

114TH CONGRESS
1ST SESSION

H. R. 1572

To require certifications by prospective contractors with the United States Government that they are not boycotting persons, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2015

Mr. LAMBORN (for himself and Mr. DESANTIS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require certifications by prospective contractors with the United States Government that they are not boycotting persons, 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 “Boycott Our Enemies
5 not Israel Act”.

1 **SEC. 2. CERTIFICATIONS BY PROSPECTIVE CONTRACTORS**
2 **REGARDING BOYCOTTING ACTIVITIES.**

3 (a) DECLARATION OF POLICY.—Section 3(5)(A) of
4 the Export Administration Act of 1979 (50 U.S.C.
5 2402(5)(A)), as in effect pursuant to the International
6 Emergency Economic Powers Act (50 U.S.C. 1701 et
7 seq.), is amended to read as follows:

8 “(A) to oppose restrictive trade practices
9 or boycotts against other countries friendly to
10 the United States or against any United States
11 person;”.

12 (b) MODIFICATION OF THE FAR.—

13 (1) CERTIFICATION.—Not later than the 90th
14 day after the date of the enactment of this Act, the
15 Federal Acquisition Regulation shall be revised to
16 require a certification from each person that is a
17 prospective contractor that the person, and any per-
18 son owned or controlled by the person, is not a boy-
19 cotting person.

20 (2) WAIVER.—The President may on a case-by-
21 case basis waive the requirement that a person make
22 a certification under paragraph (1) if the President
23 determines and certifies in writing to the Committee
24 on Foreign Affairs of the House of Representatives
25 and the Committee on Banking, Housing, and
26 Urban Affairs of the Senate that it is essential to

1 the national security interests of the United States
2 to do so.

3 (c) FALSE CERTIFICATIONS.—

4 (1) PENALTIES.—If the head of an executive
5 agency determines that a person has submitted a
6 false certification under subsection (b) on or after
7 the date on which the revision of the Federal Acqui-
8 sition Regulation required by subsection (b) becomes
9 effective, the head of that executive agency shall ter-
10minate any contract with such person and debar and
11suspend such person from eligibility for Federal con-
12tracts for a period of not less than 2 years. Any
13such debarment and suspension shall be subject to
14the procedures that apply to debarment and suspen-
15sion under the Federal Acquisition Regulation under
16subpart 9.4 of part 9 of title 48, Code of Federal
17Regulations.

18 (2) INCLUSION ON LIST OF DEBARRED CON-
19TRACTORS.—The Administrator of General Services
20shall include on the listing of contractors debarred,
21suspended, or proposed for debarment that is main-
22tained by the Administrator under subpart 9.4 of
23the Federal Acquisition Regulation each person that
24is debarred, suspended, or proposed for debarment
25or suspension by the head of an executive agency on

1 the basis of a determination of a false certification
2 under paragraph (1).

3 (d) DEFINITIONS.—In this section:

4 (1) BOYCOTTING PERSON.—

5 (A) IN GENERAL.—The term “boycotting
6 person” means a person who takes or know-
7 ingly agrees to take any of the actions described
8 in subparagraph (B) with the intent to comply
9 with, further, or support any boycott against
10 the State of Israel.

11 (B) ACTIONS DESCRIBED.—The actions re-
12 ferred to in subparagraph (A) are refusing, or
13 requiring any other person to refuse, to do busi-
14 ness with or in the State of Israel, with any na-
15 tional or resident of the State of Israel, or a
16 business concern organized under the laws of
17 the State of Israel.

18 (2) EXECUTIVE AGENCY.—The term “executive
19 agency” has the meaning given that term in section
20 133 of title 41, United States Code.

21 (e) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), this section and the amendment made by
24 this section shall take effect upon the expiration of

1 the 90-day period beginning on the date of the en-
2 actment of this Act.

3 (2) REVISION OF FAR.—Subsection (b)(1) shall
4 take effect on the date of the enactment of this Act.

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