

Congress of the United States
Washington, DC 20515

November 12, 2015

The Honorable Michael Froman
U.S. Trade Representative
600 17th St., NW
Washington, DC 20508

Dear Ambassador Froman:

We are writing to express our deep concerns regarding yesterday's announcement by the European Commission for new labeling requirements of Israeli goods produced over the green line – including the West Bank, as well as East Jerusalem and the Golan Heights. Though billed as a technical consumer education 'fix,' such policies can, and indeed should, be viewed as part of the European Union's (EU) larger campaign to try and impose borders on Israel outside of a negotiated peace process by differentiating between pre- and post-1967 Israel. This is exactly the kind of activity we had anticipated when we authored the provisions related to the boycotts, divestment and sanctions (BDS) movement against Israel in the Trade Promotional Authority (TPA) legislation that was signed into law by the president on June 29, 2015.

As you may know, the anti-BDS principal negotiating objectives in this legislation seek to discourage our potential trading partners from undertaking politically-motivated BDS actions and to eliminate unsanctioned, state-sponsored boycotts against Israel. The objectives also instruct U.S. trade negotiators to discourage actions that impede U.S.-Israel commerce. The legislation was designed to combat politically motivated, government-led economic attacks aimed at delegitimizing Israel's right to exist and pressuring Israel into unilateral concessions outside the bounds of direct Israeli-Palestinian negotiations. Congress has never condoned such actions and views such boycotts against Israel as reprehensible and unacceptable.

In fact, Congress and the Executive branch have a long history combatting such attacks on our ally, including through legislation enacted in the 1970s to block enforcement of the Arab League Boycott against Israel. More recently, implementation legislation for our trade agreements with Bahrain and Oman required these countries to stop complying with the Arab League Boycott. Furthermore, U.S. conditioned support for Saudia Arabia's accession to the World Trade Organization on addressing boycotts. The anti-BDS language signed into law in June was crafted in the same spirit, focusing our trade negotiators on the current challenge of potential EU-based, state-led boycott efforts against Israel.

The anti-BDS provisions in TPA make no differentiation between boycotts targeted at Israel or territories controlled by Israel, an approach which is fully consistent with the 1985 U.S.-Israel Free Trade Agreement (FTA). In carrying out the provisions of the U.S.-Israel FTA, the U.S. government makes no distinction between goods coming into the United States from Israel or Israeli-controlled territories, affording all goods duty-free treatment. Trying to differentiate between Israeli products—which may be produced in several regions—creates a slippery slope that would allow supporters of even the "targeted" BDS movement to declare all or most Israeli products appropriately subject to BDS actions.

We strongly encourage you to utilize the anti-BDS provisions in TPA to weigh in with the EU to express opposition to these new labeling guidelines and any further actions they might be contemplating to restrict commerce with Israel, isolate Israel and exert unilateral economic pressure on Israel to make political concessions outside of the negotiating process. To help us ensure continued oversight on this critical issue, please provide an update on this matter by December 1, 2015.

Very truly yours,



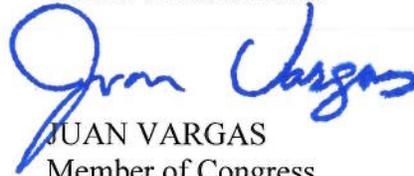
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JUAN VARGAS
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