



State of New York

Executive Chamber

No. 157

EXECUTIVE ORDER

DIRECTING STATE AGENCIES AND AUTHORITIES TO DIVEST PUBLIC FUNDS SUPPORTING BDS CAMPAIGN AGAINST ISRAEL

WHEREAS, the State of Israel is a critical and invaluable ally of the United States;

WHEREAS, the State of New York and Israel enjoy a special historical relationship and share a commonly forged cultural bond;

WHEREAS, the State of New York does not support boycott related tactics that are used to threaten the sovereignty and security of allies and trade partners of the United States;

WHEREAS, in 2005, elements of Palestinian civil society issued a call for a Boycott, Divestment and Sanctions (BDS) campaign against Israel, coordinated by the Palestinian BDS National Committee;

WHEREAS, the State of New York unequivocally rejects the BDS campaign and stands firmly with Israel;

WHEREAS, the State of New York will not permit its own investment activity to further the BDS campaign in any way, shape or form, whether directly or indirectly;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

I. DEFINITIONS

A. "Affected State Entities" means (i) all agencies and departments over which the Governor has executive authority, and (ii) all public-benefit corporations, public authorities, boards, and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

B. "Boycott, divestment, or sanctions activity targeting Israel" means any activity that is intended to penalize, inflict economic harm on, or otherwise limit commercial relations with Israel or persons doing business in Israel for purposes of coercing political action by, or imposing policy positions on, the government of Israel.

C. "Commissioner" means the Commissioner of the Office of General Services.

II. PUBLICLY AVAILABLE LIST OF BDS ASSETS

A. Not later than 180 days after the date of this Executive Order, the Commissioner shall develop a list of institutions and companies that the Commissioner determines, using credible information available to the public, engages in boycott, divestment, or sanctions activity targeting Israel, either directly or

through a parent or subsidiary. Such list, when completed, shall be posted on the website of the Office of General Services.

B. The Commissioner shall update the list every 180 days.

C. Prior to placing any institution or company on the list, the Commissioner shall provide to the particular institution or company written notice of the Commissioner's intent to include the institution or company on the list, and shall allow such institution or company a period of at least 90 days to present the Commissioner with evidence that the institution or company does not in fact engage in boycott, divestment, or sanctions activity targeting Israel, either directly or through a parent or subsidiary.

D. Where, pursuant to Section II(C) above, the Commissioner makes a good faith determination that the institution or company does not in fact engage in boycott, divestment, or sanctions activity targeting Israel, either directly or through a parent or subsidiary, the Commissioner shall not include the institution or company on the list.

E. An institution or company that has been included on the Commissioner's list may request removal from the list by submitting written evidence to the Commissioner that the institution or company no longer engages in boycott, divestment, or sanctions activity targeting Israel, either directly or through a parent or subsidiary. If the Commissioner makes a good faith determination that the institution or company does in fact no longer engage in such activity, the Commissioner shall remove the institution or company from the list at the next opportunity pursuant to Section II(B) above.

III. DIVESTMENT OF CERTAIN PUBLIC FUNDS

A. All Affected State Entities are hereby directed to divest their money and assets from any investment in any institution or company that is included on the Commissioner's list pursuant to Section II above.

B. This Executive Order shall not be construed to require the premature or otherwise imprudent divestment of money and assets, but Affected State Entities shall achieve compliance with the directive in Section III(A) above no later than one year after the issuance of this Executive Order.

IV. NO FURTHER INVESTMENTS IN BDS ASSETS

A. No money or assets shall be invested by any Affected State Entity in the future in any institution or company that is included on the Commissioner's list pursuant to Section II above.

FURTHER, this Order shall take effect immediately and shall remain in effect until further notice.



BY THE GOVERNOR

GIVEN under my hand and the Privy Seal of the
State in the City of Albany this fifth day
of June in the year two thousand sixteen.

A handwritten signature in black ink, appearing to read "Andrew Cuomo".

William J. Mahow
Secretary to the Governor