

Congress of the United States

Washington, DC 20515

June 21, 2023

The Honorable Antony Blinken
Secretary of State
U.S. State Department
2201 C Street NW
Washington DC 20520

The Honorable Janet Yellen
Secretary of Treasury
U.S. Department of Treasury
1500 Pennsylvania Avenue NW
Washington DC 20220

Dear Secretary Blinken and Secretary Yellen,

As Members of Congress who are deeply concerned by the ongoing political, human rights and humanitarian crises in Venezuela, we welcome the Administration’s shift away from the punitive “maximum pressure” policy implemented by former President Trump towards limited reengagement with the government of Nicolas Maduro and support for negotiations between the Maduro government and the opposition organized under the umbrella of the Unitary Platform. We are encouraged by the release of several American prisoners last year, by U.S. participation in the international conference on Venezuela convened by the government of Colombia on April 25, and by the expression of U.S.¹ and international support for a step-by-step process in which measures agreed upon between the parties are accompanied by a parallel lifting of sanctions, as expressed in the statement² read at the close of the conference. We view the Social Protection Fund agreement³ reached by Maduro and the opposition last November as an important achievement with potential to alleviate some of the devastating humanitarian consequences of years of stalemate, and so welcome recent news reports that the Administration has assured the United Nations that contributions to the Fund will be safe from seizure by creditors. We write today with questions about next steps.

Because we share your view that human rights should be at the center of U.S. foreign policy, we have been deeply troubled by the extensive reporting on the indiscriminate and counterproductive impacts on the Venezuelan people of the secondary and sectoral sanctions imposed by the Trump Administration. These kinds of sanctions have often been found to be ineffective in achieving their objectives⁴ and are profoundly incoherent from a human rights perspective. In our view, to purposefully continue contributing to economic hardship experienced by an entire population is immoral and unworthy of the United States. That is why many of us have previously called on your Administration to pursue a better strategy to address

¹ The White House, [Readout of Senior Administration Official Travel to Colombia](#), April 25, 2023.

² Ministerio de Relaciones Exteriores de Colombia, [Declaración Final Conferencia Internacional sobre el proceso político en Venezuela](#), April 25, 2023

³ “Fondo para la Protección Social del Pueblo Venezolano”, [Segundo Acuerdo Parcial](#) para la protección social del pueblo venezolano, November 26, 2022.

⁴ Tom Lantos Human Rights Commission, “[Considerations on Economic Sanctions](#),” hearing held on October 4, 2022.

the rollback of democracy and the severe violations of fundamental rights committed by the Maduro government.

For these reasons, we welcomed the steps taken by the Administration last year which facilitated the release of several American prisoners and the resumption of negotiations between the Maduro government and the Venezuelan opposition, mediated by Norway, in Mexico last November. The resulting agreement between Maduro and the opposition to use an estimated \$3 billion of Venezuela's frozen overseas assets to create a Social Fund for the basic needs of the Venezuelan people, using a shared governance structure to be managed and implemented by the United Nations, was an important step forward given the country's massive, prolonged humanitarian crisis and its hemispheric consequences – which include the arrival last year of 187,000 Venezuelan refugees at our southern border. One of the key potential benefits of the Fund would be the expansion of the in-country activities of the World Food Program. Although some indicators suggest that the Venezuelan economy has stabilized to a certain degree, poverty and inequality are very high and food security remains a national priority.⁵ Unfortunately, the process of standing up the Social Fund has been slower than hoped, leading participants in the April 25th international conference to signal the need to accelerate implementation.

While skepticism regarding Maduro's commitment to the negotiations process is warranted, we believe that an important opportunity currently exists to address Venezuela's multifaceted crisis by building on the positive outcomes of the November 2022 negotiations and the April 25th international conference, attended by 19 countries and the European Union. Given the high costs of the crisis for the Venezuelan people and the hemisphere broadly, we believe it is imperative that the Administration respond to this opportunity by empowering the Venezuelan people who are seeking to rebuild their country and their future. To that end, we request a prompt response to the following questions:

