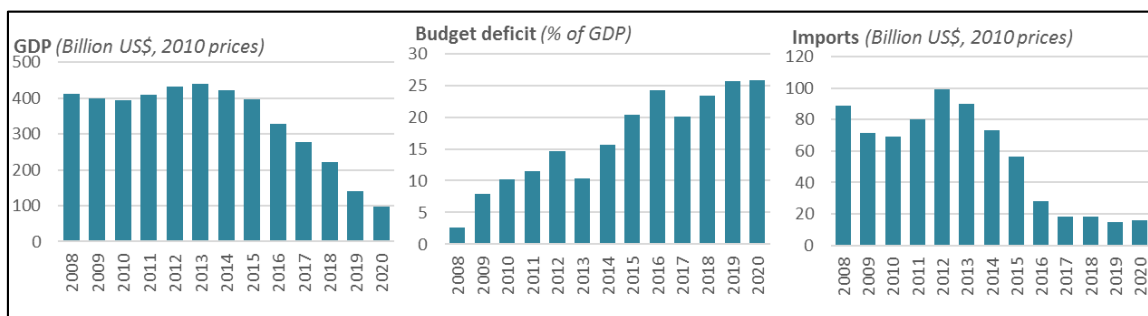
<sup>36</sup> OAS, IACHR, “The IACHR and Its Office of the Special Rapporteur for Freedom of Expression Express Grave Concern over Ruling Ordering the Newspaper *El Nacional* in Venezuela to Pay More Than \$13 Million Dollars,” April 21, 2021.

<sup>37</sup> Reuters, “ICC Prosecutor Sees ‘Reasonable Basis’ to Believe Venezuela Committed Crimes Against Humanity,” December 14, 2020.

<sup>38</sup> This section was authored by Rebecca M. Nelson, Specialist in International Trade and Finance. Data in this section, unless otherwise noted, are from the Economist Intelligence Unit (EIU), *Country Report: Venezuela*, accessed February 26, 2021.

- Its economy has contracted by more than 75% since 2014 (**Figure 2**), estimated as the single largest economic collapse outside of war in at least 45 years and more than twice the magnitude of the Great Depression in the United States.<sup>39</sup>
- Government finances are in dire straits; budget deficits have averaged 20% of gross domestic product annually since 2014 (**Figure 2**), and the government has defaulted on its debt.
- The government has monetized its budget deficits (created new money to pay for its deficits), leading to hyperinflation that has wiped out the value of citizens' wages and savings and has created shortages of foreign exchange.
- Imports—which Venezuela relies on for most consumer goods—have fallen by almost 95% since 2013 (**Figure 2**). The country faces shortages of critical food and medicine, contributing to its ongoing humanitarian crisis (see “Humanitarian Situation and Response,” below).
- According to a household survey, around 96% of Venezuelans live in poverty.<sup>40</sup>

**Figure 2. Venezuela's Economic Crisis: Selected Trends**



**Source:** Economist Intelligence Unit (EIU), *Country Report: Venezuela*, accessed April 20, 2021.

The trigger for Venezuela's economic crisis was the crash in world oil prices in 2014. Venezuela has the world's largest proven reserves of oil, and its economy is built on oil. Oil traditionally has accounted for more than 90% of Venezuelan exports, and oil sales have funded the government budget. When world oil prices fell by nearly 50% in 2014, the main industry in Venezuela, and the main source of government revenue, was hit hard. However, the collapse in oil prices also exposed the damage to Venezuela's economy from years of economic mismanagement. Under Chávez, the government engaged in widespread expropriations and nationalizations, implemented price and currency controls, and borrowed heavily. Corruption also proliferated. These policies introduced market distortions, deterred foreign investment, and did not diversify the economy. Venezuela's economy was buoyed in the 2000s by high oil prices, but government mismanagement made the economy vulnerable to the 2014 oil price shock.

The Maduro government's policy to the economic crisis has been inadequate. The Maduro government was initially slow to address the economic crisis or acknowledge the government's role in creating it. Instead, it has largely blamed the country's struggles on a foreign “economic

<sup>39</sup> EIU, *Country Report: Venezuela*, accessed February 26, 2021; Anatoly Kurmanaev, *New York Times*, “Venezuela's Collapse Is the Worst Outside of War in Decades, Economists Say,” May 17, 2019; Michael Stott, “Venezuela: The Political Stand-off Fueling an Economic Collapse,” *Financial Times*, August 4, 2019.

<sup>40</sup> Reuters, “Venezuela Poverty Rate Surges Amid Economic Collapse, Inflation,” July 7, 2020.

war,” a reference to U.S. sanctions.<sup>41</sup> Piecemeal efforts to address the crisis, including price controls and the creation of a new digital currency, the *petro*, were ineffective. Some initiatives, such as restructuring debt or bringing the government budget into balance, were pledged and then abandoned. Meanwhile, continued mismanagement of the oil sector and U.S. sanctions targeting Venezuela’s oil sector also likely contributed to a fall in oil production, such that even as global oil prices rebounded, Venezuela’s economy did not recover. Subsequent rounds of U.S. sanctions targeting the government, central bank, and gold sectors, as well as limiting Venezuela’s access to the U.S. financial system, likely exacerbated economic pressures in Venezuela. With private creditors unwilling and unable (due to sanctions) to purchase new Venezuelan debt, the Maduro government routinely turned to its main international financial backers—China, Russia, and more recently, Iran—but China and Russia are increasingly reluctant to extend further assistance.

The outbreak of the COVID-19 pandemic further exacerbated the economic challenges facing the Venezuelan government. The government and economy were ill-prepared to address the health or economic effects of COVID-19. Social distancing mandates disrupted economic activities, even as they are difficult for Venezuelans to obey; the majority of people must work in crowded, informal sector jobs in order to survive. The government reimposed price controls on many basic food items; increased gas prices for the first time in two decades; and lifted long-standing bans on gold, diamond, and mining bans in rivers in the Amazon (where mining was already occurring illegally). In late 2020 and early 2021, the government implemented new market-oriented reforms.<sup>42</sup>

Despite these reforms, the economic outlook for Venezuela, which for decades was one of South America’s most prosperous economies, remains bleak. The economic crisis, now exacerbated by the pandemic, has been devastating for its citizens, with no clear or quick resolution on the horizon in the absence of a resolution to the concurrent political crisis. The Maduro government appears loathe to adopt policies widely viewed by economists as necessary to restoring the economy: removing price controls, creating an independent central bank, entering an IMF program that could unlock broader international assistance, and restructuring its debt with bondholders. It is unclear how Venezuela’s economy can rebuild in the absence of a significant reorientation of economic policies.

### Venezuela’s Assets in the United States: Citgo

Many private investors and companies are pursuing legal channels to seize Venezuela’s assets in the United States, in compensation for Venezuela’s default and/or in compensation for the expropriation of assets by the Venezuelan government under President Chávez. Venezuela’s main asset in the United States is Citgo. Citgo is a U.S.-based subsidiary of Venezuela’s state-owned oil company, *Petróleos de Venezuela, S.A.* (PdVSA). Citgo operates oil refineries in Texas, Louisiana, and Illinois and owns 48 petroleum product terminals and a pipeline network that delivers these products to various customers. The company that became Citgo was founded in 1910. PdVSA bought about half of Citgo in 1986 and the other half in 1990.

Citgo is widely viewed as the most valuable overseas asset in PdVSA’s portfolio. Citgo is an attractive, and perhaps the only, avenue for seeking compensation from the Maduro government given the severity of Venezuela’s financial situation. According to one analyst, “Everyone wants the Citgo assets because it’s the only way to get paid. Although Citgo is valuable, its assets are unlikely large enough to compensate all potential claimants.

Some U.S. policymakers want to protect Citgo from seizure by private creditors and companies, in order to preserve the asset for the interim government if it takes power. Some interest groups, however, expressed concerns about interference with property rights involving U.S. investors and the free market.

<sup>41</sup> Rachele Krygier, “After Years of Crisis, Venezuela’s Maduro Might Finally Be Ready to Accept Some Help,” *Washington Post*, December 12, 2018.

<sup>42</sup> Gideon Long, “Venezuela Takes Tentative Steps Towards Market Reform,” *Financial Times*, January 11, 2021; Gideon Long, “Venezuela Seeks to Breathe Life into Moribund Bourse,” *Financial Times*, February 5, 2021.

In October 2019, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) issued a general license that shields the transfer of Citgo to potential claimants. It is a time-limited shield, but has been extended several times, most recently through July 2021. President Maduro accuses the government's opposition of attempting to "steal" Citgo and the United States of trying to control Venezuela's oil reserves.

**Sources:** Citgo, "Our Story," at <https://www.citgo.com/about/who-we-are/our-story>; Francisco Mondaldi, a fellow in Latin American energy policy at Rice University as quoted in Clifford Krauss, "It's the Only Way to Get Paid: A Struggle for Citgo, Venezuela's U.S. Oil Company," *New York Times*, October 17, 2019; and Andrew Scurria, "Venezuela Can Afford Payment to Keep Control of Citgo, Creditor Lawyer Says," *Wall Street Journal*, October 21, 2019.

## Humanitarian Situation and Response<sup>43</sup>

The deteriorating humanitarian situation in Venezuela has elevated congressional concerns about the country. Even before the COVID-19 pandemic, Venezuelans were facing a lack of food, medicine and health care, and access to social services. Political persecution, hyperinflation, loss of income, and poverty also contributed to a dire situation. According to household surveys, the percentage of Venezuelans living in poverty increased from 48.4% in 2014 to 96% in 2019 (with 80% in extreme poverty).<sup>44</sup>

By the end of 2020, more than 7 million people were estimated to require humanitarian assistance, with pregnant and nursing women, those with chronic illnesses, indigenous people, migrants, children under five, and people with disabilities particularly in need.<sup>45</sup> Food insecurity is also a significant issue, mainly due to the price of food rather than its lack of availability.<sup>46</sup> Many households do not have reliable access to potable water and interruptions in electrical service and gas supplies are common. With a collapsed health system, overall health indicators, particularly infant and maternal mortality rates, have worsened. Previously eradicated diseases such as diphtheria and measles also have become a major concern, along with COVID-19. Fuel shortages, exacerbated by the end of U.S.-licensed oil for diesel swaps in the fall of 2020, reportedly have made food distribution and humanitarian aid delivery more challenging.<sup>47</sup>

## Displacement

As of April 5, 2021, U.N. agencies estimated more than 5.6 million Venezuelans had fled the country. Roughly 4.7 million (about 85%) of the refugees and migrants were hosted in Latin American and Caribbean countries, with more than 1.7 million Venezuelans in Colombia (see **Figure 3**.)<sup>48</sup> Responses to the Venezuelan arrivals have varied by country and continue to evolve with events on the ground. The displacement crisis has affected the entire region, as neighboring countries strain to absorb arrivals often malnourished and in poor health. Although the U.N. High

<sup>43</sup> This section was authored by Rhoda Margesson, Specialist in International Humanitarian Policy. For background, see CRS In Focus IF11029, *The Venezuela Regional Humanitarian Crisis and COVID-19*, by Rhoda Margesson and Clare Ribando Seelke.

<sup>44</sup> Universidad Católica Andrés Bello, *Encuesta Sobre Condiciones de Vida: Venezuela 2019-2020: Avance de Resultados*, July 2020.

<sup>45</sup> USAID, "Venezuela Regional Crisis," fact sheet #1, December 16, 2020.

<sup>46</sup> World Food Program, "Venezuela Food Security Assessment: Main Findings," February 23, 2020.

<sup>47</sup> Antonio Maria Delgado and Camille Rodríguez Montilla, "The Country's Whole Food Supply Is at Risk: Diesel Shortages Hit Venezuela's Truckers," *Miami Herald*, March 11, 2021.

<sup>48</sup> U.N. Coordination Platform for Refugees and Migrants from Venezuela, "Response for Venezuelans (RV4) Data Portal," February 5, 2021.

