

116TH CONGRESS
1ST SESSION

S. _____

To make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO (for himself and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, 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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Strengthening America’s Security in the Middle East Act
6 of 2019”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ILEANA ROS-LEHTINEN UNITED STATES-ISRAEL
 SECURITY ASSISTANCE AUTHORIZATION ACT OF 2019

Sec. 101. Short title.

Sec. 102. Appropriate congressional committees defined.

Subtitle A—Security Assistance for Israel

Sec. 111. Findings.

Sec. 112. Statement of policy regarding Israel’s defense systems.

Sec. 113. Assistance for Israel.

Sec. 114. Extension of war reserves stockpile authority.

Sec. 115. Extension of loan guarantees to Israel.

Sec. 116. Transfer of precision guided munitions to Israel.

Sec. 117. Sense of Congress on rapid acquisition and deployment procedures.

Sec. 118. Eligibility of Israel for the strategic trade authorization exception to certain export control licensing requirements.

Subtitle B—Enhanced United States-Israel Cooperation

Sec. 121. United States-Israel space cooperation.

Sec. 122. United States-Israel enhanced partnership for development cooperation in developing nations.

Sec. 123. Authority to enter into a cooperative project agreement with Israel to counter unmanned aerial vehicles that threaten the United States or Israel.

Subtitle C—Ensuring Israel’s Qualitative Military Edge

Sec. 131. Statement of policy.

TITLE II—UNITED STATES-JORDAN DEFENSE COOPERATION
 EXTENSION ACT

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Sense of Congress.

Sec. 204. Reauthorization of United States-Jordan Defense Cooperation Act of 2015.

Sec. 205. Report on establishing an enterprise fund for Jordan.

TITLE III—CAESAR SYRIA CIVILIAN PROTECTION ACT OF 2019

Sec. 301. Short title.

Subtitle A—Additional Actions in Connection With the National Emergency
 With Respect to Syria

Sec. 311. Measures with respect to Central Bank of Syria.

Sec. 312. Sanctions with respect to foreign persons that engage in certain transactions.

Subtitle B—Assistance for the People of Syria

Sec. 321. Codification of certain services in support of nongovernmental organizations' activities authorized.

Sec. 322. Briefing on strategy to facilitate humanitarian assistance.

Subtitle C—General Provisions

Sec. 331. Suspension of sanctions.

Sec. 332. Waivers and exemptions.

Sec. 333. Implementation and regulatory authorities.

Sec. 334. Rule of construction.

Sec. 335. Sunset.

TITLE IV—COMBATING BDS ACT OF 2019

Sec. 401. Short title.

Sec. 402. Nonpreemption of measures by State and local governments to divest from entities that engage in certain boycott, divestment, or sanctions activities targeting Israel or persons doing business in Israel or Israeli-controlled territories.

Sec. 403. Safe harbor for changes of investment policies by asset managers.

Sec. 404. Sense of congress regarding certain ERISA plan investments.

Sec. 405. Rule of construction.

1 **TITLE I—ILEANA ROS-LEHTINEN**
 2 **UNITED STATES-ISRAEL SE-**
 3 **CURITY ASSISTANCE AU-**
 4 **THORIZATION ACT OF 2019**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Ileana Ros-Lehtinen
 7 United States-Israel Security Assistance Authorization
 8 Act of 2019”.

9 **SEC. 102. APPROPRIATE CONGRESSIONAL COMMITTEES**
 10 **DEFINED.**

11 In this title, the term “appropriate congressional
 12 committees” means—

13 (1) the Committee on Foreign Relations and
 14 the Committee on Armed Services of the Senate; and

1 (2) the Committee on Foreign Affairs and the
2 Committee on Armed Services of the House of Rep-
3 resentatives.

4 **Subtitle A—Security Assistance for**
5 **Israel**

6 **SEC. 111. FINDINGS.**

7 Congress makes the following findings:

8 (1) In February 1987, the United States grant-
9 ed Israel major non-NATO ally status.

10 (2) On August 16, 2007, the United States and
11 Israel signed a 10-year Memorandum of Under-
12 standing on United States military assistance to
13 Israel. The total assistance over the course of this
14 understanding would equal \$30 billion.

15 (3) On July 27, 2012, the United States-Israel
16 Enhanced Security Cooperation Act of 2012 (Public
17 Law 112–150; 22 U.S.C. 8601 et seq.) declared it
18 to be the policy of the United States “to help the
19 Government of Israel preserve its qualitative military
20 edge amid rapid and uncertain regional political
21 transformation” and stated the sense of Congress
22 that the United States Government should “provide
23 the Government of Israel defense articles and de-
24 fense services through such mechanisms as appro-

1 appropriate, to include air refueling tankers, missile de-
2 fense capabilities, and specialized munitions”.

3 (4) On December 19, 2014, President Barack
4 Obama signed into law the United States-Israel
5 Strategic Partnership Act of 2014 (Public Law 113–
6 296) which stated the sense of Congress that Israel
7 is a major strategic partner of the United States
8 and declared it to be the policy of the United States
9 “to continue to provide Israel with robust security
10 assistance, including for the procurement of the Iron
11 Dome Missile Defense System”.

12 (5) Section 1679 of the National Defense Au-
13 thorization Act for Fiscal Year 2016 (Public Law
14 114–92; 129 Stat. 1135) authorized funds to be ap-
15 propriated for Israeli cooperative missile defense
16 program codevelopment and coproduction, including
17 funds to be provided to the Government of Israel to
18 procure the David’s Sling weapon system as well as
19 the Arrow 3 Upper Tier Interceptor Program.

20 (6) On September 14, 2016, the United States
21 and Israel signed a 10-year Memorandum of Under-
22 standing reaffirming the importance of continuing
23 annual United States military assistance to Israel
24 and cooperative missile defense programs in a way

1 that enhances Israel's security and strengthens the
2 bilateral relationship between the two countries.

3 (7) The 2016 Memorandum of Understanding
4 reflected United States support of Foreign Military
5 Financing (FMF) grant assistance to Israel over the
6 10-year period beginning in fiscal year 2019 and
7 ending in fiscal year 2028. FMF grant assistance
8 would be at a level of \$3,300,000,000 annually, to-
9 taling \$33 billion, the largest single pledge of mili-
10 tary assistance ever and a reiteration of the seven-
11 decade, unshakeable, bipartisan commitment of the
12 United States to Israel's security.

13 (8) The Memorandum of Understanding also
14 reflected United States support for funding for coop-
15 erative programs to develop, produce, and procure
16 missile, rocket, and projectile defense capabilities
17 over a 10-year period beginning in fiscal year 2019
18 and ending in fiscal year 2028 at a level of \$500
19 million per year, totaling \$5 billion.

