
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 16

Session of
2007

INTRODUCED BY WASHINGTON, FONTANA, BOSCOLA, GREENLEAF, ORIE,
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JANUARY 29, 2007

REFERRED TO FINANCE, JANUARY 29, 2007

A RESOLUTION

1 Establishing a select committee to study potential courses of
2 action for Commonwealth departments, agencies and pension
3 systems that make investments in, procure goods and services
4 from or otherwise do business with companies conducting
5 business in or with the Republic of Sudan.

6 WHEREAS, The Sudanese government is engaged in ongoing armed
7 conflict with ethnic African tribesmen in the Darfur region of
8 Sudan who rebelled against the government; and

9 WHEREAS, In the course of combating the rebellion, the
10 Sudanese government has used armed forces and armed Arab
11 militants known as the Janjaweed to conduct atrocities against
12 Darfurians, including many noncombatants; and

13 WHEREAS, Atrocities include the murder of nearly 400,000
14 people, displacement of 2.5 million people, razing of more than
15 half of the villages in northern Darfur, forced starvation and
16 enslavement; and

17 WHEREAS, The President and Congress of the United States and
18 the State Department have concluded that the actions of the
19 Sudanese government amount to genocide; and

1 WHEREAS, The State Department has reported that Sudanese
2 government forces have pursued a scorched-earth policy to remove
3 populations settled around a newly constructed oil pipeline and
4 other oil production facilities; and

5 WHEREAS, The United Nations International Commission of
6 Inquiry on Darfur has stated that the Sudanese government is
7 responsible for indiscriminate attacks, including murder,
8 torture, forced disappearances, destruction of villages, rape
9 and other forms of sexual violence, pillaging and displacement;
10 and

11 WHEREAS, The genocidal actions of the Sudanese government
12 have continued despite United States limitations on American-
13 based companies conducting business in the Republic of Sudan;
14 and

15 WHEREAS, Genocide, enslavement and other cited atrocities are
16 repugnant to the basic principles of liberty and justice
17 contained in the Bill of Rights of the Constitution of the
18 United States and in the Declaration of Rights in Article I of
19 the Constitution of Pennsylvania, principles which are
20 fundamental to the character of a free society; and

21 WHEREAS, Certain Commonwealth departments, agencies and
22 pension systems invest pension and taxpayer funds in, procure
23 goods and services from or otherwise do business with foreign
24 companies that conduct operations internationally; and

25 WHEREAS, There is concern that certain foreign companies
26 conducting business in the Republic of Sudan are providing the
27 Sudanese government with revenue or infrastructure that may
28 facilitate the atrocities; and

29 WHEREAS, There is concern that certain foreign companies
30 operating in the Republic of Sudan are providing significant

1 revenue, support and arms to the Sudanese government while
2 providing little benefit to Sudanese citizens; and

3 WHEREAS, There is concern that the Sudanese government has
4 funneled the majority of foreign direct investment from these
5 companies into military expenditures used to perpetuate
6 atrocities in Darfur while neglecting needed development
7 projects in that region; and

8 WHEREAS, There are reports that certain foreign companies
9 with business ties to the Republic of Sudan are engaged in
10 critical humanitarian and economic development efforts that
11 benefit oppressed citizens of Sudan, particularly in the
12 southern region of the country where the population is enjoying
13 relative peace and attempting to rebuild the regional economy;
14 and

15 WHEREAS, The United States Government has failed to provide
16 any clear guidance that would enable states to authoritatively
17 distinguish between companies engaged in activities that
18 facilitate atrocities and those that are aiding Sudanese
19 citizens; and

20 WHEREAS, The United States Government has failed to provide
21 specific recommendations regarding what actions, consistent with
22 United States foreign policy goals, states could or should take
23 with regard to companies conducting business in the Republic of
24 Sudan; and

25 WHEREAS, The lack of Federal guidance persists despite
26 repeated urgings of the largest public pension systems in this
27 Commonwealth and numerous national organizations, including the
28 National Conference of State Legislatures, the National
29 Association of State Retirement Administrators, the National
30 Association of State Auditors, Comptrollers and Treasurers and