Commissioner for Refugees (UNHCR) does not consider most Venezuelans to be refugees, it asserts that a significant number of displaced Venezuelans need humanitarian assistance, international protection, and opportunities to regularize their status.<sup>49</sup>

Venezuela's exodus has become an unprecedented displacement crisis for the Western Hemisphere, which has in place some of the highest protection standards in the world for displaced and vulnerable persons. The countries in the region have been under pressure to examine their respective migration and asylum policies and to address, as a region, the legal status of Venezuelans who have fled their country. More than 2.5 million Venezuelans in neighboring countries lack identification documents, making them vulnerable to exploitation.<sup>50</sup> In a move welcomed in the region and by the international community, the Colombian government announced an initiative in February 2021 to provide 10-year temporary protection status to Venezuelan migrants in Colombia.<sup>51</sup> With separate global compacts on refugees and migration adopted in 2018, experts urge timely and predictable funding from the international community to support efforts by host governments to assist Venezuelan refugees and migrants and the communities sheltering them.<sup>52</sup>

**Figure 3. Venezuelan Migrants and Asylum Seekers: Flows to the Region and Beyond**



Source: U.N. High Commissioner for Refugees.

Since March 21, 2021, fighting between Venezuelan military forces and Colombian non-state armed groups based in Venezuela's Apure State has driven displacement in and around Apure, Venezuela. Increased security concerns and existing COVID-19-related movement restrictions have affected humanitarian access. As of April 14, the Pan American Health Organization (PAHO) and the Venezuelan Red Cross were the only relief organizations providing assistance to affected populations in the area. Approximately 5,800 people have fled across the border to Colombia's Arauca Department. Colombian authorities are providing humanitarian assistance and

<sup>49</sup> UNHCR, "Guidance Note on the Outflow of Venezuelans," March 2018; and UNHCR and International Organization for Migration (IOM), *Regional Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela: RMRP 2021*, December 2020.

<sup>50</sup> The Venezuelan government has made it difficult for Venezuelans to obtain a valid passport and therefore legal status outside the country. U.N. Coordination Platform for Refugees and Migrants from Venezuela, Response for Venezuelans (RV4), "Refugee and Migrant Response Plan 2020," as of July 5, 2020.

<sup>51</sup> More than half the Venezuelans currently living in Colombia lack regular status, which affects their ability to access essential services, protection, and assistance. UNHCR-IOM Joint Press Release, "UNHCR and IOM Welcome Colombia's Decision to Regularize Venezuelan Refugees and Migrants," February 8, 2021.

<sup>52</sup> Following U.N.-led international meetings to promote humanitarian action and policy development globally, in 2018, U.N. member states adopted two global compacts—a Global Compact on Safe, Orderly and Regular Migration (GCM) and a Global Compact on Refugees (GCR).<sup>52</sup> The compacts are separate documents and are a result of distinct processes, but both are designed to be coherent and complementary. Prior to their adoption, the United States ended its participation in the GCM in December 2017 and in the GCR in November 2018.



protection to the recently displaced; however, this has raised concerns that cash assistance could provide an incentive for displaced Venezuelans to remain in Colombia.<sup>53</sup>

## COVID-19 Pandemic

As in much of the rest of the world, COVID-19 emerged in Venezuela in mid-March 2020 and added a complicated layer to the country's humanitarian crisis. In general, vulnerable populations often live in crowded, unsanitary conditions that make them particularly susceptible to COVID-19 and present significant challenges to response and containment.<sup>54</sup> PAHO and U.N. Children's Fund (UNICEF) have led the international COVID-19 response in Venezuela, prioritizing capacity-building support for hospitals, as well as health, water, and sanitation interventions for vulnerable populations.<sup>55</sup> PAHO has facilitated negotiations between Maduro and Guaidó to obtain and distribute vaccines through the World Health Organization's COVAX mechanism.<sup>56</sup> Reportedly, on April 10, 2021, the Maduro government paid \$64 million to receive vaccines through COVAX. On April 18, the Maduro government announced it had made a second payment to the COVAX initiative to access approximately 11 million COVID-19 vaccines.<sup>57</sup>

In neighboring countries, UNHCR, the International Organization for Migration (IOM), and their partners have sought to address the immediate public health needs of refugees and migrants, as well as the displaced prompted by the virus, while trying to reduce the spread and conduct information and awareness campaigns. A year into the pandemic, transmission and deaths due to the virus have not reached the levels anticipated across multiple humanitarian settings, including the Venezuela crisis, although widespread reporting, testing, and data are lacking.<sup>58</sup>

The pandemic has impeded progress on existing humanitarian priorities, and its secondary impacts (such as increased food insecurity, protection risks, and poverty) have exacerbated an already challenging humanitarian situation. COVID-19 prevention measures that restrict movement (such as physical distancing, quarantine orders, and border closures) have disrupted the informal economy, cross-border economic activity, and remittances, and loss of livelihoods and economic decline have made it difficult for Venezuelans to meet their basic needs.<sup>59</sup> The pandemic has complicated many Venezuelans' decisions about whether to stay, leave, or, in a much smaller number of cases, return to Venezuela.<sup>60</sup>

<sup>53</sup> UNHCR, "Araucaria Crisis, Colombia," UNHCR Response #1, April 8, 2021.

<sup>54</sup> Jacob Kurtzer, "The Impact of COVID-19 on Humanitarian Crises," CSIS: Critical Questions, March 19, 2020; Colum Lynch and Robbie Gramer, "The Next Wave: U.N. and Relief Agencies Warn the Coronavirus Pandemic Could Leave an Even Bigger Path of Destruction in the World's Most Vulnerable and Conflict-Riven Countries," *Foreign Policy*, March 23, 2020; and Høvring Roald, "Ten Things You Should Know About Coronavirus and Refugees," Norwegian Refugee Council, March 16, 2020.

<sup>55</sup> U.N. Office for the Coordination of Humanitarian Assistance (UNOCHA), *Humanitarian Response Plan with Humanitarian Needs Overview: Venezuela*, July 2020.

<sup>56</sup> Maduro has rejected the AstraZeneca vaccine, the main vaccine that COVAX has offered to other Latin American governments. Reuters, "Venezuela's Maduro Proposes Paying for Coronavirus Vaccines with Oil," March 28, 2021.

<sup>57</sup> Reuters, "Venezuela Paid \$64 Million to Receive Vaccines through COVAX, April 10, 2021, and Reuters, "Venezuela Makes Second COVAX Payment for Vaccines as U.N. Official Visits," April 18, 2021.

<sup>58</sup> UNOCHA, *Global Humanitarian Overview 2021*, December 2020.

<sup>59</sup> *Ibid.*

<sup>60</sup> UNHCR, "Venezuelans Defy the Pandemic to Seek a Future in Colombia," February 8, 2021.

## U.N. Humanitarian Response Plan in Venezuela

The U.N. Office for the Coordination of Humanitarian Assistance (UNOCHA) coordinates the international humanitarian response in Venezuela. The Humanitarian Response Plan (HRP) in Venezuela is a collective effort by UNOCHA and implementing partners to coordinate and scale up a response across the country, with assistance in the areas of health, water, sanitation and hygiene, food security, nutrition, protection, shelter and nonfood items, and education. The 2021 HRP has sought \$762.5 million in aid and targets assistance for 4.5 million of the country's most vulnerable people.

Following lengthy negotiations that began in 2019, on April 19, 2021, the U.N. World Food Program (WFP) and the Maduro government signed a memorandum of understanding that would allow WFP to establish a humanitarian presence inside Venezuela with full operational independence from the Maduro regime. WFP plans to provide food assistance to 185,000 of the most vulnerable children by the end of 2021 and to 1.5 million children by the end of the 2022-2023 school year. The estimated budget for this program is \$190 million, which will be funded through the Venezuela HRP.<sup>61</sup>

Humanitarian access inside Venezuela has been a challenge for many humanitarian organizations. As further indication, on April 14, 2021, the Maduro government mandated that NGOs operating in Venezuela register with its Office Against Organized Crime and Terrorism Financing.<sup>62</sup>

## International Humanitarian Regional Response Plan

UNHCR and IOM coordinate the international response to the needs of displaced Venezuelans and host communities in the region, which includes governments, U.N. entities, NGOs (national and international), the Red Cross Movement, faith-based organizations, and civil society. The Regional Interagency Coordination Platform provides a common humanitarian framework for assistance. The 2021 Regional Refugee and Migrant Response Plan, launched in December 2020, appealed for \$1.4 billion to reach 3.3 million of the most vulnerable across Latin America and the Caribbean.

Protection and assistance needs are significant for arrivals and host communities, particularly in border areas. Services provided vary by country but include reception centers and options for shelter; emergency relief items, legal assistance with asylum applications and other matters; protection from violence and exploitation; and temporary work programs and education opportunities. The Quito Process, a regional coordinating mechanism, has helped harmonize policies among host countries and donors and scale up the humanitarian response.

## International Actors in Venezuela's Crisis

The international community remains divided over how to respond to the crisis in Venezuela. In 2019, the United States, Canada, most of the member states of the European Union (EU), Australia, Japan, Israel, South Korea, and 16 Western Hemisphere countries recognized Juan Guaidó as interim president and supported a peaceful transfer of power from Maduro to an

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<sup>61</sup> U.N. News, "World Food Programme Reaches Deal to Supply Food to 185,000 Children in Venezuela," April 20, 2021.

<sup>62</sup> Amnesty International, "Venezuela: Civil Society Organizations Declare their Resounding Rejection and Demand the Repeal of the New Registration Measure for Terrorism and Other Crimes, April 20, 2021.

elected government. Many of those countries still support the Venezuelan opposition and the National Assembly elected in 2015 but do not necessarily recognize Guaidó as Venezuela's interim president.<sup>63</sup> Russia, China, Cuba, Turkey, Iran, and others support Maduro, his government, and its claim to power. A third group of countries—including Mexico, Norway, Uruguay, and some Caribbean nations—has remained neutral in the crisis. Divisions among global powers may have undermined a Norway-facilitated dialogue in 2019. Without pressure from their primary external allies (China and Russia for Maduro, the United States and the EU for Guaidó), some observers maintain that neither side viewed negotiations as the best option.<sup>64</sup>

Canada, Switzerland, and the EU have condemned antidemocratic actions by the Maduro government and issued targeted sanctions against Maduro government officials, with the most recent EU sanctions imposed in February 2021. In general, these countries oppose military intervention in Venezuela and have expressed concerns about the humanitarian effects of broad sanctions, including U.S. oil sanctions. Instead, they favor targeted sanctions on Maduro officials and their supporters and a negotiated solution to the crisis.<sup>65</sup> Since February 2019, the EU-backed International Contact Group has sought to “establish necessary guarantees for a credible electoral process, within the earliest time frame possible” and to hasten the delivery of humanitarian aid into Venezuela.<sup>66</sup> Norwegian representatives have maintained communication with Maduro and opposition leaders.

The OAS under Secretary-General Luis Almagro has been active on Venezuela, but some member states, including countries in the Caribbean Community, assert that Almagro has sided too strongly with the opposition. Nevertheless, resolutions have garnered enough votes (19 of 34 member states) to declare Maduro's 2018 reelection illegitimate (June 2018) and to not recognize the legitimacy of his second term (January 2019).<sup>67</sup> In June 2020, the OAS passed a resolution condemning the Maduro-aligned Supreme Court's election-related decisions.<sup>68</sup> Thirteen OAS members remain active in the Lima Group, which formed in August 2017 to hasten a return to democracy in Venezuela.<sup>69</sup> A January 5 Lima Group statement said the signatories “do not recognize the legitimacy or legality of the National Assembly installed on January 5, 2021.”<sup>70</sup> In

<sup>63</sup> An EU statement from January 25, 2021, asserts that Juan Guaidó and other opposition legislators are “important actors and privileged interlocutors” but does not recognize Guaidó as Venezuela's legitimate leader. Council of the European Union, “Council Conclusions on Venezuela,” January 25, 2021.

<sup>64</sup> Abraham F. Lowenthal and David Smilde, “Venezuela: Is There a Way Out of This Tragic Impasse?,” Woodrow Wilson Center, July 2019.

<sup>65</sup> The U.S.-led coalition in support of Guaidó has gradually frayed, as Guaidó has proven unable to channel international support into domestic political power and differences in U.S. and EU approaches to the crisis have widened. Elliott Abrams, “The EU Tries and Fails Again on Venezuela,” *Foreign Policy*, February 3, 2021.

<sup>66</sup> Those “necessary guarantees” include naming a new electoral council, releasing political prisoners, and ending bans on political parties and candidates. Members of the International Contact Group now include Argentina, Chile, Costa Rica, the Dominican Republic, Ecuador, France, Germany, Italy, the Netherlands, Panama, Portugal, Spain, Sweden, the United Kingdom, and Uruguay.

