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”. 
SEC. 2. FINDINGS.

Congress finds the following:

(1) The United Nations Human Rights Council (in this section referred to as the “UNHRC”) has long targeted Israel with systematic, politically motivated, assaults on its legitimacy designed to stigmatize and isolate Israel internationally.

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

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

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

(6) The recent action of the UNHRC is reminiscent of the Arab League Boycott, which also called for the establishment of a “blacklist” and promoted a primary, as well as a secondary and tertiary, boycott against Israel, targeting United States and other companies that trade or invest with or in Israel, designed to harm Israel, any business operating in, or doing business with, Israel, or companies that do business with companies operating in Israel.

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

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

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

(B) requirements that the United States utilize trade negotiations to combat state-led or international governmental organization-led actions to boycott, divest from, or sanction Israel; and

(C) reporting requirements regarding the actions of foreign countries or international organizations that establish barriers to trade or investment for United States companies in or with Israel.

SEC. 3. STATEMENT OF POLICY.

Congress—

(1) opposes the United Nations Human Rights Council resolution of March 24, 2016, which urges countries to pressure their own companies to divest from, or break contracts with, Israel, and calls for the creation of a “blacklist” of companies that either operate, or have business relations with entities that operate, beyond Israel’s 1949 Armistice lines, including East Jerusalem;
(2) views such policies as actions to boycott, divest from, or sanction Israel; and

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

SEC. 4. ADDITIONAL PROHIBITIONS RELATING TO FOREIGN BOYCOTTS UNDER EXPORT ADMINISTRATION ACT OF 1979.

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

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

“(A) to oppose—

“(i) restrictive trade practices or boycotts fostered or imposed by foreign countries, or requests to impose restrictive
trade practices or boycotts by foreign countries, against other countries friendly to the United States or against any United States person; and

“(ii) 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;”;

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

“(i) restrictive trade practices or boycotts fostered or imposed by any foreign country, or requests to impose restrictive trade practices or boycotts by any foreign country, against a country friendly to the United States or against any United States person; and

“(ii) 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; and”.

(b) FOREIGN BOYCOTTS.—Section 8 of the Export Administration Act of 1979 (50 U.S.C. 4607) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “, or request to impose any boycott by a foreign country,” after “a foreign country”; (ii) by inserting “, or support any boycott fostered or imposed by any international governmental organization against Israel or request to impose any boycott by any international governmental organization against Israel” after “pursuant to United States law or regulation”; (B) in subparagraph (A), by inserting “or international governmental organization (as the
case may be)” after “of the boycotting coun-
try”; and

(C) in subparagraph (D)—

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

(ii) by inserting “or with the inter-
national 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 prac-
tices or boycotts fostered or imposed by any
international governmental organization against
Israel or requests to impose restrictive trade
practices or boycotts by any international gov-
ernmental 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-

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

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

(2) by adding at the end the following:

“(j) VIOLATIONS OF SECTION 8(a).—Whoever knowingly violates or conspires to or attempts to violate any provision of section 8(a) or any regulation, order, or license issued thereunder shall be fined in accordance with section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).”.

(d) DEFINITION OF INTERNATIONAL GOVERNMENTAL ORGANIZATION.—Section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) is amended—

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

(2) by inserting after paragraph (6) the following:

“(7) the term ‘international governmental organization’ includes the United Nations and the European Union;”.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of
this Act and apply with respect to actions described in section 8(a) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) taken or knowingly agreed to be taken on or after such date of enactment.

(f) IMPLEMENTATION.—The President shall implement the amendments made by this section by exercising the authorities of the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 5. POLICY OF THE UNITED STATES RELATING TO BOYCOTT OF ISRAEL UNDER EXPORT-IMPORT BANK ACT OF 1945.

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

SEC. 6. DEFINITIONS.

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

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

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

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