

109TH CONGRESS
2D SESSION

S. 2682

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

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2006

Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To exclude from admission to the United States aliens who have made investments directly and significantly 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. NULLIFICATION OF MARITIME BOUNDARY**
4 **AGREEMENT.**

5 Notwithstanding any other provision of law, the Mar-
6 itime Boundary Agreement Between the United States of
7 America and the Republic of Cuba signed at Washington

1 D.C., December 16, 1977, shall have no force and effect
 2 after the date of the enactment of this Act.

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

4 (a) IN GENERAL.—The Cuban Liberty and Demo-
 5 cratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C.
 6 6021 note) is amended by inserting after section 401 the
 7 following:

8 **“SEC. 402. EXCLUSION FROM THE UNITED STATES OF**
 9 **ALIENS WHO DIRECTLY AND SIGNIFICANTLY**
 10 **CONTRIBUTE TO THE ABILITY OF CUBA TO**
 11 **DEVELOP PETROLEUM RESOURCES OFF OF**
 12 **CUBA’S NORTH COAST.**

13 “(a) IN GENERAL.—The Secretary of State shall
 14 deny a visa to, and the Attorney General and the Sec-
 15 retary of Homeland Security shall exclude from the United
 16 States, any alien who the Secretary of State determines
 17 is a person who—

18 “(1) is an officer or principal of an entity, or
 19 a shareholder who owns a controlling interest in an
 20 entity, that, after the date of the enactment of this
 21 section, makes an investment of \$1,000,000 or more
 22 (or any combination of investments that in the ag-
 23 gregate equals or exceeds \$1,000,000 in any 12-
 24 month period), that directly and significantly con-
 25 tributes to the enhancement of Cuba’s ability to de-

1 develop petroleum resources off of Cuba’s north coast;
 2 or

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

5 “(b) EXEMPTION.—Subsection (a) shall not apply if
 6 the Secretary of State finds, on a case-by-case basis, that
 7 the entry into the United States of the person who would
 8 otherwise be excluded under this section is necessary for
 9 medical reasons or for purposes of litigation of an action
 10 under title III.

11 “(c) DEFINITIONS.—In this section:

12 “(1) DEVELOP.—The term ‘develop’, with re-
 13 spect to petroleum resources, means the exploration
 14 for, or the extraction, refining, or transportation by
 15 pipeline of, petroleum resources.

16 “(2) INVESTMENT.—

17 “(A) IN GENERAL.—The term ‘investment’
 18 means any of the following activities if such ac-
 19 tivity is undertaken pursuant to an agreement,
 20 or pursuant to the exercise of rights under such
 21 an agreement, that is entered into with the
 22 Government of Cuba or a nongovernmental enti-
 23 ty in Cuba, on or after the date of the enact-
 24 ment of this section:

1 “(i) The entry into a contract that in-
2 cludes responsibility for the development of
3 petroleum resources located in Cuba, or
4 the entry into a contract providing for the
5 general supervision and guarantee of an-
6 other person’s performance of such a con-
7 tract.

8 “(ii) The purchase of a share of own-
9 ership, including an equity interest, in that
10 development.

11 “(iii) The entry into a contract pro-
12 viding for the participation in royalties,
13 earnings, or profits in that development,
14 without regard to the form of the partici-
15 pation.

16 “(B) EXCEPTION.—The term ‘investment’
17 does not include the entry into, performance, or
18 financing of a contract to sell or purchase
19 goods, services, or technology.

20 “(3) PETROLEUM RESOURCES.—The term ‘pe-
21 troleum resources’ includes petroleum and natural
22 gas resources.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section applies to aliens seeking to enter the United
3 States on or after the date of the enactment of this Act.

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