20 **SEC. 112. STATEMENT OF POLICY REGARDING ISRAEL'S DE-**
21 **FENSE SYSTEMS.**

22 It shall be the policy of the United States to provide
23 assistance to the Government of Israel in order to support
24 funding for cooperative programs to develop, produce, and
25 procure missile, rocket, projectile, and other defense capa-

1 bilities to help Israel meet its security needs and to help
2 develop and enhance United States defense capabilities.

3 **SEC. 113. ASSISTANCE FOR ISRAEL.**

4 Section 513(c) of the Security Assistance Act of 2000
5 (Public Law 106–280; 114 Stat. 856) is amended—

6 (1) in paragraph (1), by striking “2002 and
7 2003” and inserting “2019, 2020, 2021, 2022,
8 2023, 2024, 2025, 2026, 2027, and 2028”; and

9 (2) in paragraph (2)—

10 (A) by striking “equal to—” and inserting
11 “not less than \$3,300,000,000.”; and

12 (B) by striking subparagraphs (A) and
13 (B).

14 **SEC. 114. EXTENSION OF WAR RESERVES STOCKPILE AU-**
15 **THORITY.**

16 Section 514(b)(2)(A) of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by strik-
18 ing “2013, 2014, 2015, 2016, 2017, 2018, and 2019” and
19 inserting “2019, 2020, 2021, 2022, and 2023”.

20 **SEC. 115. EXTENSION OF LOAN GUARANTEES TO ISRAEL.**

21 Chapter 5 of title I of the Emergency Wartime Sup-
22 plemental Appropriations Act, 2003 (Public Law 108–11;
23 117 Stat. 576) is amended under the heading “LOAN
24 GUARANTEES TO ISRAEL”—

1 (1) in the matter preceding the first proviso, by
2 striking “September 30, 2019” and inserting “Sep-
3 tember 30, 2023”; and

4 (2) in the second proviso, by striking “Sep-
5 tember 30, 2019” and inserting “September 30,
6 2023”.

7 **SEC. 116. TRANSFER OF PRECISION GUIDED MUNITIONS TO**
8 **ISRAEL.**

9 (a) IN GENERAL.—Notwithstanding section 514 of
10 the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),
11 the President is authorized to transfer such quantities of
12 precision guided munitions from reserve stocks to Israel
13 as necessary for legitimate self-defense and otherwise con-
14 sistent with the purposes and conditions for such transfers
15 under the Arms Export Control Act (22 U.S.C. 2751 et
16 seq.).

17 (b) CERTIFICATIONS.—Except in case of emergency,
18 not later than 5 days before making a transfer under this
19 section, the President shall certify in an unclassified noti-
20 fication to the appropriate congressional committees that
21 the transfer of the precision guided munitions—

22 (1) does not affect the ability of the United
23 States to maintain a sufficient supply of precision
24 guided munitions;

1 (2) does not harm the combat readiness of the
2 United States or the ability of the United States to
3 meet its commitment to allies for the transfer of
4 such munitions;

5 (3) is necessary for Israel to counter the threat
6 of rockets in a timely fashion; and

7 (4) is in the national security interest of the
8 United States.

9 **SEC. 117. SENSE OF CONGRESS ON RAPID ACQUISITION**
10 **AND DEPLOYMENT PROCEDURES.**

11 It is the sense of Congress that the President should
12 prescribe procedures for the rapid acquisition and deploy-
13 ment of precision guided munitions for United States
14 counterterrorism missions, or to assist an ally of the
15 United States, including Israel, that is subject to direct
16 missile threat.

17 **SEC. 118. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC**
18 **TRADE AUTHORIZATION EXCEPTION TO CER-**
19 **TAIN EXPORT CONTROL LICENSING RE-**
20 **QUIREMENTS.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) Israel has adopted high standards in the
24 field of export controls.

1 (2) Israel has declared its unilateral adherence
2 to the Missile Technology Control Regime, the Aus-
3 tralia Group, and the Nuclear Suppliers Group.

4 (3) Israel is a party to—

5 (A) the Convention on Prohibitions or Re-
6 strictions on the Use of Certain Conventional
7 Weapons which may be Deemed to be Exces-
8 sively Injurious or to Have Indiscriminate Ef-
9 fects, signed at Geneva October 10, 1980;

10 (B) the Protocol for the Prohibition of the
11 Use in War of Asphyxiating, Poisonous or
12 Other Gases, and of Bacteriological Methods of
13 Warfare, signed at Geneva June 17, 1925; and

14 (C) the Convention on the Physical Protec-
15 tion of Nuclear Material, adopted at Vienna Oc-
16 tober 26, 1979.

17 (4) Section 6(b) of the United States-Israel
18 Strategic Partnership Act of 2014 (22 U.S.C. 8603
19 note) directs the President, consistent with the com-
20 mitments of the United States under international
21 agreements, to take steps so that Israel may be in-
22 cluded in the list of countries eligible for the stra-
23 tegic trade authorization exception under section
24 740.20(c)(1) of title 15, Code of Federal Regula-
25 tions, to the requirement for a license for the export,

1 reexport, or in-country transfer of an item subject to
2 controls under the Export Administration Regula-
3 tions.

4 (b) REPORT ON ELIGIBILITY FOR STRATEGIC TRADE
5 AUTHORIZATION EXCEPTION.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the date of the enactment of this Act, the
8 President shall submit to the appropriate congres-
9 sional committees a report that describes the steps
10 taken pursuant to section 6(b) of the United States-
11 Israel Strategic Partnership Act of 2014 (22 U.S.C.
12 8603 note).

13 (2) FORM.—The report required under para-
14 graph (1) shall be provided in unclassified form, but
15 may contain a classified portion.

16 **Subtitle B—Enhanced United**
17 **States-Israel Cooperation**

18 **SEC. 121. UNITED STATES-ISRAEL SPACE COOPERATION.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) Authorized in 1958, the National Aero-
22 nautics and Space Administration (NASA) supports
23 and coordinates United States Government research
24 in aeronautics, human exploration and operations,
25 science, and space technology.

1 (2) Established in 1983, the Israel Space Agen-
2 cy (ISA) supports the growth of Israel's space indus-
3 try by supporting academic research, technological
4 innovation, and educational activities.

5 (3) The mutual interest of the United States
6 and Israel in space exploration affords both nations
7 an opportunity to leverage their unique abilities to
8 advance scientific discovery.

9 (4) In 1996, NASA and the ISA entered into
10 an agreement outlining areas of mutual cooperation,
11 which remained in force until 2005.

