

118TH CONGRESS  
2D SESSION

# S. 4770

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

JULY 25, 2024

Mr. RISCH (for himself, Mr. CRAPO, Mr. BRAUN, Mrs. BRITT, Mrs. CAPITO, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAWLEY, Mr. RICKETTS, Mr. RUBIO, Mr. SCOTT of Florida, Mr. THUNE, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

---

## A BILL

To prohibit Federal agencies from contracting with companies engaged in a boycott of Israel, 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 “Countering Hate  
5 Against Israel by Federal Contractors Act”.

1 **SEC. 2. PROHIBITION ON FEDERAL AGENCIES CON-**  
2 **TRACTING WITH COMPANIES ENGAGED IN A**  
3 **BOYCOTT OF ISRAEL.**

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

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

10 (2) shall include in any covered contract with a  
11 company entered into after January 1, 2024, a pro-  
12 hibition on the company engaging in a boycott of  
13 Israel during the term of the contract.

14 (b) NOTICES AND REMEDY.—

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

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

1 (A) notify the company of such determina-  
2 tion; and

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

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

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

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

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

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

24 (e) DEFINITIONS.—In this Act:

1           (1) COMPANY.—The term “company” means  
2 any organization, association, corporation, partner-  
3 ship, joint venture, limited partnership, limited li-  
4 ability partnership, limited liability company, or  
5 other entity or business association, including all  
6 wholly owned subsidiaries, majority-owned subsidi-  
7 aries, parent companies, or affiliates of those entities  
8 or business associations (but not including an indi-  
9 vidual or sole proprietorship or individuals) with  
10 more than 10 employees.

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

14                   (A) services (including disposal and con-  
15 struction services); or

16                   (B) information technology.

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

19                   (A) engaging in an action (including a re-  
20 fusal to deal or an action to terminate a busi-  
21 ness activity) that is intended to limit commer-  
22 cial relations with Israel, a person doing busi-  
23 ness in or with Israel, or authorized by, licensed  
24 by, or an entity organized under the laws of the

1 State of Israel to do business, when such ac-  
2 tions are taken in—

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

5 (ii) a manner that is—

6 (I) in any way discriminates on  
7 the basis of nationality, national ori-  
8 gin, or religion; or

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

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

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

15 (ii) has taken such action at the re-  
16 quest with, in compliance with, or in fur-  
17 therance of calls for such action.

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

○