

109TH CONGRESS
2D SESSION

S. 2795

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 SENATE OF THE UNITED STATES

MAY 11, 2006

Mr. MARTINEZ introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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—

5 (1) undertake the necessary measures to deny
6 the Cuban regime the financial resources to engage
7 in activities that threaten—

1 (A) United States national security, its in-
 2 terests and its allies;

3 (B) the environment and natural resources
 4 of the submerged lands of Cuba's northern
 5 coast and Florida's unique maritime environ-
 6 ment; and

7 (C) that prolong the dictatorship that op-
 8 presses the Cuban people; and

9 (2) deter foreign investments that would en-
 10 hance the ability of the Cuban regime to develop its
 11 petroleum resources.

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

13 (a) IN GENERAL.—The Cuban Liberty and Demo-
 14 cratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C.
 15 6021 et seq.) is amended by inserting after section 401
 16 the following:

17 **“SEC. 402. EXCLUSION FROM THE UNITED STATES OF**
 18 **ALIENS WHO CONTRIBUTE TO THE ABILITY**
 19 **OF CUBA TO DEVELOP PETROLEUM RE-**
 20 **SOURCES OFF OF CUBA'S NORTHERN COAST.**

21 “(a) IN GENERAL.—The Secretary of State shall
 22 deny a visa to, and the Secretary of Homeland Security
 23 shall exclude from the United States, any alien who the
 24 Secretary of State determines is a person who—

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

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

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

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

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

22 “(c) DEFINITIONS.—In this section:

23 “(1) DEVELOP.—The term ‘develop’, with re-
 24 spect to petroleum resources, means the exploration

1 for, or the extraction, refining, or transportation by
2 pipeline or other means of, petroleum resources.

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

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

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

21 “(C) The entry into a contract providing
22 for the participation in royalties, earnings, or
23 profits in that development, without regard to
24 the form of the participation.

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

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

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

12 **SEC. 3. IMPOSITION OF SANCTIONS.**

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

22 (b) SANCTIONS DESCRIBED.—The sanctions to be
23 imposed on a sanctioned person under this section are as
24 follows:

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

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

14 (A) the Export Administration Act of 1979
15 (50 U.S.C. App. 2401 et seq.);

16 (B) the Arms Export Control Act (22
17 U.S.C. 2751 et seq.);

18 (C) the Atomic Energy Act of 1954 (42
19 U.S.C. 2011 et seq.); or

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

24 (3) LOANS FROM UNITED STATES FINANCIAL
25 INSTITUTIONS.—The United States Government

1 may prohibit any United States financial institution
2 from making loans or providing credits to any sanc-
3 tioned person totaling more than \$10,000,000 in
4 any 12-month period unless such person is engaged
5 in activities to relieve human suffering and the loans
6 or credits are provided for such activities.

7 (4) PROHIBITIONS ON FINANCIAL INSTITU-
8 TIONS.—

9 (A) IN GENERAL.—The following prohibi-
10 tions may be imposed against a sanctioned per-
11 son that is a financial institution:

12 (i) PROHIBITION ON DESIGNATION AS
13 PRIMARY DEALER.—Neither the Board of
14 Governors of the Federal Reserve System
15 nor the Federal Reserve Bank of New
16 York may designate, or permit the continu-
17 ation of any prior designation of, such fi-
18 nancial institution as a primary dealer in
19 United States Government debt instru-
20 ments.

21 (ii) PROHIBITION ON SERVICE AS A
22 REPOSITORY OF GOVERNMENT FUNDS.—
23 Such financial institution may not serve as
24 agent of the United States Government or

1 serve as repository for United States Gov-
2 ernment funds.

3 (B) TREATMENT OF SANCTIONS.—The im-
4 position of either sanction under clause (i) or
5 (ii) of subparagraph (A) shall be treated as one
6 sanction for purposes of this section, and the
7 imposition of both such sanctions shall be treat-
8 ed as two sanctions for purposes of this section.

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

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

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