

118TH CONGRESS
2D SESSION

S. _____

To prohibit Federal agencies from contracting with companies engaged in
a boycott of Israel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. RISCH introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To prohibit Federal agencies from contracting with compa-
nies engaged in a boycott of Israel, and for other pur-
poses.

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 “Countering Hate
5 Against Israel by Federal Contractors Act”.

6 **SEC. 2. PROHIBITION ON FEDERAL AGENCIES CON-**
7 **TRACTING WITH COMPANIES ENGAGED IN A**
8 **BOYCOTT OF ISRAEL.**

9 (a) PROHIBITION.—The head of a Federal agency—

1 (1) may not enter into a covered contract with
2 a company after January 1, 2024, unless such com-
3 pany certifies to such head at the time the contract
4 is entered into that the company is not engaging in
5 a boycott of Israel; and

6 (2) shall include in any covered contract with a
7 company entered into after January 1, 2024, a pro-
8 hibition on the company engaging in a boycott of
9 Israel during the term of the contract.

10 (b) NOTICES AND REMEDY.—

11 (1) WRITTEN NOTICE OF PROHIBITION.—The
12 head of a Federal agency shall include in each solici-
13 tation for a bid or proposal for a covered contract
14 written notice of the prohibition described under
15 subsection (a).

16 (2) NOTICE UPON FINDING OF BOYCOTT.—Not
17 later than 30 days after the head of an Federal
18 agency determines through a public report or a no-
19 tice from Congress that a company violated the pro-
20 hibition described under subsection (a)(2) with re-
21 spect to a covered contract with the Federal agency,
22 the head of the Federal agency shall—

23 (A) notify the company of such determina-
24 tion; and

1 (B) make a notice of such determination
2 available on the website of the agency.

3 (3) TERMINATION OF CONTRACT.—On the date
4 that is 30 days after a company receives a notice
5 under paragraph (2)(A), the head of a Federal agen-
6 cy shall terminate a covered contract entered into by
7 the head of the Federal agency with a company for
8 a violation of the prohibition described under sub-
9 section (a)(2) by the company, unless the company
10 ends the boycott of Israel to the satisfaction of the
11 head of the Federal agency before such date.

12 (c) APPEAL PROCESS.—The appeals process estab-
13 lished under chapter 71 of title 41, United States Code,
14 shall apply with respect to a contract subject to the provi-
15 sions of this Act.

16 (d) RULE OF CONSTRUCTION.—Nothing in this Act
17 shall be construed to—

18 (1) infringe upon any right protected under the
19 First Amendment to the Constitution; or

20 (2) take a position on final status issues associ-
21 ated with the Palestinian-Israeli conflict.

22 (e) DEFINITIONS.—In this Act:

23 (1) COMPANY.—The term “company” means
24 any organization, association, corporation, partner-
25 ship, joint venture, limited partnership, limited li-

1 ability partnership, limited liability company, or
2 other entity or business association, including all
3 wholly owned subsidiaries, majority-owned subsidi-
4 aries, parent companies, or affiliates of those entities
5 or business associations (but not including an indi-
6 vidual or sole proprietorship or individuals) with
7 more than 10 employees.

8 (2) COVERED CONTRACT.—The term “covered
9 contract” means a contract in excess of \$100,000
10 for the procurement of—

11 (A) services (including disposal and con-
12 struction services); or

13 (B) information technology.

14 (3) ENGAGING IN A BOYCOTT OF ISRAEL.—The
15 term “engaging in a boycott of Israel” means—

16 (A) engaging in an action (including a re-
17 fusals to deal or an action to terminate a busi-
18 ness activity) that is intended to limit commer-
19 cial relations with Israel, a person doing busi-
20 ness in or with Israel, or authorized by, licensed
21 by, or an entity organized under the laws of the
22 State of Israel to do business, when such ac-
23 tions are taken in—

24 (i) compliance with or adherence to
25 calls for a boycott of Israel; or

1 (ii) a manner that is—

2 (I) in any way discriminates on
3 the basis of nationality, national ori-
4 gin, or religion; or

5 (II) not based on a valid business
6 reason; and

7 (B) includes a statement of the company
8 that the company—

9 (i) is participating in an action de-
10 scribed under subparagraph (A); or

11 (ii) has taken such action at the re-
12 quest with, in compliance with, or in fur-
13 therance of calls for such action.

14 (4) FEDERAL AGENCY.—The term “Federal
15 agency” means an instrumentality of the Govern-
16 ment of the United States, or any political subdivi-
17 sion thereof, including all boards, commissions,
18 agencies, institutions, authorities, corporations, and
19 bodies politic of the Federal Government, established
20 by or in accordance with Federal law or regulations.