

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rader offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Restrictions on business with foreign countries
6 providing support for acts of international terrorism.-

7 (1) DEFINITIONS.-As used in this section, the term:

8 (a) "Business entity" means:

9 1. Any proprietorship, firm, enterprise, franchise,
10 organization, association, corporation, partnership, joint
11 venture, limited partnership, limited liability partnership,
12 limited liability company, trust, or other entity or business
13 association, including all wholly owned subsidiaries, majority-
14 owned subsidiaries, parent companies, or affiliates of such
15 entities or business associations; or

16 2. Any self-employed individual,

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18 whether fictitiously named or not, doing business in this state,
19 that exists for the purpose of making a profit.

20 (b) "Doing business with a proscribed country" means:

21 1. Engaging in commerce in any form with a proscribed
22 country, including, but not limited to, acquiring, developing,
23 maintaining, owning, selling, possessing, leasing, or operating
24 equipment, facilities, personnel, products, services, personal
25 property, real property, or any other apparatus of business or
26 commerce.

27 2. Engaging in or in any way benefiting from dealings
28 with, or activities related to or involving, a proscribed
29 country.

30 (c) "Proscribed country" means any foreign country if the
31 United States Secretary of State, pursuant to 50 U.S.C. App. s.
32 2405(j), 22 U.S.C. s. 2371(a), or 22 U.S.C. s. 2780(d),
33 determines that the government of that country has repeatedly
34 provided support for acts of international terrorism.

35 (d) "State agency" means any official, officer,
36 commission, board, authority, council, committee, or department
37 of the executive branch of state government.

38 (2) PROHIBITED EXPORTS.—Notwithstanding any other
39 provision of law, a state agency may not issue a certificate of
40 free sale, export certification report, certificate of good
41 manufacturing practices, permit, registration, license, or
42 certification of any kind for any good, commodity, or thing of
43 value to be exported to a proscribed country.

44 (3) PROHIBITED CONTRACTS.—

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45 (a) The state may not enter into, award, or renew a
46 contract or purchasing agreement for commodities or contractual
47 services with, or receive or solicit proposals for the
48 acquisition of commodities or contractual services from, any
49 business entity doing business, either directly or indirectly,
50 with a proscribed country.

51 (b) The prohibition under paragraph (a) is removed if the
52 Congress or the President of the United States affirmatively and
53 unambiguously declares, by means including, but not limited to,
54 legislation, executive order, or written certification from the
55 President to Congress, that the prohibition of contracts,
56 awards, and agreements provided in paragraph (a) interferes with
57 the conduct of United States foreign policy.

58 (c) The Department of State, in conjunction with the
59 Department of Management Services, the Department of Business
60 and Professional Regulation, the Department of Legal Affairs,
61 and the State Board of Administration, shall develop a mechanism
62 for the identification of business entities doing business with
63 a proscribed country and for the enforcement of this subsection.

64 Section 2. This act shall take effect upon becoming a law.

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T I T L E A M E N D M E N T

67 Remove the entire title and insert:

68 A bill to be entitled
69
70 An act relating to restrictions on business with foreign
71 countries; providing definitions; prohibiting state
72 agencies from issuing certain forms of documentation for

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73 any good, commodity, or thing of value to be exported to
74 certain foreign countries; prohibiting the state from
75 entering into, awarding, or renewing a contract or
76 purchasing agreement for commodities or contractual
77 services with, or receiving or soliciting proposals for
78 the acquisition of commodities or contractual services
79 from, any business entity doing business with certain
80 foreign countries; providing for the cessation of such
81 prohibition under specified circumstances; directing the
82 Department of State, in conjunction with the Department of
83 Management Services, the Department of Business and
84 Professional Regulation, the Department of Legal Affairs,
85 and the State Board of Administration, to develop a
86 mechanism for the identification of business entities
87 doing business with such foreign countries and for the
88 enforcement of the act; providing an effective date.