

115TH CONGRESS
1ST SESSION

H. R. 1697

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 HOUSE OF REPRESENTATIVES

MARCH 23, 2017

Mr. ROSKAM (for himself, Mr. VARGAS, Mr. ZELDIN, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Israel Anti-Boycott
3 Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

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

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

21 (4) At its 32nd session in March 2017, the
22 UNHRC is considering a resolution pursuant to
23 agenda item 7 to withhold assistance from and pre-
24 vent trade with “territories occupied since 1967”, in-
25 cluding East Jerusalem, the West Bank, and the
26 Golan Heights, stating that businesses that engage

1 in economic activity in those areas could face could
2 face civil or criminal legal action.

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

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

23 (7) Congress recently passed anti-boycott, di-
24 vestment, and sanctions measures in the Bipartisan
25 Congressional Trade Priorities and Accountability

1 Act of 2015 (19 U.S.C. 4201 et seq.) and section
2 909 of the Trade Facilitation and Trade Enforce-
3 ment Act of 2015 (19 U.S.C. 4452), which establish,
4 among other things—

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

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

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

18 **SEC. 3. STATEMENT OF POLICY.**

19 Congress—

20 (1) opposes the United Nations Human Rights
21 Council resolution of March 24, 2016, which urges
22 countries to pressure their own companies to divest
23 from, or break contracts with, Israel, and calls for
24 the creation of a “blacklist” of companies that either
25 operate, or have business relations with entities that

1 operate, beyond Israel’s 1949 Armistice lines, includ-
2 ing East Jerusalem;

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

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

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

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

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

24 “(A) to oppose—

1 “(i) restrictive trade practices or boy-
2 cotts fostered or imposed by foreign coun-
3 tries, or requests to impose restrictive
4 trade practices or boycotts by foreign coun-
5 tries, against other countries friendly to
6 the United States or against any United
7 States person; and

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

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

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

1 “(ii) restrictive trade practices or boy-
2 cotts fostered or imposed by any inter-
3 national governmental organization against
4 Israel or requests to impose restrictive
5 trade practices or boycotts by any inter-
6 national governmental organization against
7 Israel; and”.

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

13 (1) in subsection (a)(1)—

14 (A) in the matter preceding subparagraph

15 (A)—

16 (i) by inserting “, or request to im-
17 pose any boycott by a foreign country,”
18 after “a foreign country”;

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

1 (B) in subparagraph (A), by inserting “or
2 international governmental organization (as the
3 case may be)” after “of the boycotting coun-
4 try”; and

5 (C) in subparagraph (D)—

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

9 (ii) by inserting “or with the inter-
10 national governmental organization (as the
11 case may be)” after “in the boycotting
12 country”; and

13 (2) in subsection (c)—

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

17 (B) by inserting “or restrictive trade prac-
18 tices or boycotts fostered or imposed by any
19 international governmental organization against
20 Israel or requests to impose restrictive trade
21 practices or boycotts by any international gov-
22 ernmental organization against Israel” before
23 the period at the end.

24 (c) VIOLATIONS OF SECTION 8(a).—Section 11 of the
25 Export Administration Act of 1979 (50 U.S.C. 4610) (as

1 continued in effect pursuant to the International Emer-
2 gency Economic Powers Act (50 U.S.C. 1701 et seq.) is
3 amended—

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 6. DEFINITIONS.**

2 (a) IN GENERAL.—In this Act:

3 (1) ACTIONS TO BOYCOTT, DIVEST FROM, OR
4 SANCTION ISRAEL.—The term “actions to boycott,
5 divest from, or sanction Israel” has the meaning
6 given that term in section 102(b)(20)(B) of the Bi-
7 partisan Congressional Trade Priorities and Ac-
8 countability Act of 2015 (19 U.S.C.
9 4201(b)(20)(B)).

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

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

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

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