12 (5) Since 1996, NASA and the ISA have suc-
13 cessfully cooperated on many space programs sup-
14 porting the Global Positioning System and research
15 related to the sun, earth science, and the environ-
16 ment.

17 (6) The bond between NASA and the ISA was
18 permanently forged on February 1, 2003, with the
19 loss of the crew of STS-107, including Israeli Astro-
20 naut Ilan Ramon.

21 (7) On October 13, 2015, the United States
22 and Israel signed the Framework Agreement be-
23 tween the National Aeronautics and Space Adminis-
24 tration of the United States of America and the
25 Israel Space Agency for Cooperation in Aeronautics

1 and the Exploration and Use of Airspace and Outer
2 Space for Peaceful Purposes.

3 (b) CONTINUING COOPERATION.—The Administrator
4 of the National Aeronautics and Space Administration
5 shall continue to work with the Israel Space Agency to
6 identify and cooperatively pursue peaceful space explo-
7 ration and science initiatives in areas of mutual interest,
8 taking all appropriate measures to protect sensitive infor-
9 mation, intellectual property, trade secrets, and economic
10 interests of the United States.

11 **SEC. 122. UNITED STATES-ISRAEL ENHANCED PARTNER-**
12 **SHIP FOR DEVELOPMENT COOPERATION IN**
13 **DEVELOPING NATIONS.**

14 (a) STATEMENT OF POLICY.—It should be the policy
15 of the United States to partner with Israel in order to
16 advance common goals across a wide variety of sectors,
17 including energy, agriculture and food security, democ-
18 racy, human rights and governance, economic growth and
19 trade, education, environment, global health, and water
20 and sanitation.

21 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-
22 retary of State, acting through the Administrator of the
23 United States Agency for International Development in
24 accordance with established procedures, is authorized to
25 enter into memoranda of understanding with Israel in

1 order to enhance coordination on advancing common goals
2 on energy, agriculture and food security, democracy,
3 human rights and governance, economic growth and trade,
4 education, environment, global health, and water and sani-
5 tation with a focus on strengthening mutual ties and co-
6 operation with nations throughout the world.

7 **SEC. 123. AUTHORITY TO ENTER INTO A COOPERATIVE**
8 **PROJECT AGREEMENT WITH ISRAEL TO**
9 **COUNTER UNMANNED AERIAL VEHICLES**
10 **THAT THREATEN THE UNITED STATES OR**
11 **ISRAEL.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) On February 10, 2018, Iran launched from
15 Syria an unmanned aerial vehicle (commonly known
16 as a “drone”) that penetrated Israeli airspace.

17 (2) According to a press report, the unmanned
18 aerial vehicle was in Israeli airspace for a minute
19 and a half before being shot down by its air force.

20 (3) Senior Israeli officials stated that the un-
21 manned aerial vehicle was an advanced piece of tech-
22 nology.

23 (b) SENSE OF CONGRESS.—It is the sense of the
24 Congress that—

1 (1) joint research and development to counter
2 unmanned aerial vehicles will serve the national se-
3 curity interests of the United States and Israel;

4 (2) Israel faces urgent and emerging threats
5 from unmanned aerial vehicles, and other unmanned
6 vehicles, launched from Lebanon by Hezbollah, from
7 Syria by Iran's Revolutionary Guard Corps, or from
8 others seeking to attack Israel;

9 (3) efforts to counter unmanned aerial vehicles
10 should include the feasibility of utilizing directed en-
11 ergy and high powered microwave technologies,
12 which can disable vehicles without kinetic destruc-
13 tion; and

14 (4) the United States and Israel should con-
15 tinue to work together to defend against all threats
16 to the safety, security, and national interests of both
17 countries.

18 (c) AUTHORITY TO ENTER INTO AGREEMENT.—

19 (1) IN GENERAL.—The President is authorized
20 to enter into a cooperative project agreement with
21 Israel under the authority of section 27 of the Arms
22 Export Control Act (22 U.S.C. 2767), to carry out
23 research on, and development, testing, evaluation,
24 and joint production (including follow-on support)
25 of, defense articles and defense services, such as the

1 use of directed energy or high powered microwave
2 technology, to detect, track, and destroy unmanned
3 aerial vehicles that threaten the United States or
4 Israel.

5 (2) APPLICABLE REQUIREMENTS.—The cooper-
6 ative project agreement described in paragraph (1)
7 shall—

8 (A) provide that any activities carried out
9 pursuant to the agreement are subject to—

10 (i) the applicable requirements de-
11 scribed in subparagraphs (A), (B), and (C)
12 of section 27(b)(2) of the Arms Export
13 Control Act (22 U.S.C. 2767(b)(2)); and

14 (ii) any other applicable requirements
15 of the Arms Export Control Act (22
16 U.S.C. 2751 et seq.) with respect to the
17 use, transfers, and security of such defense
18 articles and defense services under that
19 Act;

20 (B) establish a framework to negotiate the
21 rights to intellectual property developed under
22 the agreement; and

23 (C) include appropriate protections for sen-
24 sitive technology.

25 (d) REPORT ON COOPERATION.—

1 (1) REPORT REQUIRED.—Not later than 90
2 days after the date of the enactment of this Act, the
3 Secretary of Defense shall submit to the congress-
4 sional defense committees (as that term is defined in
5 section 101(a) of title 10, United States Code), the
6 Committee on Foreign Relations of the Senate, and
7 the Committee on Foreign Affairs of the House of
8 Representatives a report describing the cooperation
9 of the United States with Israel with respect to
10 countering unmanned aerial systems that includes
11 each of the following:

12 (A) An identification of specific capability
13 gaps of the United States and Israel with re-
14 spect to countering unmanned aerial systems.

15 (B) An identification of cooperative
16 projects that would address those capability
17 gaps and mutually benefit and strengthen the
18 security of the United States and Israel.

19 (C) An assessment of the projected cost for
20 research and development efforts for such coop-
21 erative projects, including an identification of
22 those to be conducted in the United States, and
23 the timeline for the completion of each such
24 project.

1 (D) An assessment of the extent to which
2 the capability gaps of the United States identi-
3 fied pursuant to subparagraph (A) are not like-
4 ly to be addressed through the cooperative
5 projects identified pursuant to subparagraph
6 (B).

7 (E) An assessment of the projected costs
8 for procurement and fielding of any capabilities
9 developed jointly pursuant to an agreement de-
10 scribed in subsection (c).

11 (2) LIMITATION.—No activities may be con-
12 ducted pursuant to an agreement described in sub-
13 section (c) until the date that is 15 days after the
14 date on which the Secretary of Defense submits the
15 report required under paragraph (1).