<sup>67</sup> The OAS requires 18 votes to pass a resolution of the Permanent Council. In June 2018, 19 of 34 member states passed a resolution stating that the May 2018 presidential election in Venezuela lacked legitimacy and authorizing countries to take measures, including sanctions, necessary to hasten a return to democracy. In January 2019, the same 19 states approved a resolution that refused to recognize the legitimacy of Maduro's second term; called for new presidential elections; and urged all member states to adopt diplomatic, political, and financial measures to facilitate the restoration of democracy in Venezuela.

<sup>68</sup> OAS, “Permanent Council Rejects “Illegitimate” Action of the Venezuelan Court of Justice,” June 27, 2020.

<sup>69</sup> Those countries include Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Panama, Paraguay, Peru, St. Lucia, and the Guaidó-led government of Venezuela.

<sup>70</sup> Countries that signed that statement include Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador,

addition, 11 OAS member states that are states parties to the Inter-American Treaty of Reciprocal Assistance have imposed targeted sanctions and travel bans on Maduro officials.<sup>71</sup> OAS member states oppose military intervention in Venezuela

Russia, China, Cuba, Turkey, Iran, and a few other countries support Maduro. Russia and China have blocked U.S.-led efforts at the U.N. Security Council to recognize the Guaidó government. Russia has served as the Maduro government's primary political and military backer, even though Venezuela's economic collapse since 2014 has made the country unable to purchase the type of weaponry purchased under Hugo Chávez.<sup>72</sup> A February 2019 Defense Intelligence Agency report to Congress stated that Russia's defense cooperation with Venezuela focuses on equipment sales, maintenance support, training, naval and air deployments, and probably intelligence cooperation.<sup>73</sup> In March 2019, Russia deployed military personnel to Venezuela, which it argued was for maintenance of Russian-made military equipment. This deployment drew strong criticism from President Trump.<sup>74</sup> Russia, which has both economic and geostrategic interests in Venezuela,<sup>75</sup> has supported Venezuela's struggling oil industry and has helped Venezuela evade U.S. oil sanctions. In response, the Treasury Department sanctioned two subsidiaries of Russia's Rosneft oil company in 2020. Russia also has used Venezuela as a platform from which to spread propaganda, disinformation, and Russia-related media.<sup>76</sup>

China and Cuba support the Maduro government for various reasons. Some observers maintain that China's interest in Venezuela is primarily economic. Others argue that the Chinese have exported technology to help the Maduro government surveil its citizens, block its critics on social media and elsewhere, and deny food and services to those who do not vote in its favor.<sup>77</sup> Since 2000, Cuba has provided military and intelligence support to the Chávez and later Maduro governments in exchange for subsidized oil.<sup>78</sup> Secretary of State Mike Pompeo maintained in

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Guatemala, Haiti, Honduras, Paraguay, Peru, and Venezuela. Argentina withdrew from the Lima Group in March 2021.

<sup>71</sup> Within the Western Hemisphere, the United States has supported efforts by the OAS to hasten a return to democracy in Venezuela and worked with OAS allies to invoke the Rio Treaty, enabling signatory countries to ban travel and freeze assets of certain individuals and entities associated with the Maduro government. CRS Insight IN11116, *The Inter-American Treaty of Reciprocal Assistance and the Crisis in Venezuela*, by Peter J. Meyer.

<sup>72</sup> Under Chávez, the value of Venezuela's arms purchases signed in 2005-2007 reached \$3.6 billion. Sergey Denisentsev, "Russian-Venezuelan Defense Cooperation," Center for Analysis of Strategy and Technology, June 2019.

<sup>73</sup> Defense Intelligence Agency, *Report to Congress on Russia: Defense Cooperation with Cuba, Nicaragua, and Venezuela*, as required by the Joint Explanatory Statement accompanying the National Defense Authorization Act (NDAA), February 4, 2019.

<sup>74</sup> Reuters, "Russian Military Specialists Arrive in Venezuela to Service Equipment," September 25, 2019; and AP, "US Condemns Russia Troop Deployment to Troubled Venezuela," March 31, 2019.

<sup>75</sup> See Vladimir Rouvinski, *Russian-Venezuelan Relations at a Crossroads*, Woodrow Wilson Center, February 5, 2019; and V. Rouvinski, *Russia's Continuing Engagement with Venezuela in 2019 and Beyond-An Update*, Woodrow Wilson Center, February 18, 2020.

<sup>76</sup> U.S. Department of State, *Report to Congress on Threat Assessment of Russian-Venezuelan Security Cooperation* as required by Section 165(b)(2) of the VERDAD Act of 2019, contained within Div. J of P.L. 116-94, February 24, 2020; and U.S. Department of State, Global Engagement Center, *Pillars of Russia's Disinformation and Propaganda Ecosystem*, August 2020.

<sup>77</sup> Stephen Kaplan and Michael Penfold, "China-Venezuela Economic Relations: Hedging Venezuelan Bets with Chinese Characteristics," Woodrow Wilson Center, February 20, 2019; Angus Berwick, "How ZTE Helps Venezuela Create China-Style Social Control," Reuters, November 14, 2018; Freedom House, "Freedom on the Net 2019: Venezuela"; and U.S. Congress, *The New Big Brother: China and Digital Authoritarianism*, democratic staff report prepared for the use of the Committee on Foreign Relations, United States Senate, July 21, 2020.

<sup>78</sup> Brian Fonseca, John Polga-Hecimovich, and Dr. Richard E. Feinberg, *Venezuela and Cuba: The Ties That Bind*, Woodrow Wilson Center, January 2020.

2019 that there were some 2,300 Cuban security personnel in Venezuela involved in providing security for Maduro and training Venezuela's security forces in "torture tactics, domestic spying techniques, and mechanisms of repression."<sup>79</sup> Over time, Cuban intelligence has helped its Venezuelan counterparts become particularly adept at detecting dissidents within the military.<sup>80</sup>

Among the other countries that support the Maduro regime, Turkey has purchased large quantities of Venezuelan gold, despite U.S. sanctions.<sup>81</sup> Iran has sent tankers of gasoline in exchange for gold, despite U.S. sanctions on both countries; provided humanitarian aid; helped rebuild a refinery; and established a supermarket conglomerate in Venezuela.<sup>82</sup> Iranian-Venezuelan fuel swaps have begun to occur more frequently.<sup>83</sup>

## U.S. Policy

The United States historically had close relations with Venezuela, a major U.S. foreign oil supplier, but friction in relations increased under the Chávez government and has intensified under the Maduro government. For more than a decade, U.S. policymakers have had concerns about the deterioration of human rights and democratic conditions in Venezuela and the lack of bilateral cooperation on counternarcotics and counterterrorism efforts. During this time, Congress has provided funding to support democratic civil society in Venezuela. As the Maduro government has become increasingly authoritarian, the Obama and Trump Administrations turned to sanctions, first targeted on specific officials and then aimed at broader sectors of the economy, the Maduro government, and most recently, entities supporting that government.

U.S. policy has toughened since the U.S. government ceased to recognize Maduro as Venezuela's legitimate president in January 2019. After recognizing the Guaidó government in January 2019, the Trump Administration coordinated most of its efforts with Interim President Guaidó. In early 2019, President Trump and other officials suggested that U.S. military intervention in Venezuela was a possibility.<sup>84</sup> After U.S. allies, including in the EU and the Lima Group, and Members of Congress expressed opposition to that prospect, such statements became less frequent.<sup>85</sup>

During the Trump Administration, U.S. strategy emphasized diplomatic efforts to bolster support for Guaidó and isolate Maduro; targeted sanctions and visa revocations on Maduro government officials and their families, along with broader sanctions on the economy and government; assistance for the Venezuelan people; and actions to cut off the Maduro government's illicit

<sup>79</sup> U.S. Department of State, Secretary of State Michael R. Pompeo, "Interview with Margaret Brennan of CBS *Face the Nation*," May 5, 2019; and U.S. Department of State, Secretary of State Michael R. Pompeo, "Remarks to the Press," March 11, 2019.

<sup>80</sup> Angus Berwick, "Special Report: How Cuba Taught Venezuela to Quash Military Dissent," Reuters, August 22, 2019.

<sup>81</sup> Mayela Armas and Corina Pons, "Exclusive: Venezuela Removed Six Tonnes of Central Bank Gold at Turn of Year—Sources," Reuters, March 12, 2020.

<sup>82</sup> Ian Talley and Benoit Falcon, "Iranian Military-Owned Conglomerate Sets Up Shop in Venezuela," *Wall Street Journal*, July 5, 2020.

<sup>83</sup> Deisy Buitrago, Marianna Parraga, "Exclusive: 'Perfect Trips' - Venezuela Ships Jet Fuel to Iran in Exchange for Gasoline, Sources say," Reuters, February 23, 2021.

<sup>84</sup> The White House, "Remarks by President Trump to the Venezuelan American Community," February 18, 2019

<sup>85</sup> Then-Secretary of State Michael Pompeo denied any U.S. involvement in the botched raid against Maduro in May 2020. See Karen DeYoung, Anthony Faiola, and Alex Horton. "U.S. Denies Involvement in Alleged Venezuela Invasion Attempt as Details Remain Murky," *Washington Post*, May 6, 2020.

revenue sources.<sup>86</sup> In March 2020, the Administration issued a “democratic transition framework” backed by Guaidó. The framework would have lifted certain sanctions in exchange for Maduro releasing political prisoners, having foreign security forces leave the country, and allowing the creation of a Council of State to carry out presidential duties until elections could be held. U.S. insistence that Maduro leave office prior to the convening of new elections and reticence to back negotiations eventually drove a wedge between U.S. and EU positions on Venezuela.<sup>87</sup>

To date, U.S. efforts have failed to dislodge Maduro and enable the convening of free and fair elections, raising questions for the Biden Administration on whether to intensify, roll back, or otherwise change U.S. policy. Secretary of State Antony Blinken has spoken with Interim President Guaidó.<sup>88</sup> Senior U.S. officials have said the Biden Administration aims to focus on supporting the Venezuelan people and engaging in multilateral diplomacy to press for a return to democracy and hold corrupt and abusive Maduro officials accountable for their actions.<sup>89</sup> On March 8, 2021, the Biden Administration designated Venezuela for Temporary Protected Status (TPS) for 18 months (see “Temporary Protected Status for Venezuela,” below).<sup>90</sup>

Many analysts maintain that restoring a more unified position on Venezuela with allied European and Latin American nations will be an important task for the Biden Administration.<sup>91</sup> Biden officials are reviewing existing sanctions and reportedly are assessing whether the Maduro government is willing to allow increased humanitarian access, the selection of a more balanced electoral council, and a return to Norway-led talks.<sup>92</sup> Some policy experts have urged the Administration to offer sanctions relief in exchange for specific actions by the Maduro government, such as the release of political prisoners.<sup>93</sup> In exchange for an openness to review sectoral sanctions, the Administration could seek more targeted sanctions from other countries on Venezuelan officials and their families, asset forfeitures and indictments of Maduro officials and enablers, and humanitarian assistance for U.N. appeals on Venezuela.<sup>94</sup> The Biden Administration has rejoined the U.N. Human Rights Council, in part to keep its attention on abuses in countries such as Venezuela.<sup>95</sup> Some experts have urged Biden officials to work with the EU-led International Contact Group in backing a negotiated solution to the Venezuela crisis and to seek areas of “mutual interest” on Venezuela with China and Russia.<sup>96</sup>

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<sup>86</sup> U.S. Department of State, “U.S. Government Support for the Democratic Aspirations of the Venezuelan People,” accessed August 17, 2020; and Testimony of Elliott A. Abrams, Special Representative for Venezuela, U.S. Department of State, in U.S. Congress, Senate Committee on Foreign Relations, August 4, 2020.

<sup>87</sup> Elliott Abrams, “The EU Tries and Fails Again on Venezuela,” *Foreign Policy*, February 3, 2021.

<sup>88</sup> U.S. Department of State, Office of the Spokesperson, “Secretary Blinken’s Call with Venezuelan Interim President Guaidó,” March 2, 2021.

<sup>89</sup> White House, “Background Press Call by Senior Administration Officials on Venezuela,” March 8, 2021.

<sup>90</sup> U.S. Department of Homeland Security (DHS), “Secretary Mayorkas Designates Venezuela for Temporary Protected Status for 18 Months,” March 8, 2021.

