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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To impose additional prohibitions relating to foreign boycotts under Export Control Reform Act of 2018, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. ZELDIN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To impose additional prohibitions relating to foreign boycotts under Export Control Reform Act of 2018, 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 title may be cited as the “Israel Anti-Boycott  
5 Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1           (1) the Government of the United States should  
2           use its voice, vote, and influence with and in inter-  
3           national governmental organizations to actively op-  
4           pose politically motivated actions to boycott, divest  
5           from, or sanction Israel;

6           (2) the Government of the United States com-  
7           bats anti-Israel boycotts and other discriminatory  
8           activity under the Export Control Reform Act of  
9           2018 (subtitle B of title XVII of Public Law 115–  
10          232), under part VI of title X of the Tax Reform  
11          Act of 1976 (Public Law 94–455; 90 Stat. 1649)  
12          (commonly referred to as the “Ribicoff Amend-  
13          ment”), through trade promotion authorities, in free  
14          trade agreements, and in accession negotiations to  
15          the World Trade Organization; however, due to the  
16          increased anti-Israel economic activity in inter-  
17          national governmental organizations, it is necessary  
18          to update Federal authorities to combat anti-Israel  
19          boycotts and other discriminatory activity in such  
20          fora, including the United Nations Human Rights  
21          Council;

22          (3) actions to boycott, divest from, or sanction  
23          Israel represent a concerted effort to extract conces-  
24          sions from Israel outside of direct negotiations be-  
25          tween the Israelis and Palestinians; and



1 countries or international governmental organiza-  
2 tions, against other countries friendly to the United  
3 States or against any United States person;” and

4 (2) in paragraph (2), by inserting “or inter-  
5 national governmental organization” after “any for-  
6 eign country”.

7 (b) FOREIGN BOYCOTTS.—Section 1773 of the Ex-  
8 port Control Reform Act of 2018 (50 U.S.C. 4842) is  
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) in the matter preceding subpara-  
13 graph (A)—

14 (I) by striking “United States  
15 person” and inserting “covered per-  
16 son”; and

17 (II) by inserting after “foreign  
18 country” the following: “or an inter-  
19 national governmental organization,  
20 or efforts by a foreign country or  
21 international governmental organiza-  
22 tion to collect information that have  
23 the effect of furthering or supporting  
24 restrictive trade practices or boycotts  
25 fostered or imposed by a foreign coun-

1                   try or international governmental or-  
2                   ganization,”;

3                   (ii) in subparagraph (A), by inserting  
4                   “or international governmental organiza-  
5                   tion (as the case may be)” after “of the  
6                   boycotting country”;

7                   (iii) in subparagraph (D)—

8                   (I) by inserting “(i)” after  
9                   “(D)”;

10                  (II) by inserting “or with the  
11                  international governmental organiza-  
12                  tion (as the case may be)” after “in  
13                  the boycotting country”; and

14                  (III) by striking the last sentence  
15                  and inserting the following:

16                  “(ii) Furnishing information to a foreign  
17                  country or international governmental organiza-  
18                  tion in response to efforts by a foreign country  
19                  or international governmental organization to  
20                  collect information that have the effect of fur-  
21                  thering or supporting a restrictive trade prac-  
22                  tice or boycott fostered or imposed by a foreign  
23                  country or international governmental organiza-  
24                  tion. Such information includes information  
25                  about whether any person has, has had, or pro-

1           poses to have any business relationship (includ-  
2           ing a relationship by way of sale, purchase,  
3           legal or commercial representation, shipping or  
4           other transport, insurance, investment, or sup-  
5           ply)—

6                       “(I) with or in the country to which  
7                       the restrictive trade practice or boycott ap-  
8                       plies;

9                       “(II) with any business concern orga-  
10                      nized under the laws of that country;

11                     “(III) with any national or resident of  
12                     that country; or

13                     “(IV) with any other person which is  
14                     known or believed to be restricted from  
15                     having any business relationship with or in  
16                     a foreign country, or with an international  
17                     governmental organization, that fosters or  
18                     imposes the restrictive trade practice or  
19                     boycott.

20                     “(iii) Nothing in this paragraph shall pro-  
21                     hibit the furnishing of normal business informa-  
22                     tion in a commercial context as defined by the  
23                     Secretary.”; and

1 (iv) in subparagraph (F), by striking  
2 “United States person” and inserting  
3 “covered person”; and

4 (B) in paragraph (2)(F), by striking  
5 “United States person” and inserting “covered  
6 person”; and

7 (C) in paragraph (5), by striking “United  
8 States person” and inserting “covered person”;  
9 (2) in subsection (c), by inserting “or inter-  
10 national governmental organizations against other  
11 countries, or regarding efforts by foreign countries  
12 or international governmental organizations to col-  
13 lect information that have the effect of furthering or  
14 supporting restrictive trade practices or boycotts fos-  
15 tered or imposed by foreign countries or inter-  
16 national governmental organizations” after “foreign  
17 countries”; and

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

19 “(d) COVERED PERSON DEFINED.—

20 “(1) IN GENERAL.—In this section, the term  
21 ‘covered person’ means—

22 “(A) any domestic concern (including any  
23 permanent domestic establishment of any for-  
24 eign concern);

1           “(B) any foreign subsidiary or affiliate (in-  
2           cluding any permanent foreign establishment)  
3           of any domestic concern which is controlled in  
4           fact by such domestic concern, as determined  
5           under regulations of the President;

