

115TH CONGRESS
1ST SESSION

H. R. 263

To render United Nations Security Council Resolution 2334 null and void
as a matter of United States law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2017

Mr. LAMBORN (for himself and Mr. FRANKS of Arizona) introduced the
following bill; which was referred to the Committee on Foreign Affairs

A BILL

To render United Nations Security Council Resolution 2334
null and void as a matter of United States law, 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.**

4 This Act may be cited as the “United States Sov-
5 ereignty and Commercial Freedom Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to ensure that United
8 States sovereignty is of the utmost importance and to pre-
9 serve commercial freedom in the United States, which is
10 necessary for its national interests and security.

1 **SEC. 3. FINDINGS.**

2 Congress finds the following:

3 (1) The statements about the legality of Israeli
4 civilian presence in the West Bank and East Jeru-
5 salem in paragraphs 1 through 4 of United Nations
6 Security Council Resolution 2334 (2016) do not rep-
7 resent, and are contrary to, the policy of the United
8 States.

9 (2) Such statements about the legality of Israeli
10 civilian presence in the West Bank and East Jeru-
11 salem, if applied to United States citizens or to their
12 rights to purchase property and reside in these terri-
13 tories, violate United States principles of civil rights
14 and non-discrimination.

15 (3) As a resolution passed pursuant to the au-
16 thorities provided in chapter 6 of the Charter of the
17 United Nations, United Nations Security Council
18 Resolution 2334 has no legal force or effect.

19 (4) The policies expressed in United Nations
20 Security Council Resolution 2334 contradict the
21 policies expressed in United Nations Security Coun-
22 cil Resolutions 242 (1967) and 338 (1973), as well
23 as in numerous commitments made by the United
24 States (including the commitments endorsed in
25 House Concurrent Resolution 460, as adopted by the
26 House of Representatives in the 108th Congress).

1 **SEC. 4. NO EFFECT OF UNITED NATIONS SECURITY COUN-**
2 **CIL RESOLUTION 2334 ON UNITED STATES**
3 **LAW.**

4 (a) IN GENERAL.—United Nations Security Council
5 Resolution 2334 shall have no force or effect under United
6 States law, and the United States shall not be bound by
7 any provision of such Resolution, including the differentia-
8 tion provision in paragraph 5 of such Resolution.

9 (b) NO SUPPORT IN LEGAL PROCEEDINGS.—Nothing
10 in United Nations Security Council Resolution 2334 or in
11 any subsequently adopted United Nations Security Coun-
12 cil Resolution relating to Israel may be used to establish
13 or demonstrate the existence of a violation of United
14 States law or an offence against the law of nations in
15 United States courts, including by giving standing, a
16 cause of action, or a source of damages as a matter of
17 law.

18 (c) DEFINITION OF OFFENCE AGAINST THE LAW OF
19 NATIONS.—As defined pursuant to the authority in article
20 I, section 8, clause 10 of the Constitution, an “offence
21 against the law of nations” shall not include any activity
22 described in paragraphs 1 through 4 of United Security
23 Council Resolution 2334.

24 **SEC. 5. RULE OF CONSTRUCTION.**

25 Any reference to “Israel” in any United States law,
26 or in any treaty or other international agreement to which

1 both the United States and Israel are parties (including
2 any binational program between the United States and
3 Israel), shall be interpreted to include any territory over
4 which Israel exercises civil jurisdiction, including East Je-
5 rusalem, Areas “C” and “H2” of the West Bank (as such
6 areas are defined in the Oslo Accords and in subsequent
7 agreements), and the Golan Heights.

8 **SEC. 6. CONSTITUTIONAL AUTHORITY.**

9 This Act is enacted pursuant to the powers of Con-
10 gress over foreign commerce, the defining of offenses
11 against the law of nations, and regulation of the jurisdic-
12 tion of the Federal courts in article I, section 8 of the
13 Constitution. Nothing in this Act shall be construed as
14 an act of recognition of territorial sovereignty, or of pre-
15 judging any future diplomatic negotiations between Israel
16 and the Palestinian Authority.

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