



# Illinois Department of Financial and Professional Regulation

January 20, 2006

## *The Siren*

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### **Public Act 94-0079 PROHIBITION ON SUDAN INVESTMENTS**

**January 26, 2006** - (1) the fund managing company has not loaned to, invested in, or otherwise transferred any of the retirement system or pension fund's assets to a forbidden entity any time after the effective date of this Act;

**January 26, 2007** - (2) at least 60% of the retirement system or pension fund's assets are not invested in forbidden entities at any time more than twelve months after the effective date of this Act;

**July 26, 2007** - (3) at least 100% of the retirement system or pension fund's assets are not invested in forbidden entities at any time more than eighteen months after the effective date of this Act.

Starting January 26, 2006, no pension funds may make any new investments in the following:

40 ILCS 5/1-110.5 (b) ... "Forbidden entity" means any of the following:

(1) The government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(2) Any company that is wholly or partially managed or controlled by the government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(3) Any company (i) that is established or organized under the laws of the Republic of the Sudan; (ii) whose principal place of business is in the Republic of the Sudan;

(4) Any company (i) identified by the Office of Foreign Assets Control in the United States Department of the Treasury as sponsoring terrorist activities; or (ii) fined, penalized, or sanctioned by the Office of Foreign Assets Control in the United States Department of the Treasury for any violation of any United States rules and restrictions relating to the Republic of the Sudan that occurred at any time following the effective date of this Act; and

(5) Any publicly traded company who has been identified by an independent researching firm that specializes in global security risk as being a company that owns or controls property or assets located in, has employees or facilities located in, provides goods or services to, obtain goods or services from, has distribution agreements with, issue credits or loans to, purchase bonds or commercial paper issued by, or invest in (i) the Republic of the Sudan; or (ii) any company domiciled in the Republic of the Sudan; and

(6) Any non publicly-traded company that fails to submit to the fund managing company an affidavit sworn under oath in which an expressly authorized officer of the company avers that the company (i) does not own or control any property or asset located in the Republic of the Sudan; and (ii) did not transact commercial business in the Republic of the Sudan.

Section 1-110.5(a) calls for the company charged with managing the assets of the pension fund, at no additional cost to the fiduciary, to certify to the fiduciary, in the manner and form established by the Illinois State Treasurer that any future investments are not prohibited.

**ATTACHED ARE THE THREE CERTIFICATION FORMS  
MADE AVAILABLE BY THE STATE TREASURER'S  
OFFICE FOR IMMEDIATE IMPLEMENTATION.**

**Pension Division Advisory Services**

[www.idