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July 28, 2021

The Honorable Tom Wolf
Governor of Pennsylvania
Office of the Governor
508 Main Capitol Building
Harrisburg, Pa. 17120

Dear Governor Wolf:

As House Bill 2107 went through multiple revisions in the House and Senate, I voted in favor of this important legislation three different times, both in the Rules Committee and on the floor of the House. On November 4, 2016, you signed this bill, which I also co-sponsored, into law as Act 163 of 2016.

Act 163 clearly defines an illegal boycott which is to *“to blacklist, divest from or otherwise refuse to deal with a person or firm when the action is based on race, color, religion, gender or national affiliation or origin of the targeted person or entity.”*

Act 163 states that the Commonwealth of Pennsylvania, as a purchasing agency *“may not contract with a company to acquire or dispose of supplies, services or construction that exceed the applicable small purchase threshold unless the company certifies that:*

(1) the company is not currently engaged in a boycott of a person or an entity based in or doing business with a jurisdiction which the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce; and

(2) the company will not during the duration of the contract engage in a boycott of a person or an entity based in or doing business with a jurisdiction where the Commonwealth is not prohibited by Congressional statute from engaging in trade or commerce.”

From its early days, this Commonwealth as imagined by William Penn has valued and protected religious freedom. You and I have long shared a commitment to strengthened and

updated anti-hate crime laws and a proactive approach to oppose rising antisemitism. These efforts include the passage of Act 163, in which our state government affirmed that companies who agree to illegal boycotts, such as BDS (Boycott, Divestment and Sanction) efforts against Israel, should not have procurement contracts with state government.

A recent Pittsburgh-Post Gazette article entitled “Ben & Jerry’s decision to pull out of West Bank prompts rancor in Israel” highlights the decision by Ben & Jerry’s, a Vermont based ice cream manufacturer, to not sell their products in the West Bank. Ben & Jerry’s Ice Cream is a privately held subsidiary of Unilever, a British based corporation.

I would request that you instruct the Department of General Services to determine whether the Commonwealth has any contracts with either Ben & Jerry’s or Unilever and take the appropriate actions to follow Act 163, including barring Ben & Jerry’s or Unilever from future Commonwealth contracts.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan B. Frankel". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dan B. Frankel
State Representative
23rd Legislative District