

109TH CONGRESS
2D SESSION

H. R. 5292

To exclude from admission to the United States aliens who have made investments contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2006

Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DAVIS of Florida, Mr. PALLONE, Ms. CORRINE BROWN of Florida, Mr. FOLEY, Mr. FORTUÑO, Ms. HARRIS, Mr. BOYD, Mr. SHAW, Mr. MILLER of Florida, Mr. MACK, Mr. BURTON of Indiana, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on International Relations, Financial Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To exclude from admission to the United States aliens who have made investments contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. STATEMENT OF POLICY.**

4 It shall be the policy of the United States to—

1 (1) undertake the necessary measures to deny
 2 the Cuban regime the financial resources to engage
 3 in activities that threaten—

4 (A) United States national security, its in-
 5 terests and its allies;

6 (B) the environment and natural resources
 7 of the submerged lands of Cuba’s northern
 8 coast and Florida’s unique maritime environ-
 9 ment; and

10 (C) that prolong the dictatorship that op-
 11 presses the Cuban people; and

12 (2) deter foreign investments that would en-
 13 hance the ability of the Cuban regime to develop its
 14 petroleum resources.

15 **SEC. 2. EXCLUSION OF CERTAIN ALIENS.**

16 (a) IN GENERAL.—The Cuban Liberty and Demo-
 17 cratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C.
 18 6021 et seq.) is amended by inserting after section 401
 19 the following:

20 **“SEC. 402. EXCLUSION FROM THE UNITED STATES OF**
 21 **ALIENS WHO CONTRIBUTE TO THE ABILITY**
 22 **OF CUBA TO DEVELOP PETROLEUM RE-**
 23 **SOURCES OFF OF CUBA’S NORTHERN COAST.**

24 “(a) IN GENERAL.—The Secretary of State shall
 25 deny a visa to, and the Secretary of Homeland Security

1 shall exclude from the United States, any alien who the
2 Secretary of State determines is a person who—

3 “(1) is an officer or principal of an entity, or
4 a shareholder who owns a controlling interest in an
5 entity, that, on or after May 2, 2006, makes an in-
6 vestment that equals or exceeds \$1,000,000 (or any
7 combination of investments that in the aggregate
8 equals or exceeds \$1,000,000 in any 12-month pe-
9 riod), that contributes to the enhancement of Cuba’s
10 ability to develop petroleum resources of the sub-
11 merged lands of Cuba’s northern coast; or

12 “(2) is a spouse, minor child, or agent of a per-
13 son described in paragraph (1).

14 “(b) WAIVER.—The Secretary of State may waive the
15 application of subsection (a) if the Secretary certifies and
16 reports to the appropriate congressional committees, on a
17 case-by-case basis, that the admission to the United States
18 of a person described in subsection (a)—

19 “(1) is necessary for critical medical reasons or
20 for purposes of litigation of an action under title III;
21 or

22 “(2) is appropriate if the requirements of sec-
23 tions 203, 204, and 205 have been satisfied.

24 “(c) DEFINITIONS.—In this section:

1 “(1) DEVELOP.—The term ‘develop’, with re-
2 spect to petroleum resources, means the exploration
3 for, or the extraction, refining, or transportation by
4 pipeline or other means of, petroleum resources.

5 “(2) INVESTMENT.—The term ‘investment’
6 means any of the following activities if such activity
7 is undertaken pursuant to an agreement, or pursu-
8 ant to the exercise of rights under such an agree-
9 ment, that is entered into with the Government of
10 Cuba (or any agency or instrumentality thereof) or
11 a nongovernmental entity in Cuba, on or after May
12 2, 2006:

13 “(A) The entry into a contract that in-
14 cludes responsibility for the development of pe-
15 troleum resources of the submerged lands of
16 Cuba’s northern coast, or the entry into a con-
17 tract providing for the general supervision and
18 guarantee of another person’s performance of
19 such a contract.