<sup>91</sup> Paul Angelo, *Synchronizing with Europe on the Venezuela Crisis*, Council on Foreign Relations, September 28, 2020.

<sup>92</sup> Joshua Goodman, “US Weighs Policy on Venezuela as Maduro Signals Flexibility,” AP, April 27, 2021.

<sup>93</sup> Christopher Sabatini, “Can Biden Succeed Where Trump’s Venezuela Policy Failed?” *World Politics Review*, January 27, 2021.

<sup>94</sup> Ryan C. Berg and Jorge González-Gallarza, *Europe’s Last Chance: How the EU Can (and Should) Become the Primary Actor in Venezuela’s Democratic Restoration*, American Enterprise Institute, March 2021.

<sup>95</sup> U.S. Department of State, Office of the Spokesperson, “Key Outcomes at the 46<sup>th</sup> Session of the U.N. Human Rights Council,” March 23, 2021.

<sup>96</sup> Geoff Ramsey and David Smilde, *Recalibrating U.S. Policy in Venezuela: Learning from Failure and Seizing Opportunities*, Washington Office on Latin America, December 2020.

The 116<sup>th</sup> Congress supported the Trump Administration's efforts to promote a restoration of democracy in Venezuela without the use of military force and to provide humanitarian assistance to Venezuelans. Some Members expressed concerns about the humanitarian impact of broad U.S. economic sanctions. Congress enacted legislation to guide U.S. policy on Venezuela, including P.L. 116-94, which appropriated \$30 million in FY2020 for democracy programs in Venezuela and incorporated the Senate-reported version of the VERDAD Act (S. 1025), a comprehensive bill to address the crisis in Venezuela (see **Appendix A**). Congress appropriated not less than \$33 million for democracy programs in Venezuela and an unspecified amount of humanitarian support for countries sheltering Venezuelan refugees. Congress also conducted numerous oversight hearings on U.S. policy toward Venezuela.

The 117<sup>th</sup> Congress is likely to provide input to the Biden Administration in sanctioning human rights abuses, corruption, and antidemocratic actions by the Maduro government and its backers, as well as how to balance sectoral sanctions with humanitarian concerns. Congress may examine new policy approaches by the Biden Administration and further legislative options, such as additional sanctions against the Maduro government and its foreign enablers or humanitarian assistance to Venezuelans.

## U.S. Sanctions on Venezuela<sup>97</sup>

The United States has increasingly employed sanctions as a policy tool in response to activities of the Venezuelan government and Venezuelan individuals. As the political and economic crisis in Venezuela has deepened, the Trump Administration significantly expanded sanctions on Venezuela, relying on both existing authorities and new executive orders. Beginning in August 2017, those executive orders established financial sanctions on the Maduro government (including PdVSA), created economic sanctions on sectors of the economy, and prohibited unlicensed transactions with the Maduro government. The Trump Administration cited the Maduro government's human rights abuses, usurpation of power from the National Assembly, and rampant corruption as reasons for expanding U.S. sanctions.

- **Visa Revocations and Sanctions on Individuals.** Since January 2019, the State Department has revoked more than 1,000 visas, including those of current and former Venezuelan officials and their families.<sup>98</sup> The Treasury Department has imposed financial sanctions on a total of nearly 150 Venezuela-linked individuals for terrorism (E.O. 13224); drug trafficking (Foreign Narcotics Kingpin Designation Act, P.L. 106-120, Title VIII; 21 U.S.C. 1901 et seq.); and/or committing antidemocratic actions, human rights violations, or corruption (see E.O. 13692 in 2014 as codified in P.L. 113-278 and extended in P.L. 114-194 and, most recently, in P.L. 116-94).
- **Financial sanctions** restricting Maduro government and state oil company, PdVSA, access to U.S. financial markets, with certain exceptions to minimize the impact on the Venezuelan people and U.S. economic interests (E.O. 13808 in August 2017);<sup>99</sup> prohibiting transactions using cryptocurrency (E.O. 13827 in March 2018);<sup>100</sup> and barring the purchase of Venezuelan debt or accounts

<sup>97</sup> For more information, see CRS In Focus IF10715, *Venezuela: Overview of U.S. Sanctions*, by Clare Ribando Seelke.

<sup>98</sup> U.S. Congress, Senate Committee on Foreign Relations, *Venezuela*, 116<sup>th</sup> Cong., 2<sup>nd</sup> sess., August 4, 2020.

<sup>99</sup> E.O. 13808, "Imposing Additional Sanctions with Respect to the Situation in Venezuela," 82 *Federal Register* 41155-41156, August 24, 2017.

<sup>100</sup> E.O. 13827, "Taking Additional Steps to Address the Situation in Venezuela," 83 *Federal Register* 12469-12470,

receivable with the Venezuelan government, including PdVSA (E.O. 13835 in May 2018).<sup>101</sup>

- **Sectoral sanctions** blocking assets and prohibiting unlicensed transactions with PdVSA, Venezuela’s central bank, and the state gold mining company, among other entities (E.O. 13850 in November 2018).<sup>102</sup>
- **Sanctions on the Maduro government** blocking assets in the United States and prohibiting transactions with that government unless authorized as part of efforts to aid the Venezuelan people. E.O. 13884 also authorized financial sanctions and visa restrictions on non-U.S. persons who assist or support the Maduro government. To allow continued humanitarian assistance, OFAC issued licenses authorizing transactions involving the delivery of food, agricultural commodities, and medicine; personal remittances; the work of international organizations; and communications services (E.O. 13884 in August 2019).<sup>103</sup>

The U.S. government has coordinated its targeted sanctions policies with the EU and Canada. The Rio Treaty has become the means for U.S. efforts to build capacity and will in Latin America and the Caribbean to sanction Maduro officials.<sup>104</sup> The Trump Administration demonstrated some flexibility in its sanctions policy with the lifting of sanctions against the former head of Venezuela’s intelligence service, General Manuel Cristopher Figuera, in May 2019 after he broke ranks with Maduro. Many have questioned how willing or able the U.S. government would be to lift sanctions on others, particularly for those who face U.S. criminal indictments.

Since 2017, the Trump Administration has significantly ratcheted up economic pressure on Venezuela and on Cuba for its support of Venezuela.<sup>105</sup> In 2020, the Department of the Treasury imposed sanctions on two subsidiaries of Rosneft, Russia’s state-controlled oil and gas company, for transporting Venezuelan oil and on a Chinese technology company for supplying the Maduro government with digital surveillance software. Treasury also has sanctioned individuals and entities for shipping petroleum products to Venezuela in exchange for gold under the Iran sanctions framework.

It is difficult to attribute precisely the extent of Venezuela’s economic collapse that is due to U.S. sanctions versus broad economic mismanagement. A February 2021 Government Accountability Office (GAO) report asserted that “sanctions, particularly on the state oil company in 2019, likely contributed to the steeper decline of the Venezuelan economy.”<sup>106</sup> The Maduro government has defaulted on all its bonds, and U.S. sanctions prohibit debt restructuring with creditors.

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March 19, 2018.

<sup>101</sup> E.O. 13835, “Prohibiting Certain Additional Transactions with Respect to Venezuela,” 83 *Federal Register* 24001-24002, May 21, 2018.

<sup>102</sup> E.O. 13850, “Blocking Property of Additional Persons Contributing to the Situation in Venezuela,” 83 *Federal Register* 55243-55245, November 1, 2018.

<sup>103</sup> Executive Order 13884, “Blocking Property of the Government of Venezuela,” 84 *Federal Register* 38843- August 5, 2020.

<sup>104</sup> U.S. Department of State, *Report on Developing and Implementing a Coordinated Sanctions Strategy with Partners in the Western Hemisphere and the European Union*, February 24, 2020.

<sup>105</sup> See CRS Report R45657, *Cuba: U.S. Policy in the 116th Congress and Through the Trump Administration*, by Mark P. Sullivan.

<sup>106</sup> Government Accountability Office (GAO), *Venezuela: Additional Tracking Could Aid Treasury’s Efforts to Mitigate Any Adverse Impacts U.S. Sanctions Might Have on Humanitarian Assistance*, GAO 21-239, February 2021 (hereinafter, GAO 21-239).



In terms of the sanctions' political effects, the imposition of targeted sanctions on individuals in the Maduro government has not encouraged many of those who were not yet sanctioned to abandon Maduro or changed the behavior of the sanctioned individuals. Broader U.S. sanctions adopted since 2017 have yet to compel Maduro to leave office. They also have provided a scapegoat on which Maduro has blamed the country's economic problems.

U.N. officials and some Members of Congress urged the Trump Administration to ease financial and sectoral sanctions on Venezuela, even if Maduro remained in office, so the country could address COVID-19.<sup>107</sup> The Administration continued to impose sanctions during the pandemic and maintained that U.S. sanctions on Venezuela included broad exemptions and licenses to allow the provision of humanitarian assistance and the export of food, medicine, and medical devices.<sup>108</sup> Humanitarian organizations receiving U.S. funds told the GAO that sanctions had made financial transactions more challenging even for those with exemptions and licenses and likely had exacerbated fuel shortages and power outages in the country.<sup>109</sup> Some in Congress have asked the Biden Administration to restart a sanctions exemption that had allowed foreign companies to swap diesel for Venezuelan crude oil, which ended in November 2020.<sup>110</sup>

## Petroleum Sector Concerns and U.S. Economic Sanctions

Commercial oil production in Venezuela began in 1914 and accelerated in the 1920s, following oil discoveries in Venezuela's Maracaibo Basin.<sup>111</sup> Several U.S. companies established concession agreements with Venezuela's government to invest in, explore, produce, and export the country's petroleum resources. By 1970, oil production in Venezuela was more than 3.7 million barrels per day, making Venezuela one of the largest oil-producing countries by volume.<sup>112</sup> Venezuela began to take control of its petroleum assets in 1971, fully nationalizing the sector in 1976 with the creation of PdVSA to manage the country's petroleum resources. Oil companies operating in Venezuela were relegated to a service-based support role.

Oil production in Venezuela declined by more than 50% between 1971 and 1988.<sup>113</sup> In an effort to reverse declining oil production, Venezuela embarked on a program that allowed international oil companies—including U.S. firms Chevron, Exxon, and Conoco—to either control oil fields or establish majority-owned joint ventures (JVs) with PdVSA.<sup>114</sup> Policies imposed by former President Chavez unilaterally modified contract terms contained in the production and JV

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<sup>107</sup> *UN News*, "Ease Sanctions Against Countries Fighting COVID-19: UN Human Rights Chief," March 24, 2020; Cynthia Arnson and Oriana van Praag, "Venezuela and the Coronavirus: Another Path Is Possible," *Americas Quarterly*, March 30, 2020; and Jack Dietch, "Democrats Push Back on Sanctions, Citing Coronavirus Fears," *Foreign Policy*, March 27, 2020.

<sup>108</sup> Office of Foreign Assets Control (OFAC), U.S. Department of the Treasury, "Fact Sheet: Provision of Humanitarian Assistance and Trade to Combat COVID-19," April 16, 2020; and U.S. Department of the Treasury, OFAC, "Guidance Related to the Provision of Humanitarian Assistance and Support to the Venezuelan People," August 6, 2017.

<sup>109</sup> GAO 21-239.

<sup>110</sup> Letter from Senator Chris Murphy to Secretary of State Antony Blinken, March 23, 2021.

<sup>111</sup> Daniel Yergin, *The Prize: The Epic Quest for Oil, Money, & Power* (New York: Simon & Schuster, 1991), p. 217-219.

<sup>112</sup> BP, *Statistical Review of World Energy*, 2020.

<sup>113</sup> *Ibid.*

<sup>114</sup> For a complete list of PdVSA JV partners, see Energy Information Administration, *Background Reference: Venezuela*, Table 1, January 7, 2019, available at [https://www.eia.gov/international/content/analysis/countries\\_long/Venezuela/venezuela\\_bkgd.pdf](https://www.eia.gov/international/content/analysis/countries_long/Venezuela/venezuela_bkgd.pdf).

agreements. Some companies (e.g., Exxon, Conoco) ceased operations and filed lawsuits for contractual violations. Other companies (e.g., Chevron) continued operating in Venezuela.

A founding member of the Organization of the Petroleum Exporting Countries (OPEC), Venezuela generally has been considered a major oil producer and supplier. However, as of February 2021, oil production in Venezuela was approximately 500,000 barrels per day—less than 1% of global petroleum supply and one of the lowest volumes among OPEC members.<sup>115</sup> Nevertheless, Venezuela’s petroleum sector, which includes the world’s largest proven oil reserves at more than 300 billion barrels (more than 17% of global reserves), is a critical element of the country’s economy.<sup>116</sup> During calendar year 2019, the value of Venezuela’s petroleum exports represented more than 95% of the country’s total exports.<sup>117</sup> Oil’s predominant role in Venezuela’s economy, combined with the United States having been a preferred oil export destination, resulted in this sector being a target of U.S. economic sanctions.

### Oil Sector Sanctions and Evolving Petroleum Trade Relationships

Sanctions targeting Venezuela’s oil sector generally began in August 2017, with the issuance of an executive order that limited access to debt capital and prevented PdVSA from receiving cash distributions from Citgo, its U.S.-based oil refining and marketing subsidiary.<sup>118</sup> Oil sector sanctions expanded in January 2019, with PdVSA added to Treasury’s Specially Designated Nationals list.<sup>119</sup> This action effectively prohibited U.S. persons and companies from transacting with PdVSA, unless Treasury allows transactions under a general license.<sup>120</sup> The sanctions framework also prohibited non-U.S. entities from transacting with PdVSA in U.S. dollars and made non-U.S. subject to having their U.S. property blocked, should it be determined that they *materially assisted* PdVSA.<sup>121</sup>

Following an authorized 90-day wind-down period, U.S. oil refineries ceased importing crude oil from Venezuela (see **Figure 4**). Under the sanctions framework, Treasury also has sanctioned numerous individuals, vessels, and companies involved in trading and shipping Venezuelan oil. This progressive application of sanctions—designed to prevent export and sale of oil produced in Venezuela—has made it more difficult, though not impossible, for PdVSA to complete petroleum sales and export transactions.

<sup>115</sup> Energy Information Administration, *Crude Oil Production, Venezuela, Monthly*, at [https://www.eia.gov/opa/data/qb.php?category=1039874&sdid=STEO.COPR\\_VE.M](https://www.eia.gov/opa/data/qb.php?category=1039874&sdid=STEO.COPR_VE.M), accessed April 9, 2021.

<sup>116</sup> BP, *Statistical Review of World Energy*, 2020.

<sup>117</sup> Organization of the Petroleum Exporting Countries (OPEC), *Venezuela Facts and Figures*, at [https://www.opec.org/opec\\_web/en/about\\_us/171.htm](https://www.opec.org/opec_web/en/about_us/171.htm), accessed March 29, 2021.

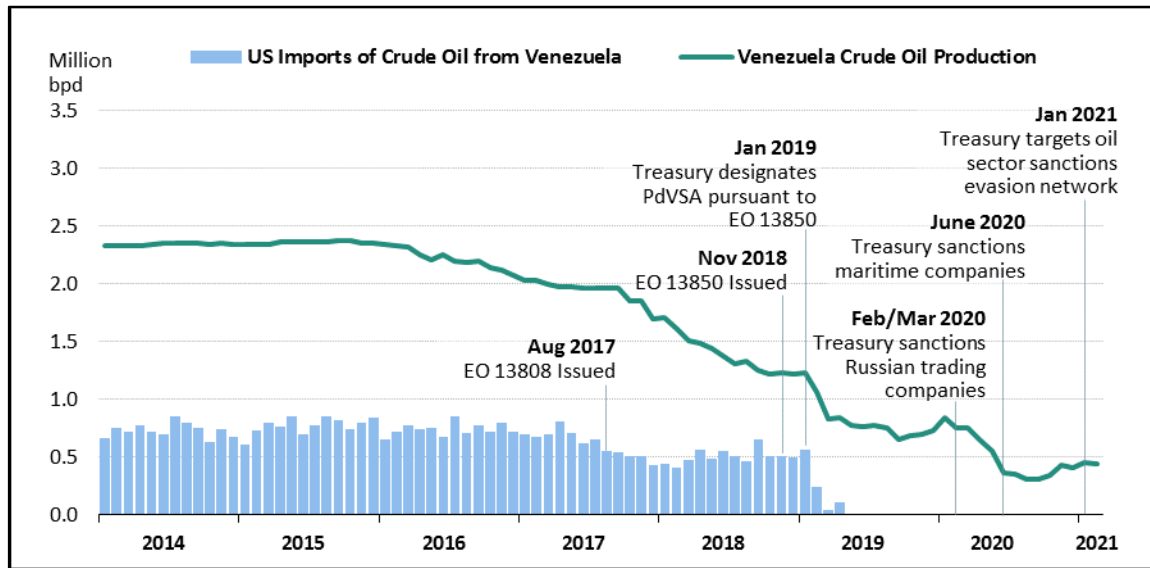
<sup>118</sup> E.O. 13808, “Imposing Additional Sanctions With Respect to the Situation in Venezuela,” 82 *Federal Register* 41155, August 29, 2017.

<sup>119</sup> Treasury’s designation was pursuant to E.O. 13850. For additional information, see U.S. Department of the Treasury, “Issuance of a New Venezuela-related Executive Order and General Licenses; Venezuela-related Designation,” January 28, 2019.

<sup>120</sup> To date, Treasury global licenses permit Chevron and some oilfield service companies to continue limited activities and transactions in with PdVSA for essential operations.

<sup>121</sup> For additional information about U.S. economic sanctions targeting Venezuela’s oil sector, see CRS Report R46213, *Oil Market Effects from U.S. Economic Sanctions: Iran, Russia, Venezuela*, by Phillip Brown

**Figure 4. Venezuela Crude Oil Production, U.S. Imports, and Selected Sanction Events**  
(January 2014-February 2021)



**Source:** CRS, using Venezuela crude oil production data from Bloomberg L.P. U.S. imports data from the Energy Information Administration.

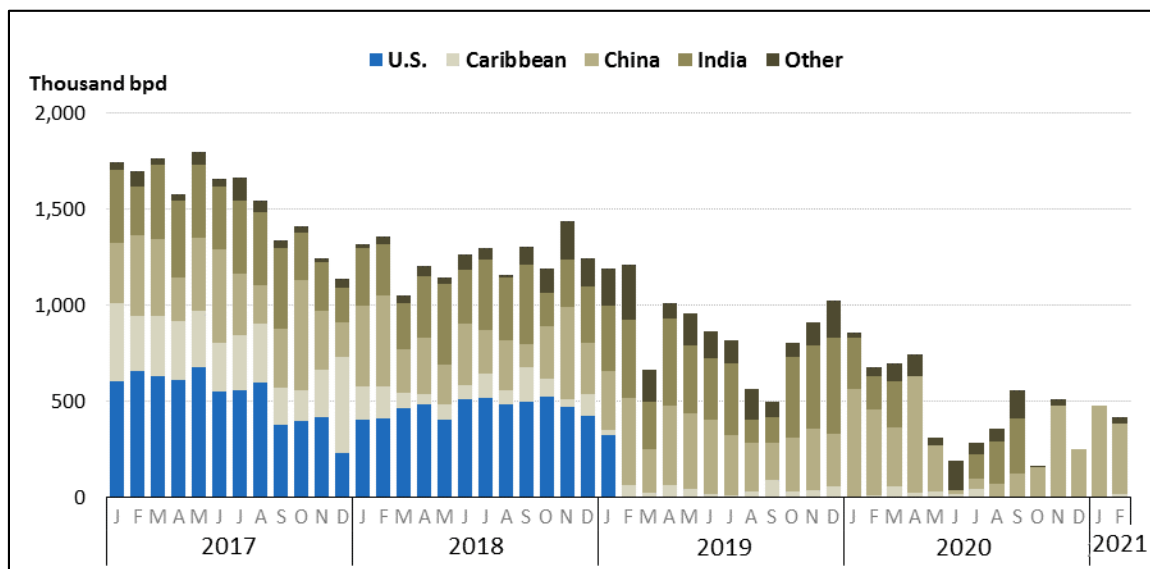
**Notes:** PdVSA = Petroleos de Venezuela S.A.; E.O. = executive order; bpd = barrels per day.

E.O. 13808 imposed additional sanctions based on a national emergency declared in March 2015 (E.O. 13692), including limits imposed on PdVSA access to U.S. debt finance and a provision preventing PdVSA from receiving cash dividends from its U.S.-based Citgo refining and marketing subsidiary.

With the United States no longer a petroleum export destination, PdVSA sought to develop other trading relationships to monetize the value of Venezuelan oil. Russian oil trading companies (i.e., Rosneft Trading and TNK Trading International) were large purchasers of Venezuelan oil, which they mostly delivered to refineries in Asia. Treasury sanctioned these companies in early 2020. This action motivated Rosneft—an oil company controlled by the Russian government—to reorganize its corporate ownership structure and operations in Venezuela to minimize its sanctions exposure risk.

PdVSA has since employed other methods to facilitate oil transactions, including (1) oil sales through a Mexico-based trading company claiming to execute an oil-for-humanitarian-aid program; (2) oil-for-diesel fuel swap trades—authorized by Treasury until late October 2020—with refiners located in India and Spain; (3) sales transactions through intermediate oil trading companies; and (4) petroleum exchanges with Iran. Iran—also the target of numerous U.S. economic sanctions—has supplied Venezuela with multiple shipments of petroleum products (e.g., gasoline) following the imposition of sanctions on Venezuela’s oil sector. Since January 2019, when exports to the United States ended, India and China have been the top two destinations for Venezuela’s observable crude oil exports (see **Figure 5**).

**Figure 5. Observable Venezuela Crude Oil Exports by Destination**  
(January 2017-February 2021)



**Source:** CRS, using Bloomberg L.P. tanker tracking service data.

**Notes:** Export volumes represent crude oil volumes that were loaded onto tankers during each month. Other research companies and news media organizations report higher export volumes than those reflected in this figure. Oil exporting countries subject to U.S. economic sanctions employ various methods (i.e., ship-to-ship transfers and disabling transponders) to conceal export volumes and destinations. Actual Venezuela crude oil export volumes could differ from those reported by Bloomberg L.P.

## Oil Market and Price Effects<sup>122</sup>

Notable sanctions-related effects on the global oil market include lower Venezuelan oil production and the elimination of U.S. imports of Venezuelan crude oil (see **Figure 4**). Attributing a precise volumetric effect on Venezuela's oil production is difficult, as production in the country was declining prior to the imposition of oil sector sanctions.<sup>123</sup> Nevertheless, data suggest that production declines accelerated following sanctions targeting Venezuela's oil sector. Lower global oil supply generally results in upward price pressure for crude oil and petroleum products. Venezuela's oil production decline of approximately 1.5 million bpd (August 2017 to February 2021) is large enough to potentially affect prices. However, numerous factors (e.g., demand/supply balances, OPEC production decisions, and general economic conditions) can influence oil and petroleum product prices. As a result, it is difficult to quantify effects on crude oil and petroleum product (e.g., gasoline) prices directly attributable to U.S. economic sanctions.

Changes to U.S. refinery imports of Venezuelan crude oil are quantifiable. Prior to the start of oil sector sanctions, U.S. refineries imported between 500,000 and 700,000 barrels per day of crude oil from Venezuela. Crude oil imports from Venezuela ended in April 2019. Refineries that previously purchased crude oil from PdVSA were required to source alternative crude oils from

<sup>122</sup> For additional information about how sanctions affect oil markets and prices, see CRS Report R46213, *Oil Market Effects from U.S. Economic Sanctions: Iran, Russia, Venezuela*, by Phillip Brown.

<sup>123</sup> For additional information about the impact of U.S. sanctions on the Venezuelan economy, see Government Accountability Office, *Venezuela: Additional Tracking Could Aid Treasury's Efforts to Mitigate Any Adverse Impacts U.S. Sanctions Might Have on Humanitarian Assistance*, February 2021.

other suppliers. As the market adjusted to this sanctions-related supply constraint, elevated regional spot prices—relative to other crude oil prices—indicated that substitute crude oils were temporarily in short supply.<sup>124</sup>

## Petroleum Sector Outlook

With proven oil resources and well-known geology, oil production in Venezuela could return to, or possibly exceed, pre-sanctions levels of approximately 2 million bpd. However, the condition of Venezuela's petroleum assets (e.g., oil reservoirs, upgrading facilities, pipelines, refineries, and ports) could present challenges for a complete sector recovery.<sup>125</sup> President Maduro aims to increase oil production to 1.5 million barrels per day with “new production, financing and marketing mechanisms,” according to a PdVSA announcement.<sup>126</sup> Details of Maduro's plan are limited, though the plan may allow oil companies more control over production activities. In March 2021, Venezuela announced agreements with Russia to cooperate in several areas, including the oil sector.<sup>127</sup> However, International Energy Agency forecasts—assuming that Maduro remains in power and U.S. sanctions continue—indicate that oil production may remain near 500,000 bpd until 2026.<sup>128</sup> Continuation and enforcement of U.S. sanctions could affect the sector's future. Additionally, investment capital, technical expertise, and human resources may be needed to support sector restoration.