16 **Subtitle C—Ensuring Israel’s**
17 **Qualitative Military Edge**

18 **SEC. 131. STATEMENT OF POLICY.**

19 It is the policy of the United States to ensure that
20 Israel maintains its ability to counter and defeat any cred-
21 ible conventional military, or emerging, threat from any
22 individual state or possible coalition of states or from non-
23 state actors, while sustaining minimal damages and cas-
24 ualties, through the use of superior military means, pos-
25 sessed in sufficient quantity, including weapons, com-

1 mand, control, communication, intelligence, surveillance,
2 and reconnaissance capabilities that in their technical
3 characteristics are superior in capability to those of such
4 other individual or possible coalition states or non-state
5 actors.

6 **TITLE II—UNITED STATES-JOR-**
7 **DAN DEFENSE COOPERATION**
8 **EXTENSION ACT**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “United States-Jordan
11 Defense Cooperation Extension Act”.

12 **SEC. 202. FINDINGS.**

13 Congress finds the following:

14 (1) In December 2011, Congress passed section
15 7041(b) of the Consolidated Appropriations Act,
16 2012 (Public Law 112–74; 125 Stat. 1223), which
17 appropriated funds made available under the head-
18 ing “Economic Support Fund” to establish an enter-
19 prise fund for Jordan.

20 (2) The intent of an enterprise fund is to at-
21 tract private investment to help entrepreneurs and
22 small businesses create jobs and to achieve sustain-
23 able economic development.

24 (3) Jordan is an instrumental partner in the
25 fight against terrorism, including as a member of

1 the Global Coalition To Counter ISIS and the Com-
2 bined Joint Task Force - Operation Inherent Re-
3 solve.

4 (4) In 2014, His Majesty King Abdullah stated
5 that “Jordanians and Americans have been standing
6 shoulder to shoulder against extremism for many
7 years, but to a new level with this coalition against
8 ISIL”.

9 (5) On February 3, 2015, the United States
10 signed a 3-year memorandum of understanding with
11 Jordan, pledging to provide the kingdom with
12 \$1,000,000,000 annually in United States foreign
13 assistance, subject to the approval of Congress.

14 **SEC. 203. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) Jordan plays a critical role in responding to
17 the overwhelming humanitarian needs created by the
18 conflict in Syria; and

19 (2) Jordan, the United States, and other part-
20 ners should continue working together to address
21 this humanitarian crisis and promote regional sta-
22 bility, including through support for refugees in Jor-
23 dan and internally displaced people along the Jor-
24 dan-Syria border and the creation of conditions in-
25 side Syria that will allow for the secure, dignified,

1 and voluntary return of people displaced by the cri-
2 sis.

3 **SEC. 204. REAUTHORIZATION OF UNITED STATES-JORDAN**
4 **DEFENSE COOPERATION ACT OF 2015.**

5 Section 5(a) of the United States-Jordan Defense Co-
6 operation Act of 2015 (22 U.S.C. 2753 note) is amend-
7 ed—

8 (1) by striking “During the 3-year period” and
9 inserting “During the period”; and

10 (2) by inserting “and ending on December 31,
11 2022” after “enactment of this Act”.

12 **SEC. 205. REPORT ON ESTABLISHING AN ENTERPRISE**
13 **FUND FOR JORDAN.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 establishment of the United States Development Finance
16 Corporation, the President shall submit to the appropriate
17 congressional committees a detailed report assessing the
18 costs and benefits of the United States Development Fi-
19 nance Corporation establishing a Jordan Enterprise Fund.

20 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—
21 In this section, the term “appropriate congressional com-
22 mittees” means—

23 (1) the Committee on Foreign Relations and
24 the Committee on Appropriations of the Senate; and

1 (2) the Committee on Foreign Affairs and the
2 Committee on Appropriations of the House of Rep-
3 resentatives.

4 **TITLE III—CAESAR SYRIA CIVIL-**
5 **IAN PROTECTION ACT OF 2019**

6 **SEC. 301. SHORT TITLE.**

7 This title may be cited as the “Caesar Syria Civilian
8 Protection Act of 2019”.

9 **Subtitle A—Additional Actions in**
10 **Connection With the National**
11 **Emergency With Respect to**
12 **Syria**

13 **SEC. 311. MEASURES WITH RESPECT TO CENTRAL BANK OF**
14 **SYRIA.**

15 (a) DETERMINATION REGARDING CENTRAL BANK OF
16 SYRIA.—Not later than 180 days after the date of the en-
17 actment of this Act, the Secretary of the Treasury shall
18 determine, under section 5318A of title 31, United States
19 Code, whether reasonable grounds exist for concluding
20 that the Central Bank of Syria is a financial institution
21 of primary money laundering concern.

22 (b) ENHANCED DUE DILIGENCE AND REPORTING
23 REQUIREMENTS.—If the Secretary of the Treasury deter-
24 mines under subsection (a) that reasonable grounds exist
25 for concluding that the Central Bank of Syria is a finan-

1 cial institution of primary money laundering concern, the
2 Secretary, in consultation with the Federal functional reg-
3 ulators (as defined in section 509 of the Gramm-Leach-
4 Bliley Act (15 U.S.C. 6809)), shall impose one or more
5 of the special measures described in section 5318A(b) of
6 title 31, United States Code, with respect to the Central
7 Bank of Syria.

8 (c) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than 90 days after
10 making a determination under subsection (a) with
11 respect to whether the Central Bank of Syria is a
12 financial institution of primary money laundering
13 concern, the Secretary of the Treasury shall submit
14 to the appropriate congressional committees a report
15 that includes the reasons for the determination.

16 (2) FORM.—A report required by paragraph (1)
17 shall be submitted in unclassified form, but may in-
18 clude a classified annex.

19 (3) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate congressional committees” means—

22 (A) the Committee on Foreign Affairs, the
23 Committee on Financial Services, and the Com-
24 mittee on Appropriations of the House of Rep-
25 resentatives; and

1 (B) the Committee on Foreign Relations,
2 the Committee on Banking, Housing, and
3 Urban Affairs, and the Committee on Appro-
4 priations of the Senate.

5 **SEC. 312. SANCTIONS WITH RESPECT TO FOREIGN PER-**
6 **SONS THAT ENGAGE IN CERTAIN TRANS-**
7 **ACTIONS.**

8 (a) IMPOSITION OF SANCTIONS.—

9 (1) IN GENERAL.—On and after the date that
10 is 180 days after the date of the enactment of this
11 Act, the President shall impose the sanctions de-
12 scribed in subsection (b) with respect to a foreign
13 person if the President determines that the foreign
14 person, on or after such date of enactment, know-
15 ingly engages in an activity described in paragraph
16 (2).

17 (2) ACTIVITIES DESCRIBED.—A foreign person
18 engages in an activity described in this paragraph if
19 the foreign person—

20 (A) knowingly provides significant finan-
21 cial, material, or technological support to, or
22 knowingly engages in a significant transaction
23 with—

24 (i) the Government of Syria (including
25 any entity owned or controlled by the Gov-

1 ernment of Syria) or a senior political fig-
2 ure of the Government of Syria;

3 (ii) a foreign person that is a military
4 contractor, mercenary, or a paramilitary
5 force knowingly operating in a military ca-
6 pacity inside Syria for or on behalf of the
7 Government of Syria, the Government of
8 the Russian Federation, or the Govern-
9 ment of Iran; or

10 (iii) a foreign person subject to sanc-
11 tions pursuant to the International Emer-
12 gency Economic Powers Act (50 U.S.C.
13 1701 et seq.) with respect to Syria or any
14 other provision of law that imposes sanc-
15 tions with respect to Syria;

16 (B) knowingly sells or provides significant
17 goods, services, technology, information, or
18 other support that significantly facilitates the
19 maintenance or expansion of the Government of
20 Syria's domestic production of natural gas, pe-
21 troleum, or petroleum products;

22 (C) knowingly sells or provides aircraft or
23 spare aircraft parts that are used for military
24 purposes in Syria for or on behalf of the Gov-
25 ernment of Syria to any foreign person oper-

1 ating in an area directly or indirectly controlled
2 by the Government of Syria or foreign forces
3 associated with the Government of Syria;

4 (D) knowingly provides significant goods
5 or services associated with the operation of air-
6 craft that are used for military purposes in
7 Syria for or on behalf of the Government of
8 Syria to any foreign person operating in an
9 area described in subparagraph (C); or

10 (E) knowingly, directly or indirectly, pro-
11 vides significant construction or engineering
12 services to the Government of Syria.

13 (3) SENSE OF CONGRESS.—It is the sense of
14 Congress that, in implementing this section, the
15 President should consider financial support under
16 paragraph (2)(A) to include the provision of loans,
17 credits, or export credits.

18 (b) SANCTIONS DESCRIBED.—

19 (1) IN GENERAL.—The sanctions to be imposed
20 with respect to a foreign person subject to sub-
21 section (a) are the following:

22 (A) BLOCKING OF PROPERTY.—The Presi-
23 dent shall exercise all of the powers granted to
24 the President under the International Emer-
25 gency Economic Powers Act (50 U.S.C. 1701 et

1 seq.) to the extent necessary to block and pro-
2 hibit all transactions in property and interests
3 in property of the foreign person if such prop-
4 erty and interests in property are in the United
5 States, come within the United States, or are or
6 come within the possession or control of a
7 United States person.

8 (B) ALIENS INELIGIBLE FOR VISAS, AD-
9 MISSION, OR PAROLE.—

10 (i) VISAS, ADMISSION, OR PAROLE.—

11 An alien who the Secretary of State or the
12 Secretary of Homeland Security (or a des-
13 ignee of one of such Secretaries) knows, or
14 has reason to believe, has knowingly en-
15 gaged in any activity described in sub-
16 section (a)(2) is—

17 (I) inadmissible to the United
18 States;

19 (II) ineligible to receive a visa or
20 other documentation to enter the
21 United States; and

22 (III) otherwise ineligible to be
23 admitted or paroled into the United
24 States or to receive any other benefit

1 under the Immigration and Nation-
2 ality Act (8 U.S.C. 1101 et seq.).

3 (ii) CURRENT VISAS REVOKED.—

4 (I) IN GENERAL.—The issuing
5 consular officer, the Secretary of
6 State, or the Secretary of Homeland
7 Security (or a designee of one of such
8 Secretaries) shall, in accordance with
9 section 221(i) of the Immigration and
10 Nationality Act (8 U.S.C. 1201(i)),
11 revoke any visa or other entry docu-
12 mentation issued to an alien described
13 in clause (i) regardless of when the
14 visa or other entry documentation is
15 issued.

16 (II) EFFECT OF REVOCATION.—

17 A revocation under subclause (I)—

18 (aa) shall take effect imme-
19 diately; and

20 (bb) shall automatically can-
21 cel any other valid visa or entry
22 documentation that is in the
23 alien's possession.

24 (2) PENALTIES.—The penalties provided for in
25 subsections (b) and (c) of section 206 of the Inter-

1 national Emergency Economic Powers Act (50
2 U.S.C. 1705) shall apply to a person that violates,
3 attempts to violate, conspires to violate, or causes a
4 violation of regulations promulgated under section
5 333(b) to carry out paragraph (1)(A) to the same
6 extent that such penalties apply to a person that
7 commits an unlawful act described in section 206(a)
8 of that Act.

9 (3) EXCEPTION RELATING TO IMPORTATION OF
10 GOODS.—

11 (A) IN GENERAL.—The requirement to
12 block and prohibit all transactions in all prop-
13 erty and interests in property under paragraph
14 (1)(A) shall not include the authority to impose
15 sanctions on the importation of goods.

16 (B) GOOD DEFINED.—In this paragraph,
17 the term “good” means any article, natural or
18 man-made substance, material, supply or manu-
19 factured product, including inspection and test
20 equipment, and excluding technical data.

21 (c) DEFINITIONS.—In this section:

22 (1) ADMITTED; ALIEN.—The terms “admitted”
23 and “alien” have the meanings given those terms in
24 section 101 of the Immigration and Nationality Act
25 (8 U.S.C. 1101).

1 (2) FOREIGN PERSON.—The term “foreign per-
2 son” means a person that is not a United States
3 person.

4 (3) KNOWINGLY.—The term “knowingly”, with
5 respect to conduct, a circumstance, or a result,
6 means that a person has actual knowledge, or should
7 have known, of the conduct, the circumstance, or the
8 result.

9 (4) UNITED STATES PERSON.—The term
10 “United States person” means—

11 (A) a United States citizen or an alien law-
12 fully admitted for permanent residence to the
13 United States; or

14 (B) an entity organized under the laws of
15 the United States or any jurisdiction within the
16 United States, including a foreign branch of
17 such an entity.

18 **Subtitle B—Assistance for the**
19 **People of Syria**

20 **SEC. 321. CODIFICATION OF CERTAIN SERVICES IN SUP-**
21 **PORT OF NONGOVERNMENTAL ORGANIZA-**
22 **TIONS’ ACTIVITIES AUTHORIZED.**

23 (a) IN GENERAL.—Except as provided in subsection
24 (b), section 542.516 of title 31, Code of Federal Regula-
25 tions (relating to certain services in support of nongovern-

1 mental organizations' activities authorized), as in effect on
2 the day before the date of the enactment of this Act,
3 shall—

4 (1) remain in effect on and after such date of
5 enactment; and

6 (2) in the case of a nongovernmental organiza-
7 tion that is authorized to export or reexport services
8 to Syria under such section on the day before such
9 date of enactment, apply to such organization on
10 and after such date of enactment to the same extent
11 and in the same manner as such section applied to
12 such organization on the day before such date of en-
13 actment.

14 (b) EXCEPTION.—

15 (1) IN GENERAL.—Section 542.516 of title 31,
16 Code of Federal Regulations, as codified under sub-
17 section (a), shall not apply with respect to a foreign
18 person that has been designated as a foreign ter-
19 rorist organization under section 219 of the Immi-
20 gration and Nationality Act (8 U.S.C. 1189), or oth-
21 erwise designated as a terrorist organization, by the
22 Secretary of State, in consultation with or upon the
23 request of the Attorney General or the Secretary of
24 Homeland Security.

1 (2) EFFECTIVE DATE.—Paragraph (1) shall
2 apply with respect to a foreign person on and after
3 the date on which the designation of that person as
4 a terrorist organization is published in the Federal
5 Register.

6 **SEC. 322. BRIEFING ON STRATEGY TO FACILITATE HUMANI-**
7 **TARIAN ASSISTANCE.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the President shall brief
10 the appropriate congressional committees on the strategy
11 of the President to help facilitate the ability of humani-
12 tarian organizations to access financial services to help fa-
13 cilitate the safe and timely delivery of assistance to com-
14 munities in need in Syria.

15 (b) CONSIDERATION OF DATA FROM OTHER COUN-
16 TRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In
17 preparing the strategy required by subsection (a), the
18 President shall consider credible data already obtained by
19 other countries and nongovernmental organizations, in-
20 cluding organizations operating in Syria.

21 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congres-
23 sional committees” means—

24 (1) the Committee on Foreign Affairs, the
25 Committee on Financial Services, and the Com-

1 mittee on Appropriations of the House of Represent-
2 atives; and

3 (2) the Committee on Foreign Relations, the
4 Committee on Banking, Housing, and Urban Af-
5 fairs, and the Committee on Appropriations of the
6 Senate.

7 **Subtitle C—General Provisions**

8 **SEC. 331. SUSPENSION OF SANCTIONS.**

9 (a) IN GENERAL.—The President may suspend in
10 whole or in part the imposition of sanctions otherwise re-
11 quired under this title for periods not to exceed 180 days
12 if the President determines that the following criteria have
13 been met in Syria:

14 (1) The air space over Syria is no longer being
15 utilized by the Government of Syria or the Govern-
16 ment of the Russian Federation to target civilian
17 populations through the use of incendiary devices,
18 including barrel bombs, chemical weapons, and con-
19 ventional arms, including air-delivered missiles and
20 explosives.

21 (2) Areas besieged by the Government of Syria,
22 the Government of the Russian Federation, the Gov-
23 ernment of Iran, or a foreign person described in
24 section 312(a)(2)(A)(ii) are no longer cut off from
25 international aid and have regular access to humani-

1 tarian assistance, freedom of travel, and medical
2 care.

3 (3) The Government of Syria is releasing all po-
4 litical prisoners forcibly held within the prison sys-
5 tem of the regime of Bashar al-Assad and the Gov-
6 ernment of Syria is allowing full access to the same
7 facilities for investigations by appropriate inter-
8 national human rights organizations.

9 (4) The forces of the Government of Syria, the
10 Government of the Russian Federation, the Govern-
11 ment of Iran, and any foreign person described in
12 section 312(a)(2)(A)(ii) are no longer engaged in de-
13 liberate targeting of medical facilities, schools, resi-
14 dential areas, and community gathering places, in-
15 cluding markets, in violation of international norms.

16 (5) The Government of Syria is—

17 (A) taking steps to verifiably fulfill its
18 commitments under the Convention on the Pro-
19 hibition of the Development, Production, Stock-
20 piling and Use of Chemical Weapons and on
21 their Destruction, done at Geneva September 3,
22 1992, and entered into force April 29, 1997
23 (commonly known as the “Chemical Weapons
24 Convention”), and the Treaty on the Non-Pro-
25 liferation of Nuclear Weapons, done at Wash-

1 ington, London, and Moscow July 1, 1968, and
2 entered into force March 5, 1970 (21 UST
3 483); and

4 (B) making tangible progress toward be-
5 coming a signatory to the Convention on the
6 Prohibition of the Development, Production and
7 Stockpiling of Bacteriological (Biological) and
8 Toxin Weapons and on their Destruction, done
9 at Washington, London, and Moscow April 10,
10 1972, and entered into force March 26, 1975
11 (26 UST 583).

12 (6) The Government of Syria is permitting the
13 safe, voluntary, and dignified return of Syrians dis-
14 placed by the conflict.

15 (7) The Government of Syria is taking
16 verifiable steps to establish meaningful account-
17 ability for perpetrators of war crimes in Syria and
18 justice for victims of war crimes committed by the
19 Assad regime, including by participation in a cred-
20 ible and independent truth and reconciliation proc-
21 ess.

22 (b) BRIEFING REQUIRED.—Not later than 30 days
23 after the President makes a determination described in
24 subsection (a), the President shall provide a briefing to
25 the appropriate congressional committees on the deter-

1 mination and the suspension of sanctions pursuant to the
2 determination.

3 (c) REIMPOSITION OF SANCTIONS.—Any sanctions
4 suspended under subsection (a) shall be reimposed if the
5 President determines that the criteria described in that
6 subsection are no longer being met.

7 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to limit the authority of the Presi-
9 dent to terminate the application of sanctions under sec-
10 tion 312 with respect to a person that no longer engages
11 in activities described in subsection (a)(2) of that section.

12 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
13 FINED.—In this section, the term “appropriate congres-
14 sional committees” means—

15 (1) the Committee on Foreign Affairs, the
16 Committee on Financial Services, the Committee on
17 Ways and Means, the Committee on the Judiciary,
18 and the Committee on Appropriations of the House
19 of Representatives; and

20 (2) the Committee on Foreign Relations, the
21 Committee on Banking, Housing, and Urban Af-
22 fairs, the Committee on the Judiciary, and the Com-
23 mittee on Appropriations of the Senate.

