



H.R. 5179 – *Anti-BDS Labeling Act*

Summary:

In support of our strongest ally in the Middle East, this bill pushes back on the Boycott, Divestment, and Sanctions (BDS) movement by codifying a 2020 notice published by U.S. Customs Border Protection (CBP) regarding “Country of Origin Marking of Products from the West Bank and Gaza.” This notice ensures that products made in Israeli-controlled areas of the West Bank be marked as originating from “Israel” and that products made in Gaza or Palestinian-controlled areas of the West Bank be labeled as either made in “Gaza” or the “West Bank.”

Background:

- U.S. law, in 19 U.S.C. 1304, **requires accurate labeling** of an imported product’s country of origin.
- In 1997, the Palestinian Authority (PA) asked the United States to accept the “West Bank/Gaza” country of origin for goods produced in the West Bank or the Gaza Strip. The PA’s intent with this request was to establish territorial unity between the two areas.
- In response, the United States issued guidance stating that “West Bank/Gaza” and “West Bank/Gaza Strip” were considered acceptable country of origin markings.
- On December 1, 2020, the Department of State issued new guidance advising that (1) **Israel continues to exercise relevant authority in areas of the West Bank** and (2) **Gaza and the West Bank are politically and administratively separate.**
- Following this new guidance, CBP issued its notice that goods produced in the territorial areas of the West Bank where Israel continues to exercise relevant authorities must be marked as “Israel,” “Product of Israel,” or “Made in Israel.”
- CBP’s notice further clarified that goods must be marked, as appropriate, “Product of West Bank,” “Product of Gaza,” or words of similar meaning.
- Finally, CBP’s notice stated that goods must not be marked “West Bank/Gaza,” “West Bank/Gaza Strip,” “West Bank and Gaza,” or words of similar meaning.

Anti-BDS Labeling Act:

- **Codifies the 2020 notice**, “Country of Origin Marking of Products from the West Bank and Gaza” (85 Fed. Reg. 83984).
- **Prohibits the use of federal funds to reverse** or alter the rule.