

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1697
OFFERED BY MR. ROYCE OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. SENSE OF CONGRESS.

5 It is the sense of Congress that—

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

11 (2) the Government of the United States com-
12 bats anti-Israel boycotts and other discriminatory
13 activity under the Export Administration Act of
14 1979 (as continued in effect pursuant to the Inter-
15 national Emergency Economic Powers Act (50
16 U.S.C. 1701 et seq.)), under part VI of title X of
17 the Tax Reform Act of 1976 (Public Law 94–455;
18 90 Stat. 1649) (commonly referred to as the

1 “Ribicoff Amendment”), through trade promotion
2 authorities, in free trade agreements, and in acces-
3 sion negotiations to the World Trade Organization;
4 however, due to the increased anti-Israel economic
5 activity in international governmental organizations,
6 it is necessary to update Federal authorities to com-
7 bat anti-Israel boycotts and other discriminatory ac-
8 tivity in such fora, including the United Nations
9 Human Rights Council;

10 (3) actions to boycott, divest from, or sanction
11 Israel represent a concerted effort to extract conces-
12 sions from Israel outside of direct negotiations be-
13 tween the Israelis and Palestinians; and

14 (4) the United States-Israel Strategic Partner-
15 ship Act of 2014 (Public Law 113–296; 128 Stat.
16 4075) should be fully implemented through en-
17 hanced, government-wide, coordinated United
18 States-Israel scientific and technological cooperation
19 in civilian areas, such as with respect to energy,
20 water, agriculture, alternative fuel technology, civil-
21 ian space technology, and security in order to
22 counter the effects of actions to boycott, divest from,
23 or sanction Israel.

1 **SEC. 3. STATEMENT OF POLICY.**

2 Congress declares it is the policy of the United
3 States—

4 (1) to oppose restrictive trade practices or boy-
5 cotts fostered or imposed by any international gov-
6 ernmental organization against other countries
7 friendly to the United States or against any United
8 States person, such as the United Nations Human
9 Rights Council resolution adopted on March 24,
10 2016 (or similar successor resolutions), based on a
11 2013 United Nations Human Rights Council report,
12 which urges companies not to operate beyond
13 Israel's 1949 Armistice lines, including East Jeru-
14 salem, and calls for the creation of a database of
15 companies that have “enabled, facilitated, and prof-
16 ited from the construction and growth of the settle-
17 ments” beyond Israel's 1949 Armistice lines, includ-
18 ing East Jerusalem, and related actions; and

19 (2) to encourage and, in specified cases, require
20 United States persons engaged in the export of
21 goods or technology or other information to refuse to
22 take actions, including furnishing information or en-
23 tering into or implementing agreements, which have
24 the effect of furthering or supporting a restrictive
25 trade practice or boycott fostered or imposed by any
26 international governmental organization against a

1 country which is friendly to the United States or
2 against any United States person.

3 **SEC. 4. ISSUANCE OF REGULATIONS RELATING TO RE-**
4 **STRICTIVE TRADE PRACTICES AND BOY-**
5 **COTTS FOSTERED OR IMPOSED BY INTER-**
6 **NATIONAL GOVERNMENTAL ORGANIZATIONS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the President shall issue
9 regulations to amend part 760 of title 15, Code of Federal
10 Regulations, relating to restrictive trade practices or boy-
11 cotts, to prohibit a United States person, with respect to
12 such person's activities in the interstate or foreign com-
13 merce of the United States, from taking or knowingly
14 agreeing to take actions, including furnishing information
15 or entering into or implementing agreements, with intent
16 to comply with, further, or support a restrictive trade
17 practice or boycott fostered or imposed by any inter-
18 national governmental organization against a country
19 which is friendly to the United States and which is not
20 itself the object of any form of boycott pursuant to United
21 States law or regulation.

22 (b) APPLICATION TO INDIVIDUALS WHO ARE OWN-
23 ERS, OFFICERS, DIRECTORS, EMPLOYEES OR AGENTS OF
24 UNITED STATES PERSONS.—Consistent with enforcement
25 practices under section 8 of the Export Administration

1 Act of 1979 (50 U.S.C. 4607) (as continued in effect pur-
2 suant to the International Emergency Economic Powers
3 Act (50 U.S.C. 1701 et seq.) as in effect on the date of
4 the enactment of this Act, in the case of an individual
5 who is an owner, officer, director, employee or agent of
6 a United States person, the regulations issued under sub-
7 section (a) shall apply only with respect to the individual's
8 activities undertaken in the individual's capacity as the
9 owner, officer, director, employee or agent of the United
10 States person.

11 (c) RULE OF CONSTRUCTION.—Consistent with en-
12 forcement practices under section 8 of the Export Admin-
13 istration Act of 1979 (50 U.S.C. 4607) (as continued in
14 effect pursuant to the International Emergency Economic
15 Powers Act (50 U.S.C. 1701 et seq.) as in effect on the
16 date of the enactment of this Act, nothing in this section
17 or any regulation issued under subsection (a) shall be con-
18 strued to permit a United States person's noncommercial
19 speech or other noncommercial expressive activity to be
20 used—

21 (1) as evidence to prove a violation of this sec-
22 tion or any regulation issued under this section; or

23 (2) as the basis for initiating an investigation
24 into whether such a violation has occurred.

1 **SEC. 5. REPORT ON ACTIONS WITH RESPECT TO UNITED**
2 **NATIONS HUMAN RIGHTS COUNCIL RESOLU-**
3 **TION A/HRC/31/L.39.**

4 Not later than 120 days after the date of the enact-
5 ment of this Act, the President shall submit to the appro-
6 priate congressional committees a report that contains—

7 (1) a description of actions that the United Na-
8 tions Office of the High Commissioner for Human
9 Rights has taken regarding the United Nations
10 Human Rights Council Resolution A/HRC/31/L.39
11 adopted on March 24, 2016, with respect to Israel;

12 (2) an accounting of the financial costs to the
13 United States of the actions described in paragraph
14 (1); and

15 (3) a detailed summary of United States diplo-
16 matic initiatives taken to oppose and influence the
17 implementation of United Nations Human Rights
18 Council Resolution A/HRC/31/L.39.

19 **SEC. 6. DEFINITIONS.**

20 In this Act:

21 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
22 **TEES.**—The term “appropriate congressional com-
23 mittees” means—

24 (A) the Committee on Foreign Affairs of
25 the House of Representatives; and

1 (B) the Committee on Banking, Housing,
2 and Urban Affairs and the Committee on For-
3 eign Relations of the Senate.

4 (2) INTERNATIONAL GOVERNMENTAL ORGANI-
5 ZATION.—The term “international governmental or-
6 ganization” includes the United Nations and the Eu-
7 ropean Union.

Amend the title so as to read: “A bill to direct the President to issue regulations to include in the prohibitions on boycotts against countries friendly to the United States restrictive trade practices or boycotts fostered by international governmental organizations, and for other purposes.”.