## Temporary Protected Status for Venezuela<sup>129</sup>

The 116<sup>th</sup> Congress considered legislation that would have designated Venezuela for TPS. In July 2019, the House passed H.R. 549, which would have allowed certain Venezuelan nationals residing in the United States to qualify for TPS, which would have prevented their removal from the United States and allowed them to obtain employment and travel authorization. In July 2020, a Senate effort to pass H.R. 549 by unanimous consent failed. The Trump Administration did not formally support TPS for Venezuelans, though Trump Administration officials asserted that Venezuelans were not being subject to removal.<sup>130</sup> On January 19, 2021, President Trump granted Deferred Enforced Departure to Venezuelans in the United States for 18 months, protecting them from removal and making them eligible to apply for work authorization.<sup>131</sup>

<sup>124</sup> For additional information about price differentials, see [https://www.crs.gov/Reports/R46213#\\_Toc31964656](https://www.crs.gov/Reports/R46213#_Toc31964656)

<sup>125</sup> For additional information about Venezuela's oil sector, see Hernandez, I. & Monaldi, F., 2016. *Weathering Collapse: An Assessment of the Financial and Operational Situation of the Venezuelan Oil Industry*.

<sup>126</sup> PdVSA, “Presidente Maduro: tenemos la meta de producir 1 millón 500 mil barriles diarios,” January 15, 2021.

<sup>127</sup> PdVSA, “Rusia y Venezuela suscriben instrumentos jurídicos para fortalecer cooperación estratégica,” March 31, 2021.

<sup>128</sup> International Energy Agency, *Oil 2021: Analysis and Forecast to 2026*, March 2021.

<sup>129</sup> Congress created Temporary Protected Status (TPS) in 1990 (P.L. 101-649) to provide work authorization and relief from removal for foreign nationals in the United States from countries experiencing armed conflict, natural disaster, or other extraordinary conditions that prevent their safe return. H.R. 549 would have added Venezuela to the list of countries designated for TPS. This designation would have lasted for 18 months and could have been extended by the Secretary of Homeland Security. Venezuelans who had been continuously present in the United States since the date of enactment and who met certain other requirements would have been eligible to apply for TPS. See CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*, by Jill H. Wilson.

<sup>130</sup> U.S. Congress, Senate Committee on Foreign Relations, *Venezuela*, 116<sup>th</sup> Cong., 2<sup>nd</sup> sess., August 4, 2020.

<sup>131</sup> White House (President Trump), Office of the Press Secretary, “Deferred Enforced Departure for Certain Venezuelans,” presidential memorandum for the Secretary of State and the Secretary of Homeland Security, January 19, 2021.

On March 8, 2021, Homeland Security Secretary Alejandro Mayorkas designated Venezuela for TPS for a period of 18 months on the basis of extraordinary and temporary conditions.<sup>132</sup> In the March 2021 *Federal Register* notice announcing a new TPS designation for Venezuela, Secretary Mayorkas cited many of those conditions, including “economic contraction; inflation and hyperinflation; deepening poverty; high levels of unemployment; reduced access to and shortages of food and medicine,... among many others.”<sup>133</sup> U.S. Citizenship and Immigration Services estimates that approximately 323,000 individuals are eligible to file applications for TPS under the designation of Venezuela.<sup>134</sup>

## U.S. Assistance

### Humanitarian Assistance (Including COVID-19 Assistance)<sup>135</sup>

Since FY2017, the U.S. government has provided more than \$1 billion in humanitarian and emergency food assistance in response to the Venezuela regional crisis (as of December 2020).<sup>136</sup> For FY2020, this included \$528.5 million to support Venezuelan refugees and migrants who fled to other countries (or for the communities hosting them) and \$94.3 million for humanitarian relief activities inside Venezuela.<sup>137</sup> The U.S. military has twice deployed a naval hospital ship on medical support deployments. In addition, as of December 2020, the United States had provided nearly \$13.7 million for the COVID-19 response in Venezuela and \$33.6 million for COVID-19 in the region. U.S. officials and Members of Congress have praised the April 2021 agreement allowing WFP to establish a humanitarian presence inside Venezuela.<sup>138</sup>

In keeping with international humanitarian standards, U.S. humanitarian assistance is generally provided on the basis of need and according to principles of universality, impartiality, and independence.<sup>139</sup> However, a recent USAID Office of Inspector General report assesses some of the challenges USAID faces in responding to the Venezuela regional crisis, identifies areas of fraud risk in the humanitarian response, and makes recommendations to strengthen and improve USAID’s approach.<sup>140</sup>

<sup>132</sup> See Immigration and Nationality Act, §244(b)(1)(C).

<sup>133</sup> DHS, “Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure,” 86 *Federal Register* 13574-13581, March 9, 2021.

<sup>134</sup> *Ibid.*

<sup>135</sup> Written by Rhoda Margesson, Specialist in International Humanitarian Policy.

<sup>136</sup> As with international humanitarian standards, U.S. humanitarian assistance is provided on the basis of need and according to principles of universality, impartiality, and independence.

<sup>137</sup> USAID, “Venezuela Regional Crisis,” fact sheet #2, March 25, 2021.

<sup>138</sup> USAID, “USAID Welcomes Agreement Allowing the U.N. World Food Program to Provide Food Assistance in Venezuela,” April 29, 2021; Senate Foreign Relations Committee, “Chairman Menendez on WFP Agreement to Begin Operating in Venezuela,” April 20, 2021.

<sup>139</sup> USAID, Office of Foreign Disaster Assistance, *Policy for Humanitarian Action*, October 2015. In February 2019, at the request of Interim President Guaidó, the U.S. government pre-positioned assistance (food, health, hygiene, and nutrition commodities) for the Venezuelan people on the Colombia- and Brazil-Venezuela borders. Security forces loyal to Maduro prevented the delivery of the humanitarian assistance. A broad range of humanitarian organizations, including U.N. entities, expressed concern not just about the many logistical and security problems in delivering assistance to Venezuela but also about the prospect of humanitarian aid being used as a tool in a political contest.

<sup>140</sup> USAID, Office of Inspector General, *Enhanced Processes and Implementer Requirements Are Needed to Address Challenges and Fraud Risks in USAID’s Venezuela Response*, Audit Report 9-000-21-005-P, April 16, 2021.

## Democracy, Development, and Global Health-Related Assistance

For more almost two decades, the United States has provided democracy-related assistance to Venezuelan civil society through the U.S. Agency for International Development (USAID) and the National Endowment for Democracy (NED).

From FY2002 to FY2010, USAID supported small-grant and technical assistance activities through its Office of Transition Initiatives to provide assistance monitoring democratic stability and strengthening the country's democratic institutions. USAID's Latin America and Caribbean Bureau assumed control over those programs in FY2010. Since FY2010, USAID democracy programs in Venezuela have been funded primarily through the Economic Support Fund (ESF) account. U.S. democracy and human rights assistance appropriated to Venezuela amounted to \$30 million in FY2020 (P.L. 116-94) and at least \$33 million in FY2021 (P.L. 116-260).

**Table 1. U.S. Foreign Assistance to Venezuela by Account: FY2017-FY2021**

(appropriations in millions of current U.S. dollars)

Account	FY2017 <sup>a</sup>	FY2018 (estimate) <sup>a</sup>	FY2019 (estimate)	FY2020 (estimate)	FY2021 (estimate)	Total
DA	9.0	93.1	0.0	0.0	0.0	102.1
ESF	7.0	19.0	18.0	30.0	33.0	74.0
ESDF	0.0	0.0	0.0	0.0	0.0	0.0
GHP (USAID)	0.0	16.3	5.0	0.0	0.0	21.3
DF	0.0	4.0	0.0	0.0	0.0	4.0
<b>Total</b>	<b>16.0<sup>a</sup></b>	<b>132.4<sup>a</sup></b>	<b>23.0<sup>ab</sup></b>	<b>30.0<sup>a</sup></b>	<b>33.0</b>	<b>234.4</b>

**Sources:** U.S. Department of State, *Congressional Budget Justifications for Foreign Operations, FY2017-FY2021*; P.L. 116-260; U.S. Agency for International Development (USAID), Congressional Notification (CN) #16, December 11, 2017; CN#34, January 12, 2018; CN#23, January 28, 2019; CN#125, May 14, 2019; CN#156, July 11, 2019; CN#157, July 11, 2019; CN#219, September 5, 2019; CN#224, September 9, 2019; CN#229, September 11, 2019; CN#233, September 11, 2019; CN#243, August 9, 2019; CN#20, February 28, 2020; CN#165, April 24, 2020; CN#259, August 6, 2020.

**Notes:** DA = Development Assistance; DF = Democracy Fund; ESF = Economic Support Fund; ESDF = Economic Support and Development Fund; GHP = Global Health Programs.

- These totals do not include economic and development assistance funds that have been provided to support countries that are sheltering Venezuelan refugees and migrants.
- This total includes \$450,000 in ESF notified on August 6, 2020, to combat illegally armed groups in Venezuela.

USAID signed a bilateral agreement with the Guaidó government in October 2019 to expand its democracy and human rights-related programs in Venezuela and to start new health and agriculture programs. This expansion in programming supported the interim government's goals to facilitate a transition to democracy and to start rebuilding key sectors damaged by the economic crisis. Although most of the assistance supported programs in Venezuela, some also funded work-related travel, salaries, and secure communications systems for interim government officials and staff. In addition to the democracy-related ESF assistance appropriated by Congress, the Administration reprogrammed additional Development Assistance, Global Health Program, and Democracy Fund assistance (see **Table 1**). The funding is being administered primarily through third-party contractors. Should a political transition occur, the State Department and USAID have developed plans to support the interim government's transition plan, *Plan País*.

For FY2021, the Administration requested \$5 million in global health assistance for Venezuela and \$200 million to support a democratic transition in Venezuela, as well as humanitarian assistance for Venezuelans who have fled and the communities hosting them. The Consolidated Appropriations Act, 2021 (P.L. 116-260), provided not less than \$33 million in ESF assistance for democracy programs in Venezuela and an unspecified level of humanitarian support for countries sheltering Venezuelan refugees.

The NED has funded democracy projects in Venezuela since 1992. U.S. funding for the NED is provided in the annual State Department and Foreign Operations appropriations measure, but country allocations for the NED are not specified in the legislation. In 2019, the NED funded 41 projects in Venezuela totaling more than \$2.5 million.

## U.S. Efforts to Combat Illicit Revenue Sources

While financial sanctions have sought to limit Maduro's licit revenue sources and punish those who have stolen billions from PdVSA and government programs, criminal investigations and antidrug operations have targeted illicit revenue earned by the Maduro government.

Venezuela is ranked among the most corrupt countries in the world. In 2020, Venezuela ranked 176<sup>th</sup> out of 180 countries covered in Transparency International's Corruption Perceptions Index. High-level officials, many from the military, reportedly formed a drug trafficking organization (the Cartel of the Suns) in the early 2000s and have engaged in crimes such as illegal gold mining, weapons trafficking, and money laundering.<sup>141</sup> These criminal networks have linkages to foreign terrorist organizations such as the FARC and the National Liberation Army (ELN). The Maduro government allegedly also has ties to Hezbollah through various intermediaries (see "U.S. Concerns About Terrorism").<sup>142</sup>

### U.S. Indictment of Top Venezuelan Officials

On March 26, 2020, then-Attorney General William Barr announced the indictment of Venezuela's leader, Nicolás Maduro, and 14 other current and former high-ranking Venezuelan officials. As charged, Maduro allegedly participated in the Cartel of the Suns drug trafficking organization in conspiracy with the Colombian terrorist organization the Revolutionary Armed Forces of Colombia (FARC) to produce and traffic illicit drugs to the United States. Some 12 of the 18 individuals also are subject to U.S. sanctions (related to the situation in Venezuela, narcotics trafficking, or both). In addition to narcoterrorism conspiracy, the charges include drug trafficking, money laundering, and weapons charges. The State Department is offering a total of up to \$55 million for information leading to the arrest, conviction, or both of five of these individuals (including Maduro).

