

110TH CONGRESS
1ST SESSION

H. R. 1679

To protect the environmental integrity of coral reefs and other coastal marine resources from exploration, development, and production activities for petroleum resources located in a maritime exclusive economic zone of the United States that is contiguous to a foreign exclusive economic zone.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2007

Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. MAHONEY of Florida, Mr. SIRES, Mr. MACK, Mr. PENCE, Mr. BILIRAKIS, Mr. BUCHANAN, Ms. WASSERMAN SCHULTZ, Mr. FORTUÑO, Mr. McCOTTER, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Financial Services, and Oversight 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 protect the environmental integrity of coral reefs and other coastal marine resources from exploration, development, and production activities for petroleum resources located in a maritime exclusive economic zone of the United States that is contiguous to a foreign exclusive economic zone.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Caribbean Coral Reef
3 Protection Act”.

4 **SEC. 2. STATEMENT OF POLICY.**

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

6 (1) undertake the necessary measures to deny
7 the Government of Cuba, the Cuban Communist
8 Party, or any agent or instrumentality of either, the
9 financial resources to engage in activities that
10 threaten—

11 (A) United States national security, its in-
12 terests, and its allies;

13 (B) Florida’s marine environment, includ-
14 ing the third largest coral reef tract in the
15 world;

16 (C) the environment and natural resources
17 of the submerged lands located off Cuba’s
18 coast; and

19 (D) to prolong the dictatorship that op-
20 presses the Cuban people; and

21 (2) deter foreign investments that would en-
22 hance the ability of the Government of Cuba, or any
23 agent or instrumentality thereof, to develop its pe-
24 troleum resources.

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

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

6 **“SEC. 402. EXCLUSION FROM THE UNITED STATES OF**
7 **ALIENS WHO CONTRIBUTE TO THE ABILITY**
8 **OF CUBA TO DEVELOP PETROLEUM RE-**
9 **SOURCES LOCATED OFF CUBA’S COAST.**

10 “(a) IN GENERAL.—The Secretary of State shall
11 deny a visa to, and the Secretary of Homeland Security
12 shall exclude from the United States, any alien who the
13 Secretary of State determines is a person who—

14 “(1) is an officer or principal of an entity, or
15 a shareholder who owns a controlling interest in an
16 entity, that, on or after January 10, 2005, has made
17 or makes an investment that equals or exceeds
18 \$1,000,000 (or any combination of investments that
19 in the aggregate equals or exceeds \$1,000,000 in
20 any 12-month period), that contributes to the en-
21 hancement of the ability of the Government of Cuba,
22 or any agent or instrumentality thereof, to develop
23 petroleum resources of the submerged lands located
24 off Cuba’s coast; or

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

1 “(b) WAIVER.—The Secretary of State may waive the
2 application of subsection (a) if the Secretary certifies and
3 reports to the appropriate congressional committees, on a
4 case-by-case basis, that the admission to the United States
5 of a person described in subsection (a)—

6 “(1) is necessary for critical medical reasons or
7 for purposes of litigation of an action under title III
8 of this Act; or

9 “(2) is appropriate if the requirements of sec-
10 tions 204, 205, and 206 of this Act have been satis-
11 fied.

12 “(c) DEFINITIONS.—In this section:

13 “(1) AGENT AND INSTRUMENTALITY.—The
14 terms ‘agent’ and ‘instrumentality’ shall include the
15 Cuban Communist Party.

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

20 “(3) INVESTMENT.—The term ‘investment’
21 means any of the following activities if such activity
22 is undertaken pursuant to an agreement, or pursu-
23 ant to the exercise of rights under such an agree-
24 ment, that was or is entered into with the Govern-
25 ment of Cuba (or any agency or instrumentality

1 thereof) or a nongovernmental entity in Cuba, on or
2 after January 10, 2005:

3 “(A) The entry into a contract that in-
4 cludes responsibility for the development of pe-
5 troleum resources of the submerged lands lo-
6 cated off Cuba’s coast, or the entry into a con-
7 tract providing for the general supervision and
8 guarantee of another person’s performance of
9 such a contract.