1 the National Council on Teacher Retirement; and

2 WHEREAS, Commonwealth residents find the actions of the
3 Sudanese government in Darfur to be repugnant to basic
4 principles of humanity and in violation of fundamental
5 principles of human rights and personal freedom embodied within
6 the Constitution of the United States and the Declaration of
7 Rights in the Constitution of Pennsylvania; and

8 WHEREAS, The Commonwealth recognizes the complexity and
9 difficulty of determining whether particular companies doing
10 business in the Republic of Sudan ultimately contribute to the
11 benefit or harm of Sudanese citizens and likewise the complexity
12 and difficulty of determining whether and to what degree any
13 State action might truly affect the lives of Sudanese citizens;
14 therefore be it

15 RESOLVED, That the Senate establish a select committee to
16 study potential courses of action for Commonwealth departments,
17 agencies and pension systems that make investments in, procure
18 goods and services from or otherwise do business with companies
19 conducting business in or with the Republic of Sudan; and be it
20 further

21 RESOLVED, That the committee consist of nine members of the
22 Senate as follows:

23 (1) The President pro tempore of the Senate.

24 (2) The chairman and minority chairman of the
25 Appropriations Committee of the Senate.

26 (3) The chairman and minority chairman of the Education
27 Committee of the Senate.

28 (4) The chairman of the Majority Policy Committee of the
29 Senate.

30 (5) The chairman of the Minority Policy Committee of the

1 Senate.

2 (6) One appointee designated by the Majority Leader of
3 the Senate.

4 (7) One appointee designated by the Minority Leader of
5 the Senate;

6 and be it further

7 RESOLVED, That the members of the committee choose from among
8 themselves a chairman and other officers as deemed necessary and
9 draw upon their existing staff to assist in the work of the
10 committee; and be it further

11 RESOLVED, That the committee document the existing state of
12 affairs in the Republic of Sudan, including, without limitation,
13 the relationship between Commonwealth departments, agencies and
14 pension systems investing in, procuring goods and services from
15 and otherwise doing business with companies in the Republic of
16 Sudan and policies of the Sudanese government; and be it further

17 RESOLVED, That Commonwealth agencies and departments be
18 directed to assist the committee in its investigation; and be it
19 further

20 RESOLVED, That the committee study the issue of what courses
21 of action, if any, might be available to the Commonwealth to
22 influence in a meaningful way the conduct of companies doing
23 business in the Republic of Sudan; and be it further

24 RESOLVED, That the committee report on the relative degree to
25 which various courses of action might be expected to have a
26 meaningful, positive impact on the lives of the oppressed
27 Sudanese citizens; and be it further

28 RESOLVED, That the committee study the question of how
29 measures could be implemented consistent with Federal law
30 regarding the rights of the Federal Government to conduct

1 foreign policy; and be it further

2 RESOLVED, That, if the committee finds that State action with
3 regard to specific Sudan-related assets could favorably
4 influence the behavior of the Sudanese government toward its
5 oppressed citizens and is consistent with Federal law, the
6 committee study the financial impact on the Commonwealth; and be
7 it further

8 RESOLVED, That the committee consider the following:

9 (1) Actions taken by other states with respect to their
10 investment funds.

11 (2) Legislation enacted by or pending in the Congress.

12 (3) Information compiled by the Federal Government,
13 especially the State Department, relating to the Republic of
14 Sudan.

15 (4) Coordination among shareholders or other investment
16 funds.

17 (5) The status and prospects of litigation pending in
18 other jurisdictions regarding the authority of the states to
19 pursue similar actions.

20 (6) Any other information the committee determines to be
21 relevant;

22 and be it further

23 RESOLVED, That the committee have the power to obtain the
24 necessary information from any group or individual deemed
25 helpful in reaching a recommendation; and be it further

26 RESOLVED, That in assessing potential courses of action, the
27 committee be mindful of the fiduciary duties of the public
28 pension systems, determine if any course of action conflicts
29 with those duties and determine what steps the Commonwealth
30 could take to ensure that fiduciaries are held harmless against

1 all losses suffered by the public pension systems as a result of
2 their compliance with a legislatively directed course of action;
3 and be it further

4 RESOLVED, That the select committee collaborate with any
5 similar committee established by the House of Representatives,
6 the holding of hearings and the development of a report of
7 findings in order to work in a unified manner to address this
8 issue; and be it further

9 RESOLVED, That the committee make a report of its findings to
10 the Senate by June 30, 2007.