Venezuela's instability, weak institutions, extensive 1,370-mile border with Colombia, and general lawlessness have attracted the attention of illegally armed groups. The ELN, which is still engaged in armed conflict in Colombia, and its rival, the Popular Liberation Army (ELP), reportedly recruit Venezuelans to cultivate coca, the plant component of cocaine.<sup>143</sup> The ELN has taken over much of Guajira state.<sup>144</sup> The Rastrojos, a criminal group of former Colombian paramilitaries, reportedly controls important gasoline smuggling routes between Venezuela and

<sup>141</sup> A May 2018 report by Insight Crime identified more than 120 high-level Venezuelan officials who have engaged in criminal activity. Insight Crime, *Venezuela: A Mafia State?* May 2018.

<sup>142</sup> "Cape Verde Court Approves US Extradition of Maduro Financier for Money Laundering," *Jurist*, August 6, 2020.

<sup>143</sup> Helen Murphy and Luis Jaime Acosta, "Exclusive: Colombian Armed Groups Recruiting Desperate Venezuelans, Army Says," Reuters, June 20, 2019.

<sup>144</sup> Anatoly Kurmanaev, "Terrorist Group Steps into Venezuela as Lawlessness Grows," *New York Times*, April 26, 2021.



Colombia. A February 2020 International Crisis Group study maintains that both FARC dissidents and ELN fighters are heavily involved in illegal gold mining.<sup>145</sup> Violence among these groups has escalated in recent years. In March 2021, Venezuelan security forces launched an operation, which analysts maintain was intended to attack a dissident FARC faction that may have violated a drug trafficking arrangement, in Apure (see **Figure 1**). The forces reportedly committed human rights abuses against civilians as ongoing clashes prompted thousands to flee into Arauca, Colombia. Those clashes also may have resulted in soldiers' deaths.<sup>146</sup>

## Counternarcotics and U.S. Antidrug Prosecutions and Operations

Venezuela is a major transit route for cocaine destined for the United States. In 2005, Venezuela suspended its counternarcotics cooperation with the U.S. Drug Enforcement Administration.<sup>147</sup> Since 2005, Venezuela has been designated annually as a country that has failed to adhere to its international antidrug obligations, pursuant to international drug-control certification procedures in the Foreign Relations Authorization Act, FY2003 (P.L. 107-228). Most recently, in September 2020, President Trump again designated Venezuela as a country not adhering to its antidrug obligations.<sup>148</sup> At the same time, President Trump waived economic sanctions that would have curtailed U.S. assistance for democracy programs.

The State Department reported in its *International Narcotics Control Strategy Report* (INCSR) covering 2020 that Venezuela was one of the preferred trafficking routes for the transit of illicit drugs out of South America, especially cocaine. According to the INCSR, Venezuelan authorities “failed to make any efforts to combat illegal drug activity and prosecute corrupt officials or suspected drug traffickers.”<sup>149</sup> In March 2021 congressional testimony, Admiral Craig Faller, Commander of U.S. Southern Command, asserted that drug trafficking flowing out of Venezuela increased 145% from 2015 to 2019.<sup>150</sup>

U.S. authorities have taken action against Maduro officials and their relatives involved in drug trafficking and related crimes.<sup>151</sup> On March 2, 2020, the Spanish government approved the extradition of Venezuela's former intelligence chief, Hugo Carvajal, to the United States to stand trial for drug and weapons trafficking. In March 2019, a U.S. court charged former Vice President Tareck el Aissami with violating the Foreign Narcotics Kingpin Act. In December 2017, two

<sup>145</sup> International Crisis Group, *A Glut of Arms: Curbing the Threat to Venezuela from Violent Groups*, February 2020.

<sup>146</sup> Steven Grattan, Anthony Faiola, and Ana Vanessa Herrero, “Venezuelan Military Offensive Sends Thousands Fleeing, Recharging One of the World's Worst Refugee Crises,” *Washington Post*, April 1, 2021; *Latin News Daily*, “Venezuela: Soldiers Killed in Latest Apure Clashes,” April 27, 2021.

<sup>147</sup> The Venezuelan government ended cooperation after alleging that U.S. Drug Enforcement Administration agents were spying on the government, charges U.S. officials dismissed as baseless. Prior to that time, the governments had negotiated an antidrug cooperation agreement (an addendum to a 1978 Bilateral Counternarcotics agreement) that would have enhanced information-sharing and antidrug cooperation. Venezuela never approved that agreement.

<sup>148</sup> The White House, “Presidential Determination—Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2021,” September 16, 2020.

<sup>149</sup> U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *2020 INCSR*, March 2021, vol. 1.

<sup>150</sup> Statement of Admiral Craig Faller, Commander, U.S. Southern Command, in U.S. Congress, Senate Committee on Armed Services, 117<sup>th</sup> Cong., 1<sup>st</sup> sess., March 16, 2021.

<sup>151</sup> Sources for this paragraph include Reuters, “Spain Approves Extradition of Venezuela's Ex-spy Chief to the United States,” March 3, 2020; and Department of Justice, U.S. Attorney's Office, Southern District of New York, “Venezuelan Minister And Former Vice President Tareck Zaidan El Aissami Maddah Charged With Violations of the Foreign Narcotics Kingpin Designation Act,” March 8, 2019.

nephews of First Lady Cilia Flores were sentenced to 18 years in a U.S. federal prison for conspiring to transport cocaine into the United States.

On April 1, 2020, additional U.S. naval counterdrug assets were deployed to the Caribbean. With cooperation from partner governments, the operation aimed, in part, to curb drug trafficking emanating from Venezuela. By August 2020, the operation had seized more than 100 metric tons of cocaine and denied the Maduro government \$3 billion in illicit revenue.<sup>152</sup>

## Money Laundering and Asset Forfeiture

In addition to drug trafficking, the INCSR discusses Venezuela's high level of vulnerability to money laundering and other financial crimes. According to the report, money laundering is widespread in the country and worsened in 2020 as the Maduro government relaxed its controls over foreign exchange, prices, and imports. This move resulted in a rapid dollarization of the economy and created opportunities for corruption for those with dollars. Venezuela revised its laws against organized crime and terrorist financing in 2014 but excluded the government and state-owned industries from the scope of any investigations. The unit charged with investigating financial crimes has limited capabilities, and there is a lack of political will in the judicial system to combat money laundering and corruption. There has been no improvement since the Treasury Department's Financial Crimes Enforcement Network (FinCEN) issued an alert to financial institutions in 2019 on transactions involving public corruption in Venezuela.<sup>153</sup>

Revenue from illicit Venezuela-linked activities has been laundered into accounts, real estate, and other industries around the world. U.S. prosecutors estimate that some \$300 billion ill-gotten Venezuelan wealth is held in south Florida alone, primarily in real estate.<sup>154</sup> The March 2020 indictments against senior Venezuelan officials continue DOJ's decade-long effort to uncover corruption involving Maduro and his associates. Since 2010, DOJ has charged several dozen current or former officials, including a former national treasurer, senior state economic development bank official, military officer, judge, and officials from PdVSA and its subsidiaries.

According to the State Department, the U.S. government has coordinated its efforts to identify, confiscate, forfeit, and repatriate illicit Venezuelan assets, including through the U.S. Departments of the Treasury, Justice, and Homeland Security.<sup>155</sup> The Department of the Treasury's FinCEN is the U.S. financial intelligence unit and administrator of U.S. anti-money laundering laws pursuant to the Bank Secrecy Act. FinCEN collaborates with financial intelligence units around the world. The Department of the Treasury's Executive Office for Asset Forfeiture administers the Treasury Forfeiture Fund, a federal fund for forfeitures that are the result of actions by selected participating agencies, and DOJ administers a separate assets forfeiture fund.<sup>156</sup> Some observers have advocated for certain U.S. seizures of Venezuelan assets be redistributed to a charitable trust to benefit the Venezuelan people or placed in an account for

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<sup>152</sup> Abrams testimony, August 4, 2020.

<sup>153</sup> U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *2020 INCSR*, March 2021, vol. 2.

<sup>154</sup> Joshua Goodman, "U.S. Prosecutor in Miami Targeting Venezuela Graft Is Leaving," AP, August 14, 2020.

<sup>155</sup> U.S. Department of State, *Report on Recovering Assets Stolen from the Venezuelan People*, Section 151 (b) of the Further Consolidated Appropriations Act, 2020 (Division J). 2020.

<sup>156</sup> The Treasury Forfeiture Fund participating agencies are the Internal Revenue Service Criminal Investigations Division, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, U.S. Secret Service, and U.S. Coast Guard. For information on DOJ's asset forfeiture fund, see <https://www.justice.gov/afp/fund/>.

use by a future democratically elected government.<sup>157</sup> The Trump Administration reportedly permitted the Guaidó government to use \$20 million in forfeited assets to address the COVID-19 crisis by providing a monthly bonus to health care workers.<sup>158</sup>

The Treasury Department has helped countries develop the legal and technical capacity to block transactions and seize assets. Analysts and U.S. officials have urged European countries and banks to intensify their efforts to detect and seize illicit assets tied to Maduro government.<sup>159</sup>

## Illegal Mining

Gold mining, both licit and illicit, has accelerated as the Venezuelan economy has collapsed in the face of low global oil prices and an ongoing political crisis. Over the past few years, a boom in illegal mining in Venezuela has reportedly contributed to deforestation and environmental degradation in indigenous areas, clashes between rival criminal gangs and violence committed by those gangs against miners whom they extort, and an outbreak of malaria (a disease that had been eradicated).<sup>160</sup> FARC dissidents and the ELN reportedly earn a majority of their income from illegal gold mining; the Maduro government also has increased its involvement in the sector as licit gold supplies have run out.<sup>161</sup> According to the INCSR, illegal exports of gold and other metals worth hundreds of millions of dollars have occurred in recent years.<sup>162</sup> Numerous reports suggest the illegal mining industry also causes human rights violations, including the forcible recruitment of child labor and abuses of indigenous groups, including the Yanomami tribe.

The U.S. government has created an interagency gold working group, imposed sanctions on individuals for their involvement in the illicit gold industry, and stepped up border security efforts to detect illicit gold shipments out of Venezuela.<sup>163</sup>

## Human Trafficking

Criminal groups, sometimes in collaboration with corrupt officials, have subjected men, women, and children to human trafficking both within Venezuela and abroad, particularly in border regions and the Caribbean coast.<sup>164</sup> Within the country, victims are trafficked from rural to urban areas to serve as prostitutes or domestic servants. Venezuelan women and girls are often trafficked abroad for sexual exploitation, and children are trafficked for forced labor and/or are forcibly recruited by FARC dissidents and the ELN. In 2019, researchers documented increasing

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<sup>157</sup> Michael J. Camilleri and Fen Osler Hampson, "Seize the Money of Venezuelan Kleptocrats to Help the Country and Its People," *Washington Post*, January 29, 2019.

<sup>158</sup> Karen DeYoung and Anthony Faiola, "Venezuela: Trump Administration Taps Frozen Funds in Effort to Oust Venezuelan Leader," *Washington Post*, August 21, 2020.

<sup>159</sup> Douglas Farah, *The Maduro Regime's Illicit Activities: A Threat to Democracy in Venezuela and Security in Latin America*, Atlantic Council, August 13, 2020.

<sup>160</sup> Bram Ebus, "Militarization and Mining a Dangerous Mix in Venezuelan Amazon," *Mongabay*, December 7, 2017; Maria Isabel Sanchez, "Inside the Deadly World of Venezuela's Illegal Mines," *AFP*, March 19, 2017; Stephanie Nebehay, "Malaria on Rise in Crisis-Hit Venezuela, WHO Says," *Reuters*, April 24, 2018.

<sup>161</sup> International Crisis Group, *Gold and Grief in Venezuela's Violent South*, February 2019.

<sup>162</sup> *2020 INCSR*, March 2021, vol. 2.

<sup>163</sup> Atlantic Council, "Transcript: Countering the Maduro Regime's Global Web of Illicit Activities," August 14, 2020.

