

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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

---

**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 could  
25 face civil or 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, government-  
8           wide, coordinated United States-Israel scientific and  
9           technological cooperation in civilian areas such as  
10          with respect to energy, water, agriculture, alter-  
11          native fuel technology, civilian space technology, and  
12          security.

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

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

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

23                   “(A) to oppose—

24                           “(i) restrictive trade practices or boy-  
25                           cotts fostered or imposed by foreign coun-



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

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

11 (1) in subsection (a)(1)—

12 (A) in the matter preceding subparagraph

13 (A)—

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

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

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

1 case may be)” after “of the boycotting coun-  
2 try”; and

3 (C) in subparagraph (D)—

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

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

11 (2) in subsection (c)—

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

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

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