House panel unanimously advances federal anti-BDS legislation

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The House Foreign Affairs Committee[unanimously passed controversial legislation](https://foreignaffairs.house.gov/press-release/house-foreign-affairs-committee-advances-israel-anti-boycott-act/) on Thursday to target boycott efforts against Israel and Israeli businesses, advancing the measure to now be considered by the entire House chamber.

The Israel Anti-Boycott Act prohibits “US companies from participating in boycotts promoted by international organizations, like the UN, that target US partners, like Israel,” said Rep. Ed Royce, a California Republican who chairs the panel.

Liberal advocacy groups, however, argue the legislation poses a constitutional infringement on Americans’ First Amendment protections, which includes a constitutional right to participate in political boycotts.

Faiz Shakir, national political director of The American Civil Liberties Union, [wrote a letter](https://www.aclu.org/letter/aclu-letter-house-opposing-israel-anti-boycott-act) to House members last year saying the bill “would impose civil and criminal punishment on individuals solely because of their political beliefs about Israel and its policies.” He urged them not to co-sponsor or support the bill.

The measure’s supporters counter that, if passed and implemented, this law would prohibit discrimination on the basis of national origin, in this case, directed at Israeli companies and individuals.

Democrats pushed through several edits to the text earlier this year to address concerns that the bill restricts speech rights. Yet the [ACLU still objected](https://www.aclu.org/blog/free-speech/rights-protesters/new-israel-anti-boycott-act-still-unconstitutional) to the legislation. Other liberal Jewish groups, such as J Street, also oppose it.

“This latest version would still allow people who boycott to be slapped with criminal financial penalties,” said an ACLU’s staff attorney Brian Hauss. “It suffers from the same fundamental flaw as the original draft by criminalizing participation in constitutionally protected boycotts.”

Sponsored by Rep. Peter Roskam, a Republican from Illinois, and Juan Vargas, a Democrat from California, the bill would specifically amend the Export Administration of 1979, which bars US companies from adhering to Israel sanctions or boycotts administered by the Arab League.

The new provision would make it illegal for US businesses to join international boycotts against Israel.

Rep. Eliot Engel, a Democrat from New York who serves as ranking member on the committee, defended the law’s constitutionality at today’s hearing before the votes were cast. “Current law already prohibits US companies from participating in state-sponsored boycotts of countries friendly to the United States,” he said in [his opening statement](https://engel.house.gov/latest-news/engel-statement-at-full-committee-markup/).

“This legislation simply adds boycotts by international government organizations to that law,” he continued. “This bill does not infringe on free speech. It makes it clear that this prohibition only applies when a person is acting in an official capacity and if the intent was to comply with the international government organization’s boycott. Individual, personal speech remains protected. Period.”