

115TH CONGRESS
1ST SESSION

S. 720

To amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2017

Mr. CARDIN (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, 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 “Israel Anti-Boycott
5 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The United Nations Human Rights Council
4 (in this section referred to as the “UNHRC”) has
5 long targeted Israel with systematic, politically moti-
6 vated, assaults on its legitimacy designed to stig-
7 matize and isolate Israel internationally.

8 (2) The UNHRC maintains a permanent agen-
9 da item known as “Item 7” to ensure that Israel will
10 be criticized at every gathering of the UNHRC.

11 (3) At its 31st session on March 24, 2016, the
12 UNHRC targeted Israel with a commercial boycott,
13 calling for the establishment of a database, such as
14 a “blacklist”, of companies that operate, or have
15 business relations with entities that operate, beyond
16 Israel’s 1949 Armistice lines, including East Jeru-
17 salem.

18 (4) At its 32nd session in March 2017, the
19 UNHRC is considering a resolution pursuant to
20 agenda item 7 to withhold assistance from and pre-
21 vent trade with “territories occupied since 1967”, in-
22 cluding East Jerusalem, the West Bank, and the
23 Golan Heights, stating that businesses that engage
24 in economic activity in those areas could face civil or
25 criminal legal action.

1 (5) For a half century, Congress has combated
2 anti-Israel boycotts and other discriminatory activity
3 under the Export Administration Act of 1979 (as
4 continued in effect pursuant to the International
5 Emergency Economic Powers Act (50 U.S.C. 1701
6 et seq.)), under part VI of title X of the Tax Reform
7 Act of 1976 (Public Law 94–455; 90 Stat. 1649)
8 (commonly referred to as the “Ribicoff Amend-
9 ment”), in free trade agreements with Bahrain and
10 Oman, and in Saudi Arabia’s accession negotiations
11 to the World Trade Organization.

12 (6) The recent action of the UNHRC is remi-
13 niscent of the Arab League Boycott, which also
14 called for the establishment of a “blacklist” and pro-
15 moted a primary, as well as a secondary and ter-
16 tiary, boycott against Israel, targeting United States
17 and other companies that trade or invest with or in
18 Israel, designed to harm Israel, any business oper-
19 ating in, or doing business with, Israel, or companies
20 that do business with companies operating in Israel.

21 (7) Congress recently passed anti-boycott, di-
22 vestment, and sanctions measures in the Bipartisan
23 Congressional Trade Priorities and Accountability
24 Act of 2015 (19 U.S.C. 4201 et seq.) and section
25 909 of the Trade Facilitation and Trade Enforce-

1 ment Act of 2015 (19 U.S.C. 4452), which establish,
2 among other things—

3 (A) the opposition of the United States to
4 actions to boycott, divest from, or sanction
5 Israel;

6 (B) requirements that the United States
7 utilize trade negotiations to combat state-led or
8 international governmental organization-led ac-
9 tions to boycott, divest from, or sanction Israel;
10 and

11 (C) reporting requirements regarding the
12 actions of foreign countries or international or-
13 ganizations that establish barriers to trade or
14 investment for United States companies in or
15 with Israel.

16 **SEC. 3. STATEMENT OF POLICY.**

17 Congress—

18 (1) opposes the United Nations Human Rights
19 Council resolution of March 24, 2016, which urges
20 countries to pressure their own companies to divest
21 from, or break contracts with, Israel, and calls for
22 the creation of a “blacklist” of companies that either
23 operate, or have business relations with entities that
24 operate, beyond Israel’s 1949 Armistice lines, includ-
25 ing East Jerusalem;

1 (2) views such policies as actions to boycott, di-
2 vest from, or sanction Israel; and

3 (3) in order to counter the effects of actions to
4 boycott, divest from, or sanction Israel, encourages
5 full implementation of the United States-Israel Stra-
6 tegic Partnership Act of 2014 (Public Law 113–296;
7 128 Stat. 4075) through enhanced, governmentwide,
8 coordinated United States-Israel scientific and tech-
9 nological cooperation in civilian areas such as with
10 respect to energy, water, agriculture, alternative fuel
11 technology, civilian space technology, and security.

12 **SEC. 4. ADDITIONAL PROHIBITIONS RELATING TO FOR-**
13 **EIGN BOYCOTTS UNDER EXPORT ADMINIS-**
14 **TRATION ACT OF 1979.**

15 (a) DECLARATION OF POLICY.—Section 3(5) of the
16 Export Administration Act of 1979 (50 U.S.C. 4602(5))
17 (as continued in effect pursuant to the International
18 Emergency Economic Powers Act (50 U.S.C. 1701 et
19 seq.)) is amended—

20 (1) by amending subparagraph (A) to read as
21 follows:

22 “(A) to oppose—

23 “(i) restrictive trade practices or boy-
24 cotts fostered or imposed by foreign coun-
25 tries, or requests to impose restrictive

1 trade practices or boycotts by foreign coun-
2 tries, against other countries friendly to
3 the United States or against any United
4 States person; and

5 “(ii) restrictive trade practices or boy-
6 cotts fostered or imposed by any inter-
7 national governmental organization against
8 Israel or requests to impose restrictive
9 trade practices or boycotts by any inter-
10 national governmental organization against
11 Israel;”; and

12 (2) in subparagraph (B), by striking “which
13 have the effect” and all the follows and inserting the
14 following: “which have the effect of furthering or
15 supporting—

16 “(i) restrictive trade practices or boy-
17 cotts fostered or imposed by any foreign
18 country, or requests to impose restrictive
19 trade practices or boycotts by any foreign
20 country, against a country friendly to the
21 United States or against any United
22 States person; and

23 “(ii) restrictive trade practices or boy-
24 cotts fostered or imposed by any inter-
25 national governmental organization against

1 Israel or requests to impose restrictive
 2 trade practices or boycotts by any inter-
 3 national governmental organization against
 4 Israel; and”.