1 **SEC. 332. WAIVERS AND EXEMPTIONS.**

2 (a) EXEMPTIONS.—The following activities and
3 transactions shall be exempt from sanctions authorized
4 under this title:

5 (1) Any activity subject to the reporting re-
6 quirements under title V of the National Security
7 Act of 1947 (50 U.S.C. 3091 et seq.), or to any au-
8 thorized law enforcement, national security, or intel-
9 ligence activities of the United States.

10 (2) Any transaction necessary to comply with
11 United States obligations under—

12 (A) the Agreement regarding the Head-
13 quarters of the United Nations, signed at Lake
14 Success June 26, 1947, and entered into force
15 November 21, 1947, between the United Na-
16 tions and the United States;

17 (B) the Convention on Consular Relations,
18 done at Vienna April 24, 1963, and entered
19 into force March 19, 1967; or

20 (C) any other international agreement to
21 which the United States is a party.

22 (b) WAIVER.—

23 (1) IN GENERAL.—The President may, for peri-
24 ods not to exceed 180 days, waive the application of
25 any provision of this title with respect to a foreign
26 person if the President certifies to the appropriate

1 congressional committees that such a waiver is in
2 the national security interests of the United States.

3 (2) BRIEFING.—Not later than 90 days after
4 the issuance of a waiver under paragraph (1), and
5 every 180 days thereafter while the waiver remains
6 in effect, the President shall brief the appropriate
7 congressional committees on the reasons for the
8 waiver.

9 (c) HUMANITARIAN WAIVER.—

10 (1) IN GENERAL.—The President may waive,
11 for renewable periods not to exceed 2 years, the ap-
12 plication of any provision of this title with respect to
13 a nongovernmental organization providing humani-
14 tarian assistance not covered by the authorization
15 described in section 321 if the President certifies to
16 the appropriate congressional committees that such
17 a waiver is important to address a humanitarian
18 need and is consistent with the national security in-
19 terests of the United States.

20 (2) BRIEFING.—Not later than 90 days after
21 the issuance of a waiver under paragraph (1), and
22 every 180 days thereafter while the waiver remains
23 in effect, the President shall brief the appropriate
24 congressional committees on the reasons for the
25 waiver.

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Committee on Foreign Affairs, the
5 Committee on Financial Services, the Committee on
6 Ways and Means, the Committee on the Judiciary,
7 and the Committee on Appropriations of the House
8 of Representatives; and

9 (2) the Committee on Foreign Relations, the
10 Committee on Banking, Housing, and Urban Af-
11 fairs, the Committee on the Judiciary, and the Com-
12 mittee on Appropriations of the Senate.

13 **SEC. 333. IMPLEMENTATION AND REGULATORY AUTHORI-**
14 **TIES.**

15 (a) IMPLEMENTATION AUTHORITY.—The President
16 may exercise all authorities provided to the President
17 under sections 203 and 205 of the International Emer-
18 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
19 for purposes of carrying out this title.

20 (b) REGULATORY AUTHORITY.—The President shall,
21 not later than 180 days after the date of the enactment
22 of this Act, promulgate regulations as necessary for the
23 implementation of this title.

1 **SEC. 334. RULE OF CONSTRUCTION.**

2 Nothing in this title shall be construed to limit the
3 authority of the President pursuant to the International
4 Emergency Economic Powers Act (50 U.S.C. 1701 et
5 seq.) or any other provision of law.

6 **SEC. 335. SUNSET.**

7 This title shall cease to be effective on the date that
8 is 5 years after the date of the enactment of this Act.

9 **TITLE IV—COMBATING BDS ACT**
10 **OF 2019**

11 **SEC. 401. SHORT TITLE.**

12 This title may be cited as the “Combating BDS Act
13 of 2019”.

14 **SEC. 402. NONPREEMPTION OF MEASURES BY STATE AND**
15 **LOCAL GOVERNMENTS TO DIVEST FROM EN-**
16 **TITIES THAT ENGAGE IN CERTAIN BOYCOTT,**
17 **DIVESTMENT, OR SANCTIONS ACTIVITIES**
18 **TARGETING ISRAEL OR PERSONS DOING**
19 **BUSINESS IN ISRAEL OR ISRAELI-CON-**
20 **TROLLED TERRITORIES.**

21 (a) STATE AND LOCAL MEASURES.—Notwith-
22 standing any other provision of law, a State or local gov-
23 ernment may adopt and enforce measures that meet the
24 requirements of subsection (c) to divest the assets of the
25 State or local government from, prohibit investment of the
26 assets of the State or local government in, or restrict con-

1 tracting by the State or local government for goods and
2 services with—

3 (1) an entity that the State or local government
4 determines, using credible information available to
5 the public, knowingly engages in an activity de-
6 scribed in subsection (b);

7 (2) a successor entity or subunit of an entity
8 described in paragraph (1); or

9 (3) an entity that owns or controls or is owned
10 or controlled by an entity described in paragraph
11 (1).

12 (b) **ACTIVITIES DESCRIBED.**—An activity described
13 in this subsection is a commerce-related or investment-re-
14 lated boycott, divestment, or sanctions activity in the
15 course of interstate or international commerce that is in-
16 tended to penalize, inflict economic harm on, or otherwise
17 limit commercial relations with Israel or persons doing
18 business in Israel or Israeli-controlled territories for pur-
19 poses of coercing political action by, or imposing policy
20 positions on, the Government of Israel.

21 (c) **REQUIREMENTS.**—A State or local government
22 that seeks to adopt or enforce a measure under subsection
23 (a) shall meet the following requirements:

24 (1) **NOTICE.**—The State or local government
25 shall provide written notice—

1 (A) in the case of a measure relating to di-
2 vestment or investment, to each entity to which
3 the measure is to be applied; and

4 (B) in the case of a measure relating to
5 contracting, of the restrictions imposed by the
6 measure to each prospective contractor before
7 entering into a contract.

8 (2) TIMING.—A measure relating to divestment
9 or investment shall apply to an entity not earlier
10 than the date that is 90 days after the date on
11 which written notice is provided to the entity under
12 paragraph (1).

13 (3) OPPORTUNITY FOR COMMENT.—In the case
14 of a measure relating to divestment or investment,
15 the State or local government shall provide an op-
16 portunity to comment in writing to each entity to
17 which the measure is to be applied. If the entity
18 demonstrates to the State or local government that
19 neither the entity nor any entity related to the entity
20 as described in paragraph (2) or (3) of subsection
21 (a) has knowingly engaged in an activity described
22 in subsection (b), the measure shall not apply to the
23 entity.

24 (4) DISCLOSURE IN CONTRACTING MEAS-
25 URES.—The State or local government may require,

1 in a measure relating to contracting, that a prospec-
2 tive contractor disclose whether the prospective con-
3 tractor or any entity related to the prospective con-
4 tractor as described in paragraph (2) or (3) of sub-
5 section (a) knowingly engages in any activity de-
6 scribed in subsection (b) before entering into a con-
7 tract.

