

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3967

By: McBride and Echols

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6 AS INTRODUCED

7 An Act relating to state contracts; declaring Israel
8 a prominent trading partner; prohibiting state
9 contracts without certain written certification;
10 prohibiting adoption of procurement, investment or
11 other policy that requires a person to boycott the
12 government of Israel; authorizing approval of
13 contracts and waiving of applications; defining
14 terms; providing for codification; and providing an
15 effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 582 of Title 74, unless there is
19 created a duplication in numbering, reads as follows:

20 A. The State of Oklahoma hereby declares that Israel is a
21 prominent trading partner of the State of Oklahoma and that the
22 state, and those companies that do business by and through the
23 state, in the interest of the state's economic policy, should not
24 boycott trade with Israel. Companies that refuse to deal with
United States trade partners such as Israel make discriminatory
decisions on the basis of national origin that impair those

1 companies' commercial soundness. Israel is known for its dynamic
2 and innovative approach in many business sectors, and a company's
3 decision to discriminate against persons or entities doing business
4 in Israel or in territories controlled by Israel is an unsound
5 business practice making the company an unduly risky contracting
6 partner. It is also the public policy of the United States, as
7 enshrined in several federal acts, including 50 U.S.C., Section
8 4607, to oppose such boycotts, and Congress has concluded as a
9 matter of national trade policy that cooperation with Israel
10 materially benefits United States companies and improves American
11 competitiveness.

12 B. Except as provided in subsection D of this section, the
13 state shall not enter into a contract with a company unless the
14 company submits a written certification that the company is not
15 currently engaged in a boycott of goods or services from Israel that
16 constitutes an integral part of business conducted or sought to be
17 conducted with the state.

18 C. The state shall not adopt a procurement, investment or other
19 policy that has the effect of inducing or requiring a person to
20 boycott the government of Israel or its instrumentalities, or to
21 boycott a person doing business in Israel or territories under its
22 jurisdiction, when such boycott is on the basis of such person's
23 location in such places.

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1 D. The Oklahoma Secretary of State shall approve contracts or
2 may waive application of this section on any contract with any state
3 agency if the Secretary determines that compliance is not
4 practicable.

5 E. As used in this section:

6 1. "Boycott" means engaging in a refusal to deal, terminating
7 business activities or performing other actions that are intended to
8 limit commercial relations with persons or entities doing business
9 in Israel or in territories controlled by Israel, if those actions
10 are taken either:

- 11 a. in compliance with or adherence to calls for a boycott
12 of Israel other than those boycotts to which 50
13 U.S.C., Section 4607(c) applies, or
- 14 b. in a manner that discriminates on the basis of
15 nationality, national origin or religion, and that is
16 not based on a valid business reason;

17 2. "Company" means an organization, association, corporation,
18 partnership, venture or other entity, its subsidiary or affiliate,
19 that exists for profitmaking purposes or to otherwise secure
20 economic advantage;

21 3. "Contract" means a written agreement between the state and a
22 company to acquire or dispose of goods or services with an aggregate
23 price of more than One Hundred Thousand Dollars (\$100,000).

24 "Contract" does not mean a written agreement between the state and

1 an individual to acquire or dispose of goods or services, including
2 employment or consultant services; and

3 4. "State" means this state or an agency, board, commission or
4 department of this state.

5 SECTION 2. This act shall become effective November 1, 2020.

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7 57-2-9123 LRB 12/19/19

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