<sup>164</sup> U.S. Department of State, *2020 Trafficking in Persons Report: Venezuela*, June 25, 2020. See also Devon Cone and Melanie Teff, *Searching for Safety: Confronting Sexual Exploitation and Trafficking of Venezuelan Women and Girls*, Refugees International, August 2019.

sex and labor trafficking by illegally armed groups in mining regions. Venezuelan migrants who have fled abroad lacking identity documents are particularly vulnerable to human trafficking.

The U.S. Department of State ranked Venezuela as Tier 3 for the seventh consecutive year in its June 2020 *Trafficking in Persons* (TIP) report. This ranking indicates that the country does not meet minimum standards for preventing human trafficking, nor is it making significant efforts to do so. The Maduro government reported that it had created a special prosecutor's office for TIP cases and initiated proceedings against three officials complicit in a case that ended with a shipwreck at sea of a vessel reportedly carrying 90 people. The government did not provide any data on TIP victims assisted, prosecutions, or convictions for human trafficking. In September 2019, the Trump Administration waived TIP-related sanctions on assistance to Venezuela that would have been triggered by that Tier 3 ranking, determining that the continuation of U.S. democracy and human rights assistance was in the U.S. national interest. The State Department also has notified Congress of its intention to provide \$3 million in FY2018 funds to help strengthen human trafficking efforts in countries bordering Venezuela.<sup>165</sup>

## U.S. Concerns About Terrorism

Since 2006, the Secretary of State has determined annually that Venezuela has not been "cooperating fully with United States antiterrorism efforts" pursuant to Section 40A of the Arms Export Control Act (AECA). Per the AECA, such a designation subjects Venezuela to a U.S. arms embargo, which prohibits all U.S. commercial arms sales and retransfers to Venezuela. The most recent determination was made in May 2020 and published on June 2, 2020.<sup>166</sup>

In 2008, the Department of the Treasury imposed sanctions (asset freezing and prohibitions on transactions) on two individuals and two travel agencies in Venezuela for providing financial support to Hezbollah, which the Department of State has designated a Foreign Terrorist Organization. The action was taken pursuant to E.O. 13224, aimed at impeding terrorist funding.

According to the State Department's *Country Reports on Terrorism 2019*, Venezuela has a permissive environment for known terrorist groups, including FARC dissidents, the Colombian-origin ELN, and sympathizers of Lebanese Hezbollah. In particular, the report maintained that financial ties with FARC dissidents and the ELN facilitated the Maduro government's corruption and graft schemes. The State Department noted reports of sporadic cooperation between FARC dissidents and the ELN in the areas of road and border checkpoints, forced displacement of vulnerable indigenous communities, and trafficking of illegal narcotics and gold.<sup>167</sup>

According to several DOJ indictments, there are alleged links between the Maduro government and Hezbollah through a few key intermediaries. One of them, Alex Saab, a Colombian subject to U.S. sanctions, is in the process of being extradited from Cape Verde to face U.S. money laundering charges.<sup>168</sup> The DOJ also has charged a former Venezuelan legislator, Adel el Zabayar,

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<sup>165</sup> U.S. Department of State, CN #218, August 15, 2019.

<sup>166</sup> U.S. Department of State. Public Notice 11131, "Determination and Certification of Countries Not Cooperating Fully with United States Antiterrorism Efforts," *Federal Register* 2020-11858, June 2, 2020.

<sup>167</sup> U.S. Department of State, *Country Reports on Terrorism 2019*, June 24, 2020.

<sup>168</sup> Cape Verde's Supreme Court has approved Saab's extradition to the United States. DOJ, "United States v. Alex Nain Saab Moran, Docket No. 19-CR-20450-RNS," July 25, 2019; Barry Hatton, "West African Court Allows Extradition to US of Venezuelan," AP, March 17, 2021.

with involvement in weapons for cocaine negotiations between the FARC and Hezbollah and Hamas.<sup>169</sup> Analysts have criticized the indictment for failing to provide conclusive evidence.<sup>170</sup>

Some Members of Congress have called for Venezuela to be designated as a state sponsor of terror. This designation would trigger an array of sanctions, including aid restrictions, requirement for validated export licenses for dual-use items, and other financial restrictions. Critics caution there is a lack of evidence to conclude that the Venezuelan government has “repeatedly provided support for acts of international terrorism,” as required by law.

## Outlook

The situation in Venezuela continues to represent a major foreign policy challenge for the United States. Two years after the United States ceased to recognize Nicolás Maduro as the legitimate president of Venezuela, Maduro still appears firmly entrenched in power. Meanwhile, the opposition—once united behind Juan Guaidó—has fractured. Although the Guaidó-led opposition remains focused on obtaining adequate conditions for free and fair presidential and legislative elections, Henrique Capriles and other opposition leaders appear to be focused on fielding candidates in the 2021 regional and local elections. Venezuelan civil society has put forth a list of potential candidates for a new electoral council, the first step in what may be a long process to rebuild the institutions necessary to one day convene elections that are more free and fair.

The failure to dislodge Maduro from power demonstrated the limits of U.S. and other international efforts to prompt political change in Venezuela. Unilateral U.S. policies, such as oil sanctions, arguably worsened the humanitarian crisis in the country and caused divisions within the international coalition that once backed Guaidó. Despite these developments, some analysts urge Biden officials to maintain broad sanctions on the Maduro government and to increase U.S. and international efforts to hold Maduro officials and their enablers accountable. Others call on the Biden Administration to consider the humanitarian effects of U.S. sanctions and to end any sanctions that have unduly exacerbated the crisis. Neither policy approach is likely to prompt immediate political change. In the meantime, ensuring humanitarian aid reaches the Venezuelan people, both those within the country and those sheltering abroad, likely will remain a key priority for the United States and other donors.

The 117<sup>th</sup> Congress is likely to continue close oversight of U.S. policy toward Venezuela, including the Biden Administration’s actions to sanction human rights abuses, corruption, and antidemocratic actions by the Maduro government and its backers. Many Members of Congress have praised the March 2021 designation of TPS for Venezuela. Although some in Congress support continued pressure on the Maduro government, others support a more targeted approach, arguing that broad sanctions have not prompted political change but have hurt the Venezuelan people. As in the 116<sup>th</sup> Congress, some Members have advocated for an end to certain sanctions, including a ban on oil-for-diesel swaps that has contributed to fuel shortages in the country.<sup>171</sup> The 117<sup>th</sup> Congress may examine new policy approaches by the Biden Administration and further legislative options, such as additional sanctions against the Maduro government and its foreign enablers or humanitarian assistance to Venezuelans.

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<sup>169</sup> DOJ, “Former Member Of Venezuelan National Assembly Charged With Narco-Terrorism, Drug Trafficking, And Weapons Offenses,” May 27, 2020.

<sup>170</sup> “US Indictment Claims Venezuelan Politician Linked to Hezbollah, Hamas,” *Insight Crime*, May 29, 2020.

<sup>171</sup> Timothy Gardner, “Democratic Senator Urges Biden Admin to Allow Diesel Swap in Venezuela,” Reuters, March 23, 2021.

## Appendix A. Legislation Enacted in the 116<sup>th</sup> Congress

**P.L. 116-6 (H.J.Res. 31), Consolidated Appropriations Act, 2019.** The measure provided \$17.5 million for democracy and rule of law programs for civil society groups in Venezuela. The conference report (**H.Rept. 116-9**) required a strategy of how U.S. agencies are supporting communities that are sheltering Venezuelans throughout Latin America and the Caribbean. Introduced January 22, 2019. Signed into law February 15, 2019.

**P.L. 116-92 (S. 1790) National Defense Authorization Act, 2020.** Similar to **H.R. 2204** and **S. 1151**, Section 880 of the measure prohibits federal contracting with persons who do business with the Maduro government. Introduced June 11, 2019. Signed into law December 20, 2019.

**P.L. 116-94 (H.R. 1865), Further Consolidated Appropriations Act, 2020.** Introduced March 25, 2019, and subsequently became the legislative vehicle for eight FY2020 appropriations bills. Signed into law on December 20, 2019. The measure provides \$30 million in FY2020 assistance for democracy programs in Venezuela. It also incorporated provisions described below from the Senate-reported version of the VERDAD Act (**S. 1025**), including authorizing \$400 million in FY2020 humanitarian aid to Venezuela and \$17.5 million in FY2020 funds to help the OAS and civil society organizations prepare for future elections in Venezuela. The act required, among others, a short-term U.S. humanitarian assistance strategy to address the needs of the Venezuelan people; a report within a year on the coordination and distribution of humanitarian assistance, including future efforts; a U.S. strategy to counter Russian influence in Venezuela; a coordinated sanctions strategy on Venezuela with partners in the Western Hemisphere and the European Union; a strategy to support a democratic transition in Venezuela under different scenarios (similar to **S. 2583**); and a report on accountability for human rights abuses committed by the Maduro government.

**P.L. 116-283 (H.R. 6395), the National Defense Authorization Act, FY2021.** H.R. 6395 introduced March 26, 2020; House passed (295-125) July 21, 2020. S. 4049 introduced June 23, 2020; Senate passed (86-14) July 23, 2020. On November 16, 2020, the Senate approved H.R. 6395, amended, by voice vote, substituting the language of S. 4049. Conference report, H.Rept. 116-617, to H.R. 6395 filed December 3. House agreed (335-78) to the conference report December 8. Senate agreed (84-13) to the conference on December 11, 2020. Vetoed by President December 23. House passed (322-87) over veto December 28, 2020; Senate passed (81-13) over veto, and the measure became public law, on January 1, 2021. H.Rept. 116-617 required a briefing for certain committees on the contents of the report required by P.L. 116-94, as well as an update on the crisis in Venezuela and its regional implications.

**P.L. 116-260 (H.R. 133), Consolidated Appropriations Act, 2021.** Originally introduced in 2019 as a measure to promote economic partnership and cooperation between the United States and Mexico, H.R. 133 became the vehicle for the FY2021 omnibus appropriations measure and other legislative acts in December 2020. Both the House and the Senate approved the final measure on December 21, 2020, and the measure was signed into law December 27, 2020. As approved, in Division K (Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021), Section 7045, provided not less than \$33 million in democracy funding for programs in Venezuela, as well as funding for countries including Colombia, Peru, Ecuador, Curacao, and Trinidad and Tobago that are sheltering large numbers of Venezuelans. The measure stipulated that such funds should be provided in addition to the assistance that otherwise would be made available for those countries.

## Appendix B. Online Human Rights Reporting on Venezuela

**Table B-1. Online Human Rights Reporting on Venezuela**

Organization	Document/Link
<b>Amnesty International</b>	<i>The State of the World's Human Rights</i> , <a href="https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/">https://www.amnesty.org/en/countries/americas/venezuela/report-venezuela/</a>
<b>Committee to Protect Journalists</b>	<a href="http://www.cpj.org/americas/venezuela/">http://www.cpj.org/americas/venezuela/</a>
<b>Foro Penal Venezolano</b>	<a href="http://foropenal.com/">http://foropenal.com/</a>
<b>Human Rights Watch</b>	<a href="http://www.hrw.org/en/americas/venezuela">http://www.hrw.org/en/americas/venezuela</a>
<b>Inter-American Commission on Human Rights (IACHR)</b>	<a href="http://www.cidh.oas.org/DefaultE.htm">http://www.cidh.oas.org/DefaultE.htm</a> ; <i>Annual Report of the IACHR 2018, 2019</i> , chapter IV includes a special report on Venezuela, <a href="http://www.oas.org/en/iachr/docs/annual/2018/TOC.asp">http://www.oas.org/en/iachr/docs/annual/2018/TOC.asp</a>
<b>Programa Venezolano de Educación-Acción en Derechos Humanos (PROVEA)</b>	<a href="http://www.derechos.org.ve/">http://www.derechos.org.ve/</a>
<b>Reporters Without Borders</b>	<a href="https://rsf.org/en/venezuela">https://rsf.org/en/venezuela</a>
<b>U.S. State Department</b>	<i>Country Report on Human Rights Practices 2018</i> , March 13, 2019, <a href="https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/">https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/</a>
<b>Venezuelan Politics and Human Rights</b>	Blog hosted by the Washington Office on Latin America, <a href="http://venezuelablog.tumblr.com">http://venezuelablog.tumblr.com</a>

**Source:** Congressional Research Service.

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