



## Frequently Asked Questions

### HB 2 Israel Anti-Discrimination Act

*"An Act relating to contracts with public agencies; and relating to the State of Israel."*

#### Who supports these efforts?

Thirty-three states across the country have advanced policies that curb investment in and/or contracting with entities that engage in a boycott of Israel. With the widespread support of leaders from the Christian and Jewish communities of Alaska, we would become the 34th state to do so. Over the past five years, this legislation has enjoyed widespread bipartisan support, but Israel's detractors have sought to malign these efforts.

#### Why does this matter?

The proposed bill simply ensures Alaskan's taxpayer dollars are not subsidizing an antisemitic effort to achieve with boycotts what terrorists have failed to achieve with bombs: the destruction of the state of Israel. From a legal perspective, this is no different from prioritizing veterans in the hiring process or minority-owned businesses in state contracting.

While this legislation therefore empowers Alaskans and allows them to best decide how their taxpayer dollars are spent, detractors of this legislation are not so inclined. In fact, their leaders have acknowledged openly and repeatedly that their sole aim is to destroy Israel.

#### Why should I support this?

The Jewish people are the indigenous people of the land of Israel. Though many foreign powers conquered the Holy Land and treated it as nothing more than a prize to be won, for thousands of years there has been an uninterrupted Jewish presence in the land where King David reigned.

Alaska may seem far removed from what takes place in the Middle East, but as a state we strive to do the right thing and to protect our interests. Israel and Alaska enjoy an important and mutually beneficial relationship. This includes Israel related investments by the Alaska Permanent Fund Corporation along with Alaska's exports to Israel, which since 1996 total nearly \$62 million.

In addition, Alaska is a key site for US-Israel missile defense cooperation. The US and Israel regularly test cooperative missile defense programs such as the Arrow-3 at the Alaska Aerospace Pacific Spaceport Complex on Kodiak.

Standing with Israel and defending the Jewish people's right to self-determination in their ancestral homeland is, therefore, not only righteous, but it is also in our state's interests and our country's national security interests as well.

## **How will this impact Alaska financially?**

This legislation will not impact Alaska's investments, as it exclusively relates to Alaska's contracts. Likewise, this legislation will not impact Alaska's oil industry as any restrictions on contracting with those engaged in international boycotts associated with that industry are already written into federal law, specifically, the Anti-Boycott Act of 2018 and Part II of the Export Control Reform Act of 2018. The legislation in question is limited to prohibiting the state from engaging in contracts worth more than \$100,000 with potential contractors (with at least 10 employees) who are boycotting Israel or refuse to commit to not doing so for the duration of the contract.

## **What is the BDS Movement?**

BDS stands for Boycott, Divest and Sanction. The movement's goal is to use these tools to destroy Israel. This is the BDS movement in their own words:

- “Definitely, most definitely we oppose a Jewish state in any part of Palestine,” said Omar Barghouti, co-founder of the BDS movement and founding committee member of the Palestinian Campaign for the Academic and Cultural Boycott of Israel.
- “The real aim of BDS is to bring down the state of Israel... That should be stated as an unambiguous goal. There should not be any equivocation on the subject,” said leading BDS advocate As'ad Abu Khalil, professor of political science at California State University, Stanislaus.

## **Does this legislation impede an individual's first amendment rights and/or strip them of their ability to boycott?**

This legislation does not prohibit boycotts of Israel. In fact, Palestine Legal, a leading voice in opposition to such anti-BDS laws, acknowledges that “none of the anti-boycott bills and laws take away your right to boycott for Palestinian rights or to advocate for such boycotts.” This legislation is narrowly targeted at entities who have contracts with the state over a \$100,000 threshold.

## **Could this be legally challenged?**

While there have been a handful of nuisance lawsuits aimed at this legislation, none have been successful. Those circumstances in which courts have taken issue with the law are a result of the law being misapplied or the language in the bill having not been as clear as it could have been. In one case currently before the 8th Circuit Court, the dispute stems from two of the three judges taking issue with one missing word. In that case, the rest of the court has determined that this issue should be examined more deeply and has granted “en banc.” While proponents of anti-BDS laws fully expect to be successful in this case, the one word has been added into the proposed Alaska legislation to assuage any concerns.

## **Does this legislation interfere with potential negotiations between Israelis and Palestinians?**

This legislation takes no position on final status issues. In fact, nowhere in the bill does it mention the disputed territories associated with the Palestinian-Israeli conflict.