

114TH CONGRESS
2D SESSION

H. R. 4555

To clarify the application of section 304 of the Tariff Act of 1930 as it relates to articles from areas of the West Bank and Gaza that are not administered by Israel.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2016

Mr. LAMBORN (for himself, Ms. MCSALLY, Mr. DESANTIS, Mr. FRANKS of Arizona, Mr. FITZPATRICK, Mr. ROUZER, Mr. COSTELLO of Pennsylvania, Mr. ZELDIN, Mrs. BLACK, Mr. ROSS, Mr. WALKER, and Mr. COOK) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To clarify the application of section 304 of the Tariff Act of 1930 as it relates to articles from areas of the West Bank and Gaza that are not administered by Israel.

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 “Non-Discrimination
5 of Israel in Labeling Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Prior to the issuance of Trade Directive
2 (T.D.) 95–25 and T.D. 97–16, the Customs Service
3 had taken the position that, in order for the country
4 of origin marking of a good which was produced in
5 the West Bank or Gaza Strip to be considered ac-
6 ceptable, the word “Israel” must appear in the
7 marking designation.

8 (2) The Department of State advised the De-
9 partment of Treasury that, in view of certain devel-
10 opments, principally the Israeli-PLO Declaration of
11 Principles on Interim Self-Government Arrange-
12 ments (signed on September 13, 1993), also known
13 as the Oslo Accords, the primary purpose of section
14 304 of the Tariff Act of 1930 (19 U.S.C. 1304)
15 would be best served if goods produced in the West
16 Bank and Gaza Strip under the Palestinian interim
17 self-government were permitted to be marked “West
18 Bank” or “Gaza Strip”.

19 (3) The Oslo Accords created a new self-rule
20 entity, an interim self-governing Palestinian council,
21 granting it the authority to independently conduct
22 its affairs, including financial matters such as im-
23 port and export.

24 (4) On March 17, 1995, President Clinton
25 signed Presidential Proclamation 6788 designating

1 the West Bank and Gaza Strip as a beneficiary of
2 the generalized system of preferences program.

3 (5) The United States Customs Border Protec-
4 tion Cargo Systems Messaging Service guidance
5 dated March 28, 1995, stated: “The extension of the
6 generalized system of preferences program to the
7 West Bank and Gaza Strip pursuant to this Presi-
8 dential Proclamation applies only to goods produced
9 in the areas for which arrangements are being estab-
10 lished for Palestinian interim self-government, as set
11 forth in Articles I, III, and IV of the Declaration of
12 Principles on Interim Self-Government arrange-
13 ments.”.

14 (6) The March 28, 1995, guidance further ar-
15 ticulated Articles IV and V of the Declaration of
16 Principles on Interim Self-Government arrange-
17 ments, stating: “It is understood that: Jurisdiction
18 of the Council will cover West Bank and Gaza Strip
19 territory, except for issues that will be negotiated in
20 the permanent status negotiations: Jerusalem, settle-
21 ments, military location, and Israelis.”.

22 (7) It is the longstanding policy of the United
23 States to oppose any effort to delegitimize Israel.

1 (8) The first free trade agreement by the
2 United States was between the United States and
3 Israel, effective September 1, 1985.

4 (9) The United States-Israel Strategic Partner-
5 ship is a vital asset to United States national, eco-
6 nomic, and security interests and any boycott, or
7 sanctions effort, or policy that serves to delegitimize
8 or discriminate against Israel will ultimately harm
9 United States economic interests.

10 **SEC. 3. ADDITIONAL MARKINGS OF IMPORTED ARTICLES**

11 **AND CONTAINERS FROM THE WEST BANK**

12 **AND GAZA STRIP.**

13 (a) ARTICLES OF WEST BANK.—For purposes of sec-
14 tion 304 of the Tariff Act of 1930 (19 U.S.C. 1304), every
15 article of origin of the geographical area known as the
16 West Bank (or the container of any such article) imported
17 into the United States shall be marked in accordance with
18 the requirements of such section, which—

19 (1) in the case of an article of an area not ad-
20 ministered by Israel in the West Bank, shall include
21 the words “West Bank”; and

22 (2) in the case of an article of an area adminis-
23 tered by Israel in the West Bank, shall include the
24 words “Israel”, “Made in Israel”, or “Product of
25 Israel”.

1 (b) ARTICLES OF GAZA STRIP.—For purposes of sec-
2 tion 304 of the Tariff Act of 1930 (19 U.S.C. 1304), every
3 article of origin of the geographical area known as the
4 Gaza Strip (or the container of any such article) imported
5 into the United States shall be marked in accordance with
6 the requirements of such section, and shall include the
7 words “Gaza” or “Gaza Strip”.

8 (c) ADDITIONAL REQUIREMENT.—The Secretary of
9 the Treasury or any other competent Federal official (or
10 the official’s designee) may not prohibit the use of any
11 of the markings specified in subsections (a) and (b) for
12 purposes of satisfying the applicable requirements under
13 section 304 of the Tariff Act of 1930 with respect to arti-
14 cles of the West Bank or the Gaza Strip.

15 (d) EFFECTIVE DATE.—This section shall take effect
16 on the date of the enactment of this Act and shall apply
17 with respect to articles imported into the United States
18 on or after such date of enactment.

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