

115TH CONGRESS  
2D SESSION

# H. R. 6095

To prohibit the boycotting of countries friendly to the United States, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2018

Mr. DESANTIS (for himself and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Education and the Workforce, 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

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## A BILL

To prohibit the boycotting of countries friendly to the United States, 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 “Export Administration  
5 Anti-Discrimination Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The ability of United States citizens to en-  
2           gage in international commerce is a fundamental  
3           concern of United States policy.

4           (2) It is important to the national interests of  
5           the United States that both the private sector and  
6           the Federal Government place a high priority on en-  
7           couraging international trade, consistent with the  
8           economic, security, and foreign policy objectives of  
9           the United States.

10          (3) It is in the best interest of the United  
11          States to protect countries friendly to the United  
12          States and United States persons residing, oper-  
13          ating, or doing business in such countries from re-  
14          strictive trade practices or boycotts.

15          (4) Boycotts against friendly countries and  
16          their citizens, or against United States companies  
17          doing business with such countries or citizens, do  
18          not make for effective business decisionmaking, pre-  
19          vent a business from making the best use of the re-  
20          sources available to it, and should further be op-  
21          posed as discriminatory.

22          (5) More than \$45,000,000,000 in goods and  
23          services is traded between Israel and the United  
24          States annually, in addition to roughly

1       \$10,000,000,000 per year in United States foreign  
2       direct investment in Israel.

3           (6) Fellow democratic countries, such as Israel  
4       and other allied countries, are vital partners in the  
5       global pursuit of civil and human rights, including  
6       the protection of free speech.

7           (7) The enactment of legislative prohibitions  
8       against discrimination in the commercial context or  
9       by federally funded programs, including academic in-  
10      stitutions, is consistent with the United States Con-  
11      stitution.

12          (8) Attempts to single out Israel and its citi-  
13      zens, or other allied countries and their citizens, for  
14      discriminatory boycotts violate fundamental prin-  
15      ciples of academic freedom.

16 **SEC. 3. STATEMENT OF POLICY.**

17       It shall be the policy of the United States—

18           (1) to oppose restrictive trade practices or boy-  
19      cotts against other countries friendly to the United  
20      States or against any United States person; and

21           (2) to require United States persons engaged in  
22      business anywhere to refuse to take actions, includ-  
23      ing furnishing information or supporting restrictive  
24      trade practices or boycotts, against a country friend-

1 ly to the United States or against any United States  
2 person.

3 **SEC. 4. PROHIBITION ON BOYCOTTING FRIENDLY COUN-**  
4 **TRIES.**

5 (a) PROHIBITIONS.—

6 (1) IN GENERAL.—No United States person,  
7 with respect to the activities of such person in the  
8 interstate or foreign commerce of the United States,  
9 may knowingly take or agree to take any of the fol-  
10 lowing actions in a manner that complies with, fur-  
11 thers, or supports any boycott against a boycotted  
12 country, other than a country with respect to which  
13 the United States has imposed sanctions:

14 (A) Refusing, or requiring any other per-  
15 son to refuse, to do business with or in the boy-  
16 cotted country, with any business concern orga-  
17 nized under the laws of the boycotted country,  
18 with any national or resident of the boycotted  
19 country, or with any other person, pursuant to  
20 an agreement with, a requirement of, or a re-  
21 quest from or on behalf of, a boycotting entity.

22 (B) Refusing or requiring any other person  
23 to refuse to employ, or otherwise discriminating  
24 against, any person on the basis of national ori-

1           gin of that person or of any owner, officer, di-  
2           rector, or employee of such person.

3           (C) Furnishing information with respect to  
4           the national origin of any person or of any  
5           owner, officer, director, or employee of such  
6           person in a manner that enables a boycotting  
7           entity to conduct a commercial boycott.

8           (D) Furnishing information about whether  
9           any person has, had, or proposes to have any  
10          business relationship (including a relationship  
11          by way of sale, purchase, legal or commercial  
12          representation, shipping or other transport, in-  
13          surance, investment, or supply) with or in the  
14          boycotted country, with any business concern  
15          organized under the laws of the boycotted coun-  
16          try, or with any national or resident of the boy-  
17          cotted country.

18          (E) Furnishing information about whether  
19          any person is a member of, has made contribu-  
20          tion to, or is otherwise associated with or in-  
21          volved in the activities of any charitable or fra-  
22          ternal organization which supports the boy-  
23          cotted country.

24          (F) Establishing and acting on a formal or  
25          official policy of refusing to deal, in any man-

1           ner, with an academic institution or scholar on  
2           the basis of the connection of such institution  
3           or scholar with the boycotted country.

4           (G) Paying, honoring, confirming, or oth-  
5           erwise implementing a letter of credit which  
6           contains any condition or requirement compli-  
7           ance with which requires furnishing information  
8           or otherwise acting in any manner described in  
9           subparagraphs (A) through (F).

10          (2) RULE OF CONSTRUCTION WITH RESPECT TO  
11          ANTITRUST AND CIVIL RIGHTS LAWS.—Nothing in  
12          this section may be construed to supersede or limit  
13          the operation of the antitrust or civil rights laws of  
14          the United States, or to limit the rights guaranteed  
15          to any person by the First Amendment to the  
16          United States Constitution with respect to the free-  
17          doms of speech and expression.

18          (b) PREEMPTION.—The provisions of this section and  
19          any regulations issued pursuant to this section shall pre-  
20          empt any law, rule, or regulation of any of the several  
21          States or the District of Columbia, or any of the territories  
22          or possessions of the United States, or of any govern-  
23          mental subdivision thereof, to the extent that such law,  
24          rule, or regulation pertains to participation in, compliance  
25          with, implementation of, or the furnishing of information

1 regarding restrictive trade practices or boycotts fostered  
2 or imposed by foreign countries against other countries  
3 or called for by a boycotting entity.

4 **SEC. 5. PENALTIES.**

5 (a) INTENTIONAL VIOLATIONS.—

6 (1) IN GENERAL.—Whoever intentionally vio-  
7 lates, or conspires or attempts to violate, any provi-  
8 sion of section 4—

9 (A) in the case of an individual, shall be  
10 fined not more than \$250,000, or imprisoned  
11 not more than 10 years, or both; or

12 (B) shall be fined not more than five times  
13 the value of the transaction involved or  
14 \$1,000,000, whichever is greater.

15 (2) ESTABLISHMENT OF INTENT.—The absence  
16 of a business relationship with or in the boycotted  
17 country may not be construed to establish, without  
18 more, the intent required for a violation under this  
19 subsection.

20 (b) KNOWING VIOLATIONS.—

21 (1) IN GENERAL.—Whoever knowingly violates,  
22 or conspires or attempts to violate, any provision of  
23 section 4 shall be fined not more than five times the  
24 value of the transaction involved or \$50,000, which-

1 ever is greater, imprisoned not more than 5 years,  
2 or both.

3 (2) APPLICABILITY.—A person may be found to  
4 knowingly violate a provision of section 4 if the per-  
5 son allows an agent or employee of such person to  
6 violate any provision of section 4 where the person  
7 has actual knowledge of such violation by such em-  
8 ployee.

9 (c) INSTITUTIONS OF HIGHER EDUCATION.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graph (2), an institution of higher education may  
12 not receive Federal funds if the Secretary of Com-  
13 merce determines, and notifies such institution, that  
14 the institution has violated any provision of a regula-  
15 tion issued pursuant to section 4.

16 (2) EXCEPTION.—The prohibition under para-  
17 graph (1) shall not apply with respect to Federal  
18 funds made available under title IV of the Higher  
19 Education Act of 1965 (20 U.S.C. 1070 et seq.).

20 (3) WAIVER.—

21 (A) IN GENERAL.—The Secretary may,  
22 upon request from an institution of higher edu-  
23 cation that receives a notification under para-  
24 graph (1), waive the application of the prohibi-  
25 tion under paragraph (1) to such institution.



1 (B) TIMELY CONSIDERATION.—The Sec-  
2 retary may only consider a request for a waiver  
3 pursuant to subparagraph (A) that is received  
4 not later than 30 days after the receipt of the  
5 applicable notification.

6 (4) RESTORATION OF ELIGIBILITY.—A prohibi-  
7 tion under paragraph (1) shall cease to apply with  
8 respect to an institution of higher education begin-  
9 ning on the date on which the Secretary determines  
10 that such institution has ceased such violation.

11 (5) INSTITUTION OF HIGHER EDUCATION.—In  
12 this subsection, the term “institution of higher edu-  
13 cation” has the meaning given such term in section  
14 102 of the Higher Education Act of 1965 (20  
15 U.S.C. 1002).

16 (d) CENTRALIZED COMPLAINT MECHANISM.—Not  
17 later than 1 year after the date of the enactment of this  
18 Act, the Secretary of Commerce shall establish procedures  
19 to allow any person to complain of a violation of section  
20 4 of this Act by a United States person, and to refer such  
21 complaints to appropriate law enforcement entities.

22 **SEC. 6. PRIVATE RIGHT OF ACTION.**

23 (a) RIGHT TO BRING ACTION IN FEDERAL COURT.—  
24 Any person who suffers injury to property or business as  
25 a result of a violation of section 4 or any regulation issued

1 pursuant to such section may bring an action in the appro-  
2 priate district court of the United States.

3 (b) DAMAGES; RELIEF.—In an action under this sec-  
4 tion, the court may—

5 (1) award damages, in an amount not to exceed  
6 three times the value of the injury to the person  
7 bringing the action, and may additionally award at-  
8 torneys' fees and costs; and

9 (2) order appropriate injunctive relief.

10 **SEC. 7. REPORTS.**

11 Not later than 180 days after the date of the enact-  
12 ment of this Act, and annually thereafter, the Secretary  
13 of Commerce shall submit to the appropriate congressional  
14 committees a report listing—

15 (1) each person that sponsored a commercial  
16 boycott against a friendly country to the United  
17 States in the prior calendar year; and

18 (2) each institution of higher education that has  
19 formally or officially participated in a boycott  
20 against an academic institution or scholar from a  
21 friendly country to the United States in the prior  
22 calendar year.

23 **SEC. 8. DEFINITIONS.**

24 In this Act:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2           TEES.—The term “appropriate congressional com-  
3           mittees” means—

4                   (A) the Committee on Foreign Affairs and  
5                   the Committee on Appropriations of the House  
6                   of Representatives; and

7                   (B) the Committee on Banking, Housing,  
8                   and Urban Affairs and the Committee on Ap-  
9                   propriations of the Senate.

10          (2) BOYCOTTED COUNTRY.—The term “boy-  
11          cotted country” shall be construed to include all ter-  
12          ritories controlled by such country.

13          (3) BOYCOTTING ENTITY.—The term “boy-  
14          coting entity” means any country or person calling  
15          for a commercial boycott of a boycotted country.

16          (4) UNITED STATES PERSON.—The term  
17          “United States person” means—

18                   (A) a United States citizen or an alien law-  
19                   fully admitted for permanent residence to the  
20                   United States; or

21                   (B) an entity organized under the laws of  
22                   the United States or of any jurisdiction within  
23                   the United States, including a foreign branch of  
24                   such an entity.

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