

AMENDMENT TO H.R. 2670
OFFERED BY MR. LAMBORN OF COLORADO

At the appropriate place in title VIII, insert the following:

1 **SEC. 8 ____ . PROHIBITION ON CONTRACTING WITH CERTAIN**
2 **ENTITIES.**

3 (a) PROHIBITION.—

4 (1) IN GENERAL.—Except as provided under
5 subsection (b), the Department of Defense may not
6 enter into, renew, or extend a contract for the pro-
7 curement of goods or services with an entity de-
8 scribed in paragraph (2).

9 (2) ENTITIES DESCRIBED.—An entity described
10 in this paragraph is an entity that is engaged in a
11 boycott of the State of Israel.

12 (b) EXCEPTIONS.—

13 (1) NATIONAL SECURITY.—The prohibition
14 under subsection (a) does not apply—

15 (A) to the procurement of defense articles
16 or defense services under existing contracts or
17 subcontracts, including the exercise of options,
18 for production quantities to satisfy require-

1 ments essential to the national security of the
2 United States;

3 (B) if the President determines in writing
4 that—

5 (i) the entity otherwise sanctioned
6 pursuant to subsection (a) is a sole source
7 supplier of the defense articles or services;

8 (ii) the defense articles or services are
9 essential; and

10 (iii) alternative sources are not readily
11 or reasonably available;

12 (C) if the President determines in writing
13 that such articles or services are essential to the
14 national security under defense production
15 agreements; or

16 (D) to the procurement of—

17 (i) spare parts that are essential to
18 United States products or production;

19 (ii) component parts essential to
20 United States products or production;

21 (iii) routine servicing and mainte-
22 nance of products, to the extent that alter-
23 native sources are not readily or reason-
24 ably available; or

1 (iv) information and technology essen-
2 tial to United States products or produc-
3 tion.

4 (2) NATIONAL SECURITY WAIVER.—The Presi-
5 dent may waive the application of subsection (a) on
6 a case-by-case basis for periods not to exceed 180
7 days if the President—

8 (A) determines that the waiver is in the
9 vital national security interest of the United
10 States; and

11 (B) submits to the appropriate congres-
12 sional committees a report on the determination
13 and the reasons for the determination.

14 (3) INTELLIGENCE WAIVER.—The President
15 may waive the application of subsection (a) on a
16 case-by-case basis for periods not to exceed 180 days
17 if the President—

18 (A) determines that the waiver is necessary
19 to prevent the disclosure of intelligence sources
20 or methods; and

21 (B) submits to the appropriate congres-
22 sional committees a report, consistent with the
23 protection of intelligence sources and methods,
24 on the determination and the reasons for the
25 determination.

1 (c) REQUIREMENT TO REVISE REGULATIONS.—Not
2 later than 90 days after the date of the enactment of this
3 Act, the Federal Acquisition Regulation, the Defense Fed-
4 eral Acquisition Regulation Supplement, and the Uniform
5 Administrative Requirements, Cost Principles, and Audit
6 Requirements for Federal Awards shall be revised to im-
7 plement subsection (a).

8 (d) REMEDIES FOR FALSE INFORMATION.—If the
9 head of an executive agency determines that an entity has
10 submitted false information pursuant to the requirements
11 of subsection (a) on or after the date on which the applica-
12 ble revision of regulations required under subsection (c)
13 becomes effective—

14 (1) the head of the executive agency shall ter-
15 minate any contract awarded to such entity as a re-
16 sult of such false information and debar or suspend
17 such person from eligibility for Federal contracts for
18 a period of not less than 4 years in accordance with
19 the procedures that apply to debarment and suspen-
20 sion under the Federal Acquisition Regulation; and

21 (2) the Administrator of General Services shall
22 include the entity on the “List of Parties Excluded
23 from Federal Procurement and Nonprocurement
24 Programs” maintained by the Administrator under
25 part 9 of the Federal Acquisition Regulation.

1 (e) DEFINITIONS.—In this section:

2 (1) The term “boycott action” means refusing
3 to deal, terminating business activities, or limiting
4 commercial relations.

5 (2) The term “boycott of the State of Israel”
6 means engaging in a boycott action targeting—

7 (A) the State of Israel; and

8 (B)(i) companies or individuals doing busi-
9 ness in or with the State of Israel; or

10 (ii) companies authorized by, licensed by,
11 or organized under the laws of the State of
12 Israel to do business.

13 (3) The term “entity” includes—

14 (A) a corporation, partnership, limited li-
15 ability company, or similar entity; and

16 (B) any wholly-owned subsidiary, majority-
17 owned subsidiary, parent company, or affiliate
18 of an entity described in subparagraph (A).