6           “(C) the government of the United States  
7           or any State, territory, or possession of the  
8           United States, or any subdivision, department,  
9           agency, or commission of any such government;  
10          or

11          “(D) an individual who is—

12                 “(i) a United States resident or na-  
13                 tional (other than such an individual resid-  
14                 ing outside the United States and em-  
15                 ployed by other than a United States per-  
16                 son);

17                 “(ii) an owner, officer, director, em-  
18                 ployee, or agent of a domestic concern de-  
19                 scribed in subparagraph (A) or a foreign  
20                 subsidiary or affiliate described in subpara-  
21                 graph (B) or an officer, director, employee,  
22                 or agent of an entity described in subpara-  
23                 graph (C); and

1                   “(iii) acting in the individual’s official  
2                   capacity as such an owner, officer, direc-  
3                   tor, employee, or agent.

4                   “(2) DOMESTIC CONCERN.—For purposes of  
5                   paragraph (1), the term ‘domestic concern’ does not  
6                   include an individual.”.

7                   “(c) VIOLATIONS OF SECTION 1773(a).—Section 1774  
8 of the Export Control Reform Act of 2018 (50 U.S.C.  
9 4843) is amended—

10                   (1) in subsection (a), by striking “A person”  
11                   and inserting “Except as provided in subsection (e),  
12                   a person”; and

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

14                   “(e) CERTAIN VIOLATIONS OF SECTION 1773(a).—

15                   “(1) IN GENERAL.—Whoever knowingly violates  
16                   or conspires to or attempts to violate a regulation  
17                   issued under section 1773(a) prohibiting an action  
18                   described in paragraph (2) shall be subject to only  
19                   a monetary penalty under subsection (a) or (b).

20                   “(2) ACTIONS DESCRIBED.—An action de-  
21                   scribed in this paragraph is any action described in  
22                   subparagraphs (A) through (F) of section  
23                   1773(a)(1) taken by a covered person (as defined in  
24                   section 1773(d)), or knowingly agreed to be taken by  
25                   such a person, with respect to the person’s activities

1 in the interstate or foreign commerce of the United  
2 States, with the intent to comply with, further, or  
3 support—

4 “(A) any boycott fostered or imposed by an  
5 international governmental organization against  
6 a country which is friendly to the United States  
7 and which is not itself the object of any form  
8 of boycott pursuant to United States law or  
9 regulation; or

10 “(B) efforts by a foreign country or inter-  
11 national governmental organization to collect  
12 information that have the effect of furthering or  
13 supporting restrictive trade practices or boy-  
14 cotts fostered or imposed by a foreign country  
15 or international governmental organization  
16 against a country described in subparagraph  
17 (A).”.

18 (d) DEFINITIONS.—Part II of the Export Control Re-  
19 form Act of 2018 is amended by adding at the end the  
20 following:

21 **“SEC. 1775. DEFINITIONS.**

22 “In this part:

23 “(1) INTERNATIONAL GOVERNMENTAL ORGANI-  
24 ZATION.—The term ‘international governmental or-  
25 ganization’ includes—

1           “(A) the United Nations, including organi-  
2           zations within the United Nations such as the  
3           United Nations Human Rights Council; and

4           “(B) the European Union.

5           “(2) EFFORTS BY A FOREIGN COUNTRY OR  
6           INTERNATIONAL GOVERNMENTAL ORGANIZATION,  
7           ETC.—The term ‘efforts by a foreign country or  
8           international governmental organization to collect in-  
9           formation that have the effect of furthering or sup-  
10          porting a restrictive trade practice or boycott fos-  
11          tered or imposed by a foreign country or inter-  
12          national governmental organization’ includes efforts  
13          by the United Nations Human Rights Council to col-  
14          lect information for the establishment of a database  
15          of entities that operate, or have business relations  
16          with entities that operate, beyond Israel’s 1949 Ar-  
17          mistice lines, including East Jerusalem.”.

18          (e) EFFECTIVE DATE.—The amendments made by  
19          this section shall take effect on the date of the enactment  
20          of this Act and apply with respect to actions described  
21          in section 1773(a) of the Export Control Reform Act of  
22          2018 (50 U.S.C. 4842(a)) taken or knowingly agreed to  
23          be taken on or after such date of enactment.

1 **SEC. 4. RULES OF CONSTRUCTION.**

2 (a) NOTHING DIMINISHING FIRST AMENDMENT.—  
3 Nothing in this Act or an amendment made by this Act  
4 shall be construed to diminish or infringe upon any right  
5 protected under the first amendment to the Constitution.

6 (b) NONCOMMERCIAL SPEECH OR OTHER EXPRES-  
7 SIVE ACTIVITY.—Consistent with current enforcement  
8 practices of the Department of Commerce, nothing in this  
9 Act or an amendment made by this Act shall be construed  
10 to permit a person’s noncommercial speech or other non-  
11 commercial expressive activity to be used—

12 (1) as evidence to prove a violation of section  
13 1773(a) of the Export Control Reform Act of 2018  
14 (50 U.S.C. 4842(a)), as amended by section 3(b),  
15 including as evidence to prove intent to violate such  
16 section 1773(a); or

17 (2) as support for initiating an investigation  
18 into whether such a violation has occurred.