

Confronting the anti-Israel BDS Movement: Summary of Successful Legislative Initiatives in Canada and the U.S.A.



Boycott of Jewish stores in Germany, 1930's

To date, Canada and Ontario have passed motions condemning BDS and over 20 states in the U.S.A. have enacted legislative initiatives in response to the anti-Israel 'Boycott, Divestment and Sanctions' movement.

Canadian Legislative Initiatives

Canada

Vote No. 14: Opposition Motion (Israel) – February 2016

- Proposed by MP Tony Clement, the motion passed with bi-partisan support which recognized diplomatic relations between Israel and Canada, and calls upon the government to condemn any attempts by Canadian organizations, groups or individuals that promote the BDS movementⁱ.

Ontario

Motion 36 – December 2016

- Proposed by MPP Gila Martow, the motion passed with bi-partisan support and called on the legislature to stand up against any movement that promotes hate, prejudice and racism, recognize the province's ties to Israel, endorse the Ottawa Protocol on Combating Antisemitism, and reject the differential treatment of Israel including the BDS movementⁱⁱ.

US State Legislative Initiatives (listed in chronological order)

Tennessee

SJR 170: Condemns the Boycott, Divestment, and Sanctions movement and increasing incidents of anti-Semitism – April 2015

- In April 2015, the Tennessee General Assembly became the first state legislature in the United States to formally condemn the BDS movement against Israelⁱⁱⁱ.

South Carolina

HB 3583: An Act to Amend the Code of Laws of South Carolina, 1976 – June 2015

- South Carolina was the first state to enact an anti-BDS law in the United States. The law “bars state agencies from contracting business that boycotts others ‘based on race, color, religion, gender, or national origin’” – including boycotts of the state of Israel^{iv}.

Illinois

SB 1761 – State Prohibited Transactions – July 2015

- Illinois Governor Bruce Rauner signed a bill into law to combat the anti-Israel BDS movement to punish companies that limit commercial relations with the State of Israel or engage in BDS^v.

Indiana

HB 1378 – Divestment related to Boycott of, Divestment from, or Sanctions of Israel – March 2016

- Governor Mike Pence signed into law an anti-BDS law which enacts the state to divest from businesses that support the boycott of Israel^{vi}.

Colorado

HB 16-1284: Concerning Divestment by the Public Employees’ Retirement Association from Companies That Have Economic Prohibitions Against the State of Israel – March 2016

- Governor John Hickenlooper signed a bill into law that requires the state’s pension fund to divest from companies that participate in a boycott against Israel^{vii}.

Florida

SB 86: Scrutinized Companies – March 2016

- Governor Rick Scott signed into law a bill that prohibits the State Board of Administration from investing in companies that boycott Israel^{viii}.

Virginia

HJ 177: Resolution; condemnation of the anti-Israel Boycott, Divestment, and Sanctions movement - March 2016

- The joint resolution passed the House and Senate which condemns the anti-Israel BDS movement^{ix}.

Arizona

HB 2617: Israel; boycotts; contracts; investments – March 2016

- Law signed by Governor Doug Ducey prohibiting state investment in companies that participate in BDS movement^x.

Georgia

SB 327: State purchasing; prohibit the state from entering into certain contracts unless such contracts contain certification; dos not presently conduct a boycott of Israel – April 2016

- Signed by Governor Nathan Deal, the law prohibits state from entering into contracts or agreements with companies involved with BDS movement^{xi}.

Iowa

HF 2331: An Act Concerning Investment of Certain Public Funds in and Public Contracts With Companies That Boycott Israel – May 2016

- Governor Terry Branstad signed into law a bill which prohibits state funds from being directly invested in companies that boycott Israel^{xii}.

Alabama

SB 81 – Public contracts: discrimination – May 2016

- Alabama Governor Robert Bentley the bill into law which would preclude public contracts and governmental entities from entering into contracts with entities that boycott certain persons or entities with whom the state enjoys open trade^{xiii}.

New York

Executive Order No. 157: Directing State Agencies and Authorities to Divest Public Funds Supporting BDS Campaign Against Israel – June 2016

- Governor Andrew Cuomo issued executive order directing state entities to divest all public funds supporting the BDS campaign against Israel^{xiv}.

New Jersey

S 1923: Prohibits investment of pension and annuity funds by State in companies that boycott Israel or Israeli businesses – August 2016

- The Senate Bill was signed into law by Governor Chris Christie requiring the state's public worker pension funds to divest from companies that engage in Israel boycotts^{xv}.

California

AB 2844 – Public contracts: discrimination – September 2016

- Governor Jerry Brown signed a bill into law to prohibit state contractors from violating current state civil rights laws in the course of boycotting a sovereign nation recognized by the United States^{xvi}.

Pennsylvania

HB 2107: Amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes – November 2016

- The bill, signed into law by Governor Tom Wolf, amends an act to prevent the state from contracting with businesses that participate in the BDS campaign against Israel^{xvii}.

Ohio

HB 476: Prohibits agencies from contracting with anti-Israel companies – December 2016

- Law signed by Governor John Kasich which bans state agents from entering into or renewing contracts with companies that boycott or divest from Israel^{xviii}.