20 “(B) The purchase of a share of owner-
21 ship, including an equity interest, in that devel-
22 opment.

23 “(C) The entry into a contract providing
24 for the participation in royalties, earnings, or

1 profits in that development, without regard to
2 the form of the participation.

3 “(D) The entry into, performance, or fi-
4 nancing of a contract to sell or purchase goods,
5 services, or technology related to that develop-
6 ment.

7 “(3) PETROLEUM RESOURCES.—The term ‘pe-
8 troleum resources’ includes petroleum and natural
9 gas resources.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section applies to aliens seeking admission to the
12 United States on or after the date of the enactment of
13 this Act.

14 **SEC. 3. IMPOSITION OF SANCTIONS.**

15 (a) IN GENERAL.—The President shall impose two
16 or more of the sanctions described in subsection (b) if the
17 President determines that a person has, on or after May
18 2, 2006, made an investment that equals or exceeds
19 \$1,000,000 (or any combination of investments that in the
20 aggregate equals or exceeds \$1,000,000 in any 12-month
21 period) that contributes to the enhancement of Cuba’s
22 ability to develop petroleum resources of the submerged
23 lands of Cuba’s northern coast.

1 (b) SANCTIONS DESCRIBED.—The sanctions to be
2 imposed on a sanctioned person under this section are as
3 follows:

4 (1) EXPORT-IMPORT BANK ASSISTANCE FOR
5 EXPORTS TO SANCTIONED PERSONS.—The President
6 may direct the Export-Import Bank of the United
7 States not to give approval to the issuance of any
8 guarantee, insurance, extension of credit, or partici-
9 pation in the extension of credit in connection with
10 the export of any goods or services to any sanctioned
11 person.

12 (2) EXPORT SANCTION.—The President may
13 order the United States Government not to issue
14 any specific license and not to grant any other spe-
15 cific permission or authority to export any goods or
16 technology to a sanctioned person under—

17 (A) the Export Administration Act of
18 1979;

19 (B) the Arms Export Control Act;

20 (C) the Atomic Energy Act of 1954; or

21 (D) any other statute that requires the
22 prior review and approval of the United States
23 Government as a condition for the export or re-
24 export of goods or services.

1 (3) LOANS FROM UNITED STATES FINANCIAL
2 INSTITUTIONS.—The United States Government
3 may prohibit any United States financial institution
4 from making loans or providing credits to any sanc-
5 tioned person totaling more than \$10,000,000 in
6 any 12-month period unless such person is engaged
7 in activities to relieve human suffering and the loans
8 or credits are provided for such activities.

9 (4) PROHIBITIONS ON FINANCIAL INSTITU-
10 TIONS.—The following prohibitions may be imposed
11 against a sanctioned person that is a financial insti-
12 tution:

13 (A) PROHIBITION ON DESIGNATION AS
14 PRIMARY DEALER.—Neither the Board of Gov-
15 ernors of the Federal Reserve System nor the
16 Federal Reserve Bank of New York may des-
17 ignate, or permit the continuation of any prior
18 designation of, such financial institution as a
19 primary dealer in United States Government
20 debt instruments.

21 (B) PROHIBITION ON SERVICE AS A RE-
22 POSITORY OF GOVERNMENT FUNDS.—Such fi-
23 nancial institution may not serve as agent of
24 the United States Government or serve as re-
25 pository for United States Government funds.

1 The imposition of either sanction under subpara-
2 graph (A) or (B) shall be treated as one sanction for
3 purposes of this section, and the imposition of both
4 such sanctions shall be treated as two sanctions for
5 purposes of this section.

6 (5) PROCUREMENT SANCTION.—The United
7 States Government may not procure, or enter into
8 any contract for the procurement of, any goods or
9 services from a sanctioned person.

10 (c) PERSON DEFINED.—In this section, the term
11 “person” includes a foreign subsidiary of a person referred
12 to in subsection (a).

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