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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R.

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

Mr. ROSKAM (for himself and Mr. VARGAS) introduced the following bill;
which was 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Israel
3 Against Economic Discrimination Act of 2016”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The United Nations Human Rights Council
7 (UNHRC) has long targeted Israel with systematic,
8 politically motivated, assaults on its legitimacy de-
9 signed to stigmatize and isolate Israel internation-
10 ally.

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) For a half century, Congress has combatted
22 anti-Israel boycotts and other discriminatory activity
23 under the Export Administration Act of 1979 (as
24 continued in effect under the International Emer-
25 gency Economic Powers Act), under the Ribicoff
26 Amendment to the Tax Reform Act, in free trade

1 agreements with Bahrain and Oman, and in Saudi
2 Arabia's accession negotiations to the World Trade
3 Organization.

4 (5) The recent action of the UNHRC is remi-
5 niscent of the Arab League Boycott which also
6 called for the establishment of a "blacklist" and pro-
7 moted a primary, as well as a secondary and ter-
8 tiary, boycott against Israel, targeting United States
9 and other companies that trade or invest with or in
10 Israel, designed to harm Israel, any business oper-
11 ating in, or doing business, with Israel, or companies
12 that do business with companies operating in Israel.

13 (6) Congress recently passed anti-boycott, di-
14 vestment, and sanctions measures in the Bipartisan
15 Congressional Trade Priorities and Accountability
16 Act of 2015 (title I of Public Law 114-26; 19
17 U.S.C. 4201 et seq.) and the Trade Facilitation and
18 Trade Enforcement Act of 2015 (Public Law 114-
19 125), which establish, among other things—

20 (A) the United States' opposition to boy-
21 cott, divestment, and sanctions activity tar-
22 geting Israel;

23 (B) requirements that the United States
24 utilize trade negotiations to combat state-led or
25 international governmental organization-led

1 boycott, divestment, and sanctions activity tar-
2 geting Israel; and

3 (C) reporting requirements regarding the
4 actions of foreign countries or international or-
5 ganizations that establish barriers to trade or
6 investment for United States companies in or
7 with Israel.

8 **SEC. 3. STATEMENT OF POLICY.**

9 Congress opposes the United Nations Human Right
10 Council resolution of March 24, 2016, which urges coun-
11 tries to pressure their own companies to divest from, or
12 break contracts with, Israel, and calls for the creation of
13 a “blacklist” of companies that either operate, or have
14 business relations with entities that operate, beyond
15 Israel’s 1949 Armistice lines, including East Jerusalem,
16 and views such policies as a boycott of, divestment from,
17 and sanctions against Israel.

18 **SEC. 4. ADDITIONAL PROHIBITIONS RELATING TO FOR-**
19 **EIGN BOYCOTTS UNDER EXPORT ADMINIS-**
20 **TRATION ACT OF 1979.**

21 (a) DECLARATION OF POLICY.—Section 3(5) of the
22 Export Administration Act of 1979 (50 U.S.C. 4602(5))
23 (as continued in effect under the International Emergency
24 Economic Powers Act) is amended—

25 (1) in subparagraph (A) to read as follows:

1 “(A) to oppose—

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

9 “(ii) restrictive trade practices or boy-
10 cotts fostered or imposed by any inter-
11 national governmental organization, or re-
12 quests to impose restrictive trade practices
13 or boycotts by any international govern-
14 mental organization, against 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) the restrictive trade practices or
20 boycotts fostered or imposed by any for-
21 eign country, or requests to impose restric-
22 tive trade practices or boycotts by any for-
23 eign country, against a country friendly to
24 the 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, or re-
4 quests to impose restrictive trade practices
5 or boycotts by any international govern-
6 mental organization, against Israel; and”.

7 (b) FOREIGN BOYCOTTS.—Section 8 of the Export
8 Administration Act of 1979 (50 U.S.C. 4607) (as contin-
9 ued in effect under the International Emergency Eco-
10 nomic Powers Act) is amended—

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, or re-
20 quest to impose any boycott by any inter-
21 national governmental organization,
22 against Israel” after “pursuant to United
23 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, or re-
18 quests to impose restrictive trade practices or
19 boycotts by any international governmental or-
20 ganization, against Israel” before the period at
21 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 under the International Emergency
25 Economic Powers Act) is amended—

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

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

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

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section take effect on the date of the enactment of
12 this Act and apply with respect to actions described in
13 section 8(a) of the Export Administration Act of 1979 (as
14 continued in effect under the International Emergency
15 Economic Powers Act) taken or knowingly agreed to be
16 taken on or after such date of enactment.

17 **SEC. 5. POLICY OF THE UNITED STATES RELATING TO BOY-**
18 **COTT OF ISRAEL UNDER EXPORT-IMPORT**
19 **BANK ACT OF 1945.**

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

1 Israel, entities organized under the laws of Israel, or the
2 Government of Israel.”.

3 **SEC. 6. RULE OF CONSTRUCTION.**

4 This Act and the amendments made by this Act are
5 intended to address and counter only acts of boycotts, di-
6 vestment, and sanctions against Israel. Nothing in this
7 Act or any amendment made by this Act shall be con-
8 strued to alter the established policy of the United States
9 concerning final status issues associated with the Arab-
10 Israel conflict, including border delineation that can only
11 be resolved through direct negotiations between the par-
12 ties.

13 **SEC. 7. DEFINITIONS.**

14 In this Act:

15 (1) **BOYCOTT OF, DIVESTMENT FROM, AND**
16 **SANCTIONS AGAINST ISRAEL.**—The term “boycott of,
17 divestment from, and sanctions against Israel”
18 means actions by states, nonmember states of the
19 United Nations, international governmental organi-
20 zations, or affiliated agencies of international gov-
21 ernmental organizations that are politically moti-
22 vated and are intended to penalize or otherwise limit
23 commercial relations specifically with Israel or per-
24 sons doing business in Israel or in Israeli-controlled
25 territories.

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