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

IN THE HOUSE OF REPRESENTATIVES

Ms. Tenney introduced the following bill; which was referred to the Committee on ____________________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Countering Hate Against Israel by Federal Contractors Act”.

(Original Signature of Member)
SEC. 2. PROHIBITION ON FEDERAL AGENCIES CONTRACTING WITH COMPANIES ENGAGED IN A BOYCOTT OF ISRAEL.

(a) Prohibition.—The head of a Federal agency—

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

(2) shall include in any covered contract with a company entered into after January 1, 2024, a prohibition on the company engaging in a boycott of Israel during the term of the contract.

(b) Notices and Remedy.—

(1) Written notice of prohibition.—The head of a Federal agency shall include in each solicitation for a bid or proposal for a covered contract written notice of the prohibition described under subsection (a).

(2) Notice upon finding of boycott.—Not later than 30 days after the head of an Federal agency determines through a public report or a notice from Congress that a company violated the prohibition described under subsection (a)(2) with respect to a covered contract with the Federal agency, the head of the Federal agency shall—
(A) notify the company of such determination; and

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

(3) TERMINATION OF CONTRACT.—On the date that is 30 days after a company receives a notice under paragraph (2)(A), the head of a Federal agency shall terminate a covered contract entered into by the head of the Federal agency with a company for a violation of the prohibition described under subsection (a)(2) by the company, unless the company ends the boycott of Israel to the satisfaction of the head of the Federal agency before such date.

(e) APPEAL PROCESS.—The appeals process established under chapter 71 of title 41, United States Code, shall apply with respect to a contract subject to the provisions of this Act.

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

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

(2) take a position on final status issues associated with the Palestinian-Israeli conflict.

(e) DEFINITIONS.—In this Act:
(1) COMPANY.—The term “company” means any organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations (but not including an individual or sole proprietorship or individuals) with more than 10 employees.

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

(A) services (including disposal and construction services); or

(B) information technology.

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

(A) engaging in an action (including a refusal to deal or an action to terminate a business activity) that is intended to limit commercial relations with Israel, a person doing business in or with Israel, or authorized by, licensed by, or an entity organized under the laws of the
State of Israel to do business, when such actions are taken in—

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

(ii) a manner that is—

(I) in any way discriminates on the basis of nationality, national origin, or religion; or

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

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

(i) is participating in an action described under subparagraph (A); or

(ii) has taken such action at the request with, in compliance with, or in furtherance of calls for such action.

(4) Federal Agency.—The term “Federal Government entity” means an instrumentality of the Government of the United States, or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, corporations, and bodies politic of the Federal Government, established by or in accordance with Federal law or regulations.