10 “(B) The purchase of a share of owner-
11 ship, including an equity interest, in such devel-
12 opment.

13 “(C) The entry into a contract providing
14 for the participation in royalties, earnings, or
15 profits in such development, without regard to
16 the form of the participation.

17 “(D) The entry into, performance, or fi-
18 nancing of a contract to sell or purchase goods,
19 services, or technology related to such develop-
20 ment.

21 “(4) PETROLEUM RESOURCES.—The term ‘pe-
22 troleum resources’ includes petroleum and natural
23 gas resources, petroleum by products, and liquified
24 natural gas.”.

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

5 **SEC. 4. IMPOSITION OF SANCTIONS AND PROHIBITION ON**
6 **FACILITATION OF DEVELOPMENT OF CUBA'S**
7 **PETROLEUM RESOURCES.**

8 (a) IN GENERAL.—If the President determines that
9 a person has, on or after January 10, 2005, made an in-
10 vestment that equals or exceeds \$1,000,000 (or any com-
11 bination of investments that in the aggregate equals or
12 exceeds \$1,000,000 in any 12-month period) that contrib-
13 utes to the enhancement of the ability of the Government
14 of Cuba, or any agent or instrumentality thereof, to de-
15 velop petroleum resources of the submerged lands located
16 off Cuba's coast, or has made an investment of any
17 amount of money that contributes to such an enhancement
18 and has trafficked in confiscated United States property,
19 the President shall impose two or more of the following
20 sanctions:

21 (1) PROHIBITION ON LOANS AND GUARAN-
22 TEES.—Prohibit the issuance by the Overseas Pri-
23 vate Investment Corporation, the Export-Import
24 Bank, or any other United States instrument of any
25 loan, guarantee, insurance, extension of credit, or

1 participation in the extension of credit in connection
2 with the export of any goods or services to any sanc-
3 tioned person.

4 (2) EXPORT SANCTION.—Prohibit the issuance
5 by the United States Government of any specific li-
6 cense and or other specific permission or authority
7 to export any goods or technology to a sanctioned
8 person under—

9 (A) the Export Administration Act of
10 1979;

11 (B) the Arms Export Control Act;

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

13 (D) any other statute that requires the
14 prior review and approval of the United States
15 Government as a condition for the export or re-
16 export of goods or services.

17 (3) PROHIBITIONS ON FINANCIAL INSTITU-
18 TIONS.—The following prohibitions may be imposed
19 against a sanctioned person that is a financial insti-
20 tution:

21 (A) PROHIBITION ON DESIGNATION AS
22 PRIMARY DEALER.—Prohibit the Board of Gov-
23 ernors of the Federal Reserve System and the
24 Federal Reserve Bank of New York from desig-
25 nating, or permitting the continuation of any

1 prior designation of, such financial institution
2 as a primary dealer in United States Govern-
3 ment debt instruments.

4 (B) PROHIBITION ON SERVICE AS A RE-
5 POSITORY OF GOVERNMENT FUNDS.—Prohibit
6 such financial institution from serving as agent
7 of the United States Government or serving as
8 repository for United States Government funds.

9 The imposition of either sanction under subpara-
10 graph (A) or (B) shall be treated as one sanction for
11 purposes of this section, and the imposition of both
12 such sanctions shall be treated as two sanctions for
13 purposes of this section.

14 (5) PROCUREMENT SANCTION.—Prohibit the
15 United States Government from procuring, or enter-
16 ing into any contract for the procurement of, any
17 goods or services from a sanctioned person.

18 (b) TERMINATION OF SANCTIONS.—Sanctions im-
19 posed pursuant to subsection (a) shall terminate if the
20 President determines and certifies to the appropriate con-
21 gressional committees that the requirements of sections
22 204, 205, and 206 of the Cuban Liberty and Democratic
23 Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6064,
24 6065, and 6066) have been satisfied.

1 (c) PROHIBITION ON FACILITATION BY UNITED
2 STATES PERSONS OF CUBA'S ABILITY TO DEVELOP PE-
3 TROLEUM RESOURCES.—It shall be unlawful for any
4 United States person to provide materials, technical equip-
5 ment, or other assistance that contributes to the enhance-
6 ment of Cuba's ability to develop petroleum resources of
7 the submerged lands located off Cuba's coast.

8 (d) REPORTS BY SECRETARY OF STATE.—Not later
9 than 180 days after the date of the enactment of this Act
10 and every 180 days thereafter, the Secretary of State shall
11 submit to the Committee on Foreign Affairs and the Com-
12 mittee on Appropriations of the House of Representatives
13 and the Committee on Foreign Relations and the Com-
14 mittee on Appropriations of the Senate a report relating
15 to—

16 (1) investments that equal or exceed
17 \$1,000,000 (or any combination of investments that
18 in the aggregate equals or exceeds \$1,000,000 in
19 any 12-month period) that contribute to the en-
20 hancement of the ability of the Government of Cuba,
21 or any agent or instrumentality thereof, to develop
22 petroleum resources of the submerged lands located
23 off Cuba's coast, including information relating to
24 the values of such investments, the identity of the
25 persons making such investments, and proposed in-

1 vestments that would satisfy such criteria, and infor-
2 mation relating to any sanctions that have been im-
3 posed pursuant to subsection (a) as a result of such
4 investments; and

5 (2) investments of any amount of money, in
6 conjunction with trafficking in confiscated United
7 States property, that contribute to such an enhance-
8 ment, including information relating to the values of
9 such investments, the identity of the persons making
10 such investments, and the identity of such con-
11 fiscated property, and information relating to any
12 sanctions that have been imposed pursuant to sub-
13 section (a) as a result of such investments.

14 (e) ASSESSMENTS OF ENVIRONMENTAL IMPACTS OF
15 DEVELOPMENT OF CUBA'S PETROLEUM RESOURCES.—

16 (1) IN GENERAL.—Not later than one year
17 after the date of the enactment of this Act and an-
18 nually thereafter, the Secretary of State, in consulta-
19 tion with the Secretary of the Interior and the Ad-
20 ministrator of the Environmental Protection Agency,
21 shall submit to the Committee on Foreign Affairs
22 and the Committee on Natural Resources of the
23 House of Representatives and the Committee on
24 Foreign Relations and the Committee on Energy
25 and Natural Resources of the Senate a report con-

1 taining an assessment of the impact that the devel-
2 opment of Cuba's petroleum resources has had on
3 the environment and natural resources of the sub-
4 merged lands located off Cuba's coast and Florida's
5 marine environment.

6 (2) USE OF ENVIRONMENTAL IMPACT STATE-
7 MENTS.—In preparing the assessment, the Secretary
8 of State shall use as a model environmental impact
9 statements prepared pursuant to the National Envi-
10 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.).

12 **SEC. 5. DEFINITIONS.**

13 In this Act—

14 (1) the terms “appropriate congressional com-
15 mittees”, “confiscated”, “person”, “property”, and
16 “traffics” have the meaning given such terms in sec-
17 tion 4 of the Cuban Liberty and Democratic Soli-
18 darity (LIBERTAD) Act of 1996 (22 U.S.C. 6023),
19 except that the term “person” shall also include, for
20 purposes of this section, a foreign subsidiary of a
21 person;

22 (2) the terms “develop”, “investment”, and
23 “petroleum resources” have the meaning given such
24 terms in section 402(c) of such Act, as added by sec-
25 tion 3 of this Act; and

- 1 (3) the terms “agent” and “instrumentality”
- 2 shall include the Cuban Communist Party.

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