8 (5) SENSE OF CONGRESS ON AVOIDING ERRO-
9 NEOUS TARGETING.—It is the sense of Congress
10 that a State or local government should not adopt
11 a measure under subsection (a) with respect to an
12 entity unless the State or local government has
13 made every effort to avoid erroneously targeting the
14 entity and has verified that the entity engages in an
15 activity described in subsection (b).

16 (d) NOTICE TO DEPARTMENT OF JUSTICE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), not later than 30 days after adopting a
19 measure described in subsection (a), the State or
20 local government that adopted the measure shall
21 submit written notice to the Attorney General de-
22 scribing the measure.

23 (2) EXISTING MEASURES.—With respect to
24 measures described in subsection (a) adopted before
25 the date of the enactment of this Act, the State or

1 local government that adopted the measure shall
2 submit written notice to the Attorney General de-
3 scribing the measure not later than 30 days after
4 the date of the enactment of this Act.

5 (e) NONPREEMPTION.—A measure of a State or local
6 government that is consistent with subsection (a) is not
7 preempted by any Federal law.

8 (f) PRIOR ENACTED MEASURES.—

9 (1) IN GENERAL.—Notwithstanding any other
10 provision of this section or any other provision of
11 law, and except as provided in paragraph (2), a
12 State or local government may enforce a measure
13 described in subsection (a) adopted by the State or
14 local government before the date of the enactment of
15 this Act without regard to the requirements of sub-
16 section (c).

17 (2) APPLICATION OF NOTICE AND OPPOR-
18 TUNITY FOR COMMENT.—Enforcement of a measure
19 described in paragraph (1) shall be subject to the re-
20 quirements of subsection (c) on and after the date
21 that is 2 years after the date of the enactment of
22 this Act.

23 (g) RULES OF CONSTRUCTION.—

24 (1) AUTHORITY OF STATES.—Nothing in this
25 section shall be construed to abridge the authority of

1 a State to issue and enforce rules governing the
2 safety, soundness, and solvency of a financial insti-
3 tution subject to its jurisdiction or the business of
4 insurance pursuant to the Act of March 9, 1945 (59
5 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (com-
6 monly known as the “McCarran-Ferguson Act”).

7 (2) POLICY OF THE UNITED STATES.—Nothing
8 in this section shall be construed to alter the estab-
9 lished policy of the United States concerning final
10 status issues associated with the Arab-Israeli con-
11 flict, including border delineation, that can only be
12 resolved through direct negotiations between the
13 parties.

14 (h) DEFINITIONS.—In this section:

15 (1) ASSETS.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), the term “assets” means
18 any pension, retirement, annuity, or endowment
19 fund, or similar instrument, that is controlled
20 by a State or local government.

21 (B) EXCEPTION.—The term “assets” does
22 not include employee benefit plans covered by
23 title I of the Employee Retirement Income Se-
24 curity Act of 1974 (29 U.S.C. 1001 et seq.).

25 (2) ENTITY.—The term “entity” includes—

1 (A) any corporation, company, business as-
2 sociation, partnership, or trust; and

3 (B) any governmental entity or instrumen-
4 tality of a government, including a multilateral
5 development institution (as defined in section
6 1701(c)(3) of the International Financial Insti-
7 tutions Act (22 U.S.C. 262r(c)(3))).

8 (3) INVESTMENT.—The term “investment” in-
9 cludes—

10 (A) a commitment or contribution of funds
11 or property;

12 (B) a loan or other extension of credit; and

13 (C) the entry into or renewal of a contract
14 for goods or services.

15 (4) KNOWINGLY.—The term “knowingly”, with
16 respect to conduct, a circumstance, or a result,
17 means that a person has actual knowledge, or should
18 have known, of the conduct, the circumstance, or the
19 result.

20 (5) STATE.—The term “State” means each of
21 the several States, the District of Columbia, the
22 Commonwealth of Puerto Rico, the Commonwealth
23 of the Northern Mariana Islands, American Samoa,
24 Guam, the United States Virgin Islands, and any
25 other territory or possession of the United States.

1 (6) STATE OR LOCAL GOVERNMENT.—The term
2 “State or local government” includes—

3 (A) any State and any agency or instru-
4 mentality thereof;

5 (B) any local government within a State
6 and any agency or instrumentality thereof; and

7 (C) any other governmental instrumen-
8 tality of a State or locality.

9 **SEC. 403. SAFE HARBOR FOR CHANGES OF INVESTMENT**
10 **POLICIES BY ASSET MANAGERS.**

11 Section 13(c)(1) of the Investment Company Act of
12 1940 (15 U.S.C. 80a–13(c)(1)) is amended—

13 (1) in subparagraph (A), by striking “; or” and
14 inserting a semicolon;

15 (2) in subparagraph (B), by striking the period
16 at the end and inserting “; or”; and

17 (3) by adding at the end the following:

18 “(C) knowingly engage in any activity de-
19 scribed in section 402(b) of the Combating
20 BDS Act of 2019.”.

21 **SEC. 404. SENSE OF CONGRESS REGARDING CERTAIN**
22 **ERISA PLAN INVESTMENTS.**

23 It is the sense of Congress that—

24 (1) a fiduciary of an employee benefit plan, as
25 defined in section 3(3) of the Employee Retirement

1 Income Security Act of 1974 (29 U.S.C. 1002(3)),
2 may divest plan assets from, or avoid investing plan
3 assets in, any person the fiduciary determines know-
4 ingly engages in any activity described in section
5 2(b), if—

6 (A) the fiduciary makes that determination
7 using credible information that is available to
8 the public; and

9 (B) the fiduciary prudently determines
10 that the result of that divestment or avoidance
11 of investment would not be expected to provide
12 the employee benefit plan with—

13 (i) a lower rate of return than alter-
14 native investments with commensurate de-
15 grees of risk; or

16 (ii) a higher degree of risk than alter-
17 native investments with commensurate
18 rates of return; and

19 (2) by divesting assets or avoiding the invest-
20 ment of assets as described in paragraph (1), the fi-
21 diciary is not breaching the responsibilities, obliga-
22 tions, or duties imposed upon the fiduciary by sub-
23 paragraph (A) or (B) of section 404(a)(1) of the
24 Employee Retirement Income Security Act of 1974
25 (29 U.S.C. 1104(a)(1)).

1 **SEC. 405. RULE OF CONSTRUCTION.**

2 Nothing in this title shall be construed to infringe
3 upon any right protected under the First Amendment to
4 the Constitution of the United States.