- **Implementation of the Social Fund:** What is the time frame for implementing the Social Fund? How is the U.S. coordinating with the UN? How will the recent assurances provided to the UN regarding protection from creditors function in practice? Are these assurances sufficient to shield all entities that will eventually engage in transactions involving the Fund, or are additional legal guarantees or protections needed? What protections are in place to ensure that implementation of the Fund benefits the Venezuelan people rather than any political actor? What steps have the Departments of State and Treasury taken to facilitate the unfreezing of relevant Venezuelan assets and their transfer to the Fund? How is the Administration communicating its plans regarding implementation to stakeholders?
- **Clarifying legal representation:** In the aftermath of the decision by the Venezuelan National Assembly to remove Juan Guaidó and end his interim government, what plans does the Administration have for resolving uncertainty as to legal representation for purposes of financial transactions? What steps is the Administration taking to reduce the risk that Venezuelan assets fall into the hands of foreign adversaries or corrupt political actors inside or outside of Venezuela? Under what conditions will the Administration lift E.O. 13835 which prohibits the restructuring of Venezuelan debt?

⁵ World Food Programme, [Bolivarian Republic of Venezuela interim country strategic plan \(2023-2025\)](#), February 2023.

- **Diplomatic engagement:** Under what conditions will the Administration re-open consulates and eventually the U.S. embassy in Venezuela, while permitting the Maduro government to do the same in the United States? Consular representation is critical both for purposes of migration and to facilitate the participation of the Venezuelan diaspora in presidential elections set for 2024. If the Administration is not prepared to reestablish diplomatic relations or permit a consular presence, what plans exist to provide consular services and protection to Venezuelans in the United States, or to facilitate voting in 2024?
- **Direct flights:** Under what conditions would the Administration permit the restoration of direct commercial flights from the United States to Venezuela?
- **Supporting NGOs and the private sector by avoiding sanctions overcompliance:**
 - Is the Administration working through its embassies in the region to educate NGOs and the private sector, especially the financial sector, in Colombia and other neighboring countries on the specifics of existing U.S. sanctions to avoid overcompliance? Overcompliance is reported to be an obstacle for NGOs operating in Venezuela as well as private enterprises which are frequently discouraged from accessing loans for imports and other financial services in Colombia that would otherwise be accessible to them.
 - Recent sanctions changes envision exceptions for electricity infrastructure but the private sector has not taken this up, reportedly due to overcompliance. Will allowances be made under the sanctions for infrastructure and development investment, especially in critical areas, via multilateral donors and development banks?
- **Human rights:** What indicators will the Administration use to evaluate trends in the human rights situation and the restoration of civic space in the context of reengagement with the Maduro government, with or without negotiations? We believe the release of political prisoners, including Eyvin Hernandez and other detained American citizens, must be a priority. Potentially significant steps the Maduro government could take include withdrawing the pending NGO law; returning Venezuela to the Inter-American Human Rights System; and permitting access by and conducting good faith engagement with the Independent International Fact-Finding Mission and UN special procedures. How would the Administration evaluate such steps? What indicators with regard to access to justice, and the strengthening of the domestic criminal and administrative justice systems, is the Administration monitoring?
- **Elections in 2024:** What factors will the Administration take into account in evaluating whether conditions are in place to ensure that the 2024 and 2025 elections are free and fair? Will the Administration support efforts to improve conditions for elections independent of the rhythm of negotiations?

- **Special Representative:** Does the Administration plan to name a new Special Representative for Venezuela? Naming a high-level official in the Department of State with a portfolio focused exclusively on Venezuela's crisis and its regional implications, who can complement the Venezuela Affairs Unit's work from Washington and help coordinate initiatives across the U.S. government, could streamline the policy process and help ensure a more rapid response to evolving dynamics on the ground.

The April 25 conference in Bogota reflected the broad international consensus that overcoming Venezuela's multifaceted political and human rights crisis and facilitating the country's desperately needed economic recovery must go hand-in-hand. We request a virtual congressional briefing on these issues, with the State Department and relevant agencies at your earliest convenience. We also emphasize that the Administration must continue to push for the release of political prisoners and all detained Americans, including U.S. citizen Eyvin Hernandez. We look forward to working with you to ensure that U.S. policy proactively contributes to these goals.

Sincerely,



James P. McGovern
Member of Congress



Joaquin Castro
Member of Congress



Gregory W. Meeks
Member of Congress



Barbara Lee
Member of Congress



Jan Schakowsky
Member of Congress



Sydney Kamlager-Dove
Member of Congress



Juan Vargas
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Veronica Escobar
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Eleanor Holmes Norton
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Cc: Jonathan Finer, Deputy National Security Advisor
Juan Gonzalez, Senior Advisor for the Western Hemisphere