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

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

SEC. 8. PROHIBITION ON CONTRACTING WITH CERTAIN ENTITIES.

(a) Prohibition.—

(1) In general.—Except as provided under subsection (b), the Department of Defense may not enter into, renew, or extend a contract for the procurement of goods or services with an entity described in paragraph (2).

(2) Entities described.—An entity described in this paragraph is an entity that is engaged in a boycott of the State of Israel.

(b) Exceptions.—

(1) National security.—The prohibition under subsection (a) does not apply—

(A) to the procurement of defense articles or defense services under existing contracts or subcontracts, including the exercise of options, for production quantities to satisfy require-
ments essential to the national security of the United States;

(B) if the President determines in writing that—

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

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

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

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

(D) to the procurement of—

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

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

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available; or
(iv) information and technology essential to United States products or production.

(2) National Security Waiver.—The President may waive the application of subsection (a) on a case-by-case basis for periods not to exceed 180 days if the President—

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

(B) submits to the appropriate congressional committees a report on the determination and the reasons for the determination.

(3) Intelligence Waiver.—The President may waive the application of subsection (a) on a case-by-case basis for periods not to exceed 180 days if the President—

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

(B) submits to the appropriate congressional committees a report, consistent with the protection of intelligence sources and methods, on the determination and the reasons for the determination.
(c) Requirement to Revise Regulations.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation, the Defense Federal Acquisition Regulation Supplement, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards shall be revised to implement subsection (a).

(d) Remedies for False Information.—If the head of an executive agency determines that an entity has submitted false information pursuant to the requirements of subsection (a) on or after the date on which the applicable revision of regulations required under subsection (c) becomes effective—

(1) the head of the executive agency shall terminate any contract awarded to such entity as a result of such false information and debar or suspend such person from eligibility for Federal contracts for a period of not less than 4 years in accordance with the procedures that apply to debarment and suspension under the Federal Acquisition Regulation; and

(2) the Administrator of General Services shall include the entity on the "List of Parties Excluded from Federal Procurement and Nonprocurement Programs" maintained by the Administrator under part 9 of the Federal Acquisition Regulation.
(e) DEFINITIONS.—In this section:

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

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

(A) the State of Israel; and

(B)(i) companies or individuals doing business in or with the State of Israel; or

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

(3) The term “entity” includes—

(A) a corporation, partnership, limited liability company, or similar entity; and

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