Michigan

HB 5821 & HB 5822: State financing and management; purchasing; prohibition of contracting with certain discriminatory businesses – January 2017

- Two bills signed by Governor Rick Snyder, which prohibit state agencies from entering into a contact with an entity that is engaged in the boycott of another entity^{xix}.

Texas

HB 89: Relating to state contracts with and investments in companies that boycott Israel – May 2017

- Bill signed by Governor Greg Abbott prohibits the state from contracting or entering into business with companies or entities involved in the BDS movement against Israel^{xx}.

Updated on November 1, 2017

Nevada

SB 26: An Act relating to governmental financial administration; prohibiting certain governmental entities, under certain circumstances, from contracting with companies with boycott Israel – June 2017

- Governor Brian Sandoval signed bill prohibiting state institutions and government bodies from doing business with those who unfairly boycott Israel^{xxi}.

Kansas

HB 2409: Prohibiting state contracts with companies that are engaged in an anti-Israeli boycott – June 2017

- Governor Sam Brownback signed the bill into law which prohibits state agencies from contracting with entities that engage in Israel boycotts^{xxii}.

North Carolina

HB 161: Divestment from Companies that Boycott Israel – July 2017

- Governor Roy Cooper signed anti-BDS legislation prohibiting state agencies from contracting with companies that engage in boycott campaigns against Israel^{xxiii}.

Maryland

Executive Order 01.01.2017.2: Prohibiting Discriminatory Boycotts of Israel in State Procurement – October 2017

- Governor Larry Hogan signed the executive order which prohibits all executive branch agencies from entering into contracts or conducting official state business with any entity unless they certify that they will not engage in a boycott of Israel during the duration of the contract^{xxiv}.

Wisconsin

Executive Order #261: Relating to the Prohibition of Discriminatory Boycotts of Israel in State Contracting – October 2017

- Governor Scott Walker signed the executive order which prohibits state agencies from executing a contract with a business entity if that entity is engaging in a boycott of Israel^{xxv}.

ⁱ <http://www.ourcommons.ca/Parliamentarians/en/votes/42/1/14/>

ⁱⁱ <http://www.torontosun.com/2016/12/01/ontario-mpps-reject-bds-movement>

ⁱⁱⁱ <http://www.jns.org/news-briefs/2015/4/21/tennessee-general-assembly-becomes-first-state-legislature-to-condemn-bds#.VuL06PkLIU=>

^{iv} <http://www.tabletmag.com/scroll/191437/south-carolina-passes-anti-bds-bill>

^v <http://www.algemeiner.com/2015/07/24/illinois-governor-signs-unprecedented-anti-bds-bill-into-law/#>

^{vi} <https://iga.in.gov/legislative/2016/bills/house/1378#document-39bbdf7f>

^{vii} <https://coloradopolitics.com/bill-to-fight-israel-boycott-signed-into-law/>

^{viii} <http://www.flgov.com/2016/04/06/gov-rick-scott-ceremonially-signs-legislation-to-support-israel/>

^{ix} <https://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+HJ177>

^x http://azdailysun.com/news/state-and-regional/legislative-briefs-ducey-signs-israel-anti-boycott-bill/article_2a0f17ab-4540-582a-b703-b77aefec48f8.html

^{xi} <http://www.timesofisrael.com/georgia-legislature-passes-anti-bds-bill/>

^{xii} <http://www.desmoinesregister.com/story/news/politics/2016/05/10/branstad-signs-israel-anti-boycott-bill/84175736/>

^{xiii} <http://www.sjlmag.com/2016/05/alabama-anti-bds-bill-signed-into-law.html>

^{xiv} <https://www.governor.ny.gov/news/governor-cuomo-signs-first-nation-executive-order-directing-divestment-public-funds-supporting>

^{xv} http://www.nj.com/politics/index.ssf/2016/08/christie_signs_bill_that_cuts_pension_ties_with_bu.html

^{xvi} <http://www.jpost.com/Diaspora/California-governor-signs-anti-BDS-bill-into-law-468670>

^{xvii} <http://www.timesofisrael.com/governor-of-pennsylvania-signs-anti-bds-bill-into-law/>

^{xviii} http://www.clevelandjewishnews.com/news/local_news/ohio-th-state-to-pass-anti-bds-bill/article_259af2d6-c6ef-11e6-a16e-1347713d9e56.html

^{xix} <http://www.jns.org/news-briefs/2017/1/10/michigan#.WYNP5YTyuCg>

^{xx} <https://gov.texas.gov/news/post/anti-israel-policies-are-anti-texas-policies>

^{xxi} <http://www.thetower.org/5038-nevada-becomes-20th-state-to-ban-discriminatory-israel-boycotts/>

^{xxii} <http://www.jpost.com/BDS-THREAT/Kansas-governor-signs-anti-BDS-law-497340>

^{xxiii} <http://www.jpost.com/Diaspora/North-Carolina-governor-signs-anti-BDS-legislation-501387>

^{xxiv} https://content.govdelivery.com/attachments/MDGOV/2017/10/23/file_attachments/900819/Executive%2BOrder%2B01.01.2017.25.pdf

^{xxv} https://walker.wi.gov/sites/default/files/executive-orders/EO%20%23261_0.pdf