5 (b) FOREIGN BOYCOTTS.—Section 8 of the Export
 6 Administration Act of 1979 (50 U.S.C. 4607) (as contin-
 7 ued in effect pursuant to the International Emergency
 8 Economic Powers Act (50 U.S.C. 1701 et seq.)) is amend-
 9 ed—

10 (1) in subsection (a)(1)—

11 (A) in the matter preceding subparagraph

12 (A)—

13 (i) by inserting “, or request to im-
 14 pose any boycott by a foreign country,”
 15 after “a foreign country”;

16 (ii) by inserting “, or support any
 17 boycott fostered or imposed by any inter-
 18 national governmental organization against
 19 Israel or request to impose any boycott by
 20 any international governmental organiza-
 21 tion against Israel” after “pursuant to
 22 United States law or regulation”;

23 (B) in subparagraph (A), by inserting “or
 24 international governmental organization (as the

case may be)” after “of the boycotting country”; and

(C) in subparagraph (D)—

(i) by inserting “, or requesting the furnishing of information,” after “Furnishing information”; and

(ii) by inserting “or with the international governmental organization (as the case may be)” after “in the boycotting country”; and

(2) in subsection (c)—

(A) by inserting “, or requests to impose restrictive trade practices or boycotts by foreign countries,” after “foreign countries”; and

(B) by inserting “or restrictive trade practices or boycotts fostered or imposed by any international governmental organization against Israel or requests to impose restrictive trade practices or boycotts by any international governmental organization against Israel” before the period at the end.

(c) VIOLATIONS OF SECTION 8(a).—Section 11 of the

Export Administration Act of 1979 (50 U.S.C. 4610) (as continued in effect pursuant to the International Emer-

1 gency Economic Powers Act (50 U.S.C. 1701 et seq.)) is
 2 amended—

3 (1) in subsection (a), by inserting “or (j)” after
 4 “subsection (b)”; and

5 (2) by adding at the end the following:

6 “(j) VIOLATIONS OF SECTION 8(a).—Whoever know-
 7 ingly violates or conspires to or attempts to violate any
 8 provision of section 8(a) or any regulation, order, or li-
 9 cense issued thereunder shall be fined in accordance with
 10 section 206 of the International Emergency Economic
 11 Powers Act (50 U.S.C. 1705).”.

12 (d) DEFINITION OF INTERNATIONAL GOVERN-
 13 MENTAL ORGANIZATION.—Section 16 of the Export Ad-
 14 ministration Act of 1979 (50 U.S.C. 4618) (as continued
 15 in effect pursuant to the International Emergency Eco-
 16 nomic Powers Act (50 U.S.C. 1701 et seq.)) is amended—

17 (1) by redesignating paragraphs (7) and (8) as
 18 paragraphs (8) and (9), respectively; and

19 (2) by inserting after paragraph (6) the fol-
 20 lowing:

21 “(7) the term ‘international governmental orga-
 22 nization’ includes the United Nations and the Euro-
 23 pean Union;”.

24 (e) EFFECTIVE DATE.—The amendments made by
 25 this section take effect on the date of the enactment of

1 this Act and apply with respect to actions described in
 2 section 8(a) of the Export Administration Act of 1979 (as
 3 continued in effect pursuant to the International Emer-
 4 gency Economic Powers Act (50 U.S.C. 1701 et seq.))
 5 taken or knowingly agreed to be taken on or after such
 6 date of enactment.

7 (f) IMPLEMENTATION.—The President shall imple-
 8 ment the amendments made by this section by exercising
 9 the authorities of the President under the International
 10 Emergency Economic Powers Act (50 U.S.C. 1701 et
 11 seq.).

12 **SEC. 5. POLICY OF THE UNITED STATES RELATING TO BOY-**
 13 **COTT OF ISRAEL UNDER EXPORT-IMPORT**
 14 **BANK ACT OF 1945.**

15 Section 2(b)(1)(B) of the Export-Import Bank Act
 16 of 1945 (12 U.S.C. 635(b)(1)(B)) is amended in the sixth
 17 sentence by inserting after “child labor),” the following:
 18 “or opposing policies and actions that are politically moti-
 19 vated and are intended to penalize or otherwise limit com-
 20 mercial relations specifically with citizens or residents of
 21 Israel, entities organized under the laws of Israel, or the
 22 Government of Israel,”.

23 **SEC. 6. DEFINITIONS.**

24 (a) IN GENERAL.—In this Act:

1 (1) ACTIONS TO BOYCOTT, DIVEST FROM, OR
 2 SANCTION ISRAEL.—The term “actions to boycott,
 3 divest from, or sanction Israel” has the meaning
 4 given that term in section 102(b)(20)(B) of the Bi-
 5 partisan Congressional Trade Priorities and Ac-
 6 countability Act of 2015 (19 U.S.C.
 7 4201(b)(20)(B)).

8 (2) INTERNATIONAL GOVERNMENTAL ORGANI-
 9 ZATION.—The term “international governmental or-
 10 ganization” includes the United Nations and the Eu-
 11 ropean Union.

12 (3) POLITICALLY MOTIVATED.—The term “po-
 13 litically motivated” means actions to impede or con-
 14 strain commerce with Israel that are intended to co-
 15 erce political action from or impose policy positions
 16 on Israel.

17 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
 18 tion shall be construed to alter the established policy of
 19 the United States or to establish new United States policy
 20 concerning final status issues associated with the Arab-
 21 Israeli conflict, including border delineation, that can only
 22 be resolved through direct negotiations between the par-
 23 ties.

