

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HR 1001 Anti-Israel Boycott, Divestment, & Sanctions Campaigns

SPONSOR(S): Berman and others

TIED BILLS: **IDEN./SIM. BILLS:** SR 1184

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	17 Y, 0 N	Walker	Kiner
2) State Affairs Committee	17 Y, 0 N	Camechis	Camechis

SUMMARY ANALYSIS

The Boycott, Divestment, and Sanctions (BDS) Movement is a global campaign targeting Israel in an attempt to increase economic and political pressure on the country to comply with the movement's stated goals, which are:

- Ending its occupation and colonization of all Arab lands occupied in June 1967 and dismantling the wall;
- Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
- Respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.

The BDS Movement promotes the boycott, divestment, and sanction of Israel and has gained support from many academics, trade unions, political parties, and citizens around the world. However, opposition to the movement is widespread, and critics have claimed the movement is ineffective, immoral, based on false or biased information, and could end up harming the Palestinian cause.

This resolution pronounces that the members of the Florida House of Representatives condemn the international BDS Movement against the State of Israel and calls upon Florida governmental institutions to denounce hatred and discrimination.

Resolutions are not subject to action by the Governor and do not have the effect of law. In addition, they are not subject to the constitutional single-subject limitation or title requirements.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

United States-Israel relations

United States-Israel relations are characterized by support, cultural resonance, and cooperative mutual interests. In 1948, the United States was the first country to recognize Israel as a state.¹ Relations have evolved through legislation as well as diplomatic memoranda of understanding, resulting in important benefits to the United States including economic, scientific, military, and trade agreements.²

Today, Israel is America's "most reliable partner in the Middle East."³ The United States' continued commitment to Israel's security and well-being is demonstrated by its continued economic and security assistance to Israel.⁴

Boycott, Divestment, and Sanctions against Israel

The Boycott, Divestment, and Sanctions (BDS) Movement is a global campaign targeting Israel in an attempt to increase economic and political pressure on the country to comply with the movement's stated goals, which are:

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- Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
- Respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.⁵

The BDS Movement promotes the boycott, divestment, and sanction of Israel and has gained support from many academics, trade unions, political parties, and citizens around the world.⁶ However, opposition to the movement is widespread, and critics have claimed the movement is ineffective,⁷ immoral,⁸ based on false or biased information,⁹ and could end up harming the Palestinian cause.¹⁰

In response to the BDS Movement, some states have enacted legislation that condemns BDS activities. In 2015, Illinois passed a law that requires state-funded retirement systems to divest of holdings in companies that boycott Israel under certain circumstances.¹¹ South Carolina also enacted

¹U.S. *Relations with Israel*, U.S. DEPARTMENT OF STATE, <http://www.state.gov/r/pa/ei/bgn/3581.htm> (last visited Jan. 12, 2016).

²Michael Eisenstadt and David Pollock, *Friends with Benefits: Why the U.S.-Israeli Alliance Is Good for America*, THE WASHINGTON INSTITUTE, <https://www.foreignaffairs.com/articles/2012-11-07/friends-benefits?gp=135637%3A36ce918050c21605> (Last Visited Jan. 15, 2016).

³U.S. *Relations with Israel*, U.S. DEPARTMENT OF STATE, <http://www.state.gov/r/pa/ei/bgn/3581.htm> (last visited Jan. 12, 2016).

⁴Id.

⁵BDS Movement, *Introducing the BDS Movement*, <http://bdsmovement.net/bdsintro> (last visited Jan. 14, 2016).

⁶BDS Movement, *BDS in 2015: Seven ways our movement broke new ground against Israeli settler-colonialism and apartheid*, <http://bdsmovement.net/2015/7-ways-our-movement-broke-new-ground-13634> (last visited Jan. 14, 2016).

⁷*Boycotting Israel: New pariah on the block*, THE ECONOMIST (Sept. 13, 2007), available at <http://www.economist.com/node/9804231>.

⁸Naftalia Balanson, *The Moral Argument Against BDS*, ZEEK (Nov. 29, 2010), available at <http://zeek.forward.com/articles/117084/>.

⁹*Hundreds in academic world sign anti-BDS petition*, JEWISH TELEGRAPHIC AGENCY (Sept. 22, 2014), available at <http://www.jta.org/2014/09/22/news-opinion/united-states/hundreds-of-academics-sign-anti-bds-petition>.

¹⁰*Chomsky says BDS tactics won't work, may be harmful to Palestinians*, THE JERUSALEM POST (July 3, 2014), available at <http://www.jpost.com/Diplomacy-and-Politics/Chomsky-says-BDS-tactics-wont-work-may-be-harmful-to-Palestinians-361417>.

¹¹*Illinois Gov. Signs First Anti-BDS Bill Into Law*, THE WASHINGTON FREE BEACON (July 23, 2015), <http://freebeacon.com/issues/ill-gov-signs-first-anti-bds-bill-into-law/>.

anti-BDS legislation that prohibits the state or a political subdivision of the state from accepting a proposal from or procuring goods or services from a business that engages in the boycott of a person or an entity based on race, color, religion, gender, or national origin.¹² Other states, including Tennessee, Indiana, Pennsylvania, and New York, have passed resolutions condemning the BDS Movement. States considering anti-BDS legislation include Ohio, New York, and New Jersey.

In June of 2015, President Obama signed into law the first federal anti-BDS legislation. With respect to an agreement that is proposed to be entered into with the Transatlantic Trade and Investment Partnership countries, the law specifies that the principal negotiating objectives of the United States regarding commercial partnerships are the following:

- To discourage actions by potential trading partners that directly or indirectly prejudice or otherwise discourage commercial activity solely between the United States and Israel.
- To discourage politically motivated actions to boycott, divest from, or sanction Israel and to seek the elimination of politically motivated nontariff barriers on Israeli goods, services, or other commerce imposed on the State of Israel.
- To seek the elimination of state-sponsored unsanctioned foreign boycotts against Israel or compliance with the Arab League Boycott of Israel by prospective trading partners.

Effect of the Resolution

This resolution pronounces that the members of the Florida House of Representatives condemns the international Boycott, Divestment, and Sanctions Movement against the State of Israel and calls upon Florida governmental institutions to denounce hatred and discrimination.

B. SECTION DIRECTORY: Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

¹² Miles Terry, *South Carolina: The First State in the Country to Stand with Israel Against the BDS Movement*, ACLJ, <http://aclj.org/israel/south-carolina-the-first-state-in-the-country-to-stand-with-israel-against-the-bds-movement> (last visited Jan 14, 2016).

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: Not applicable.

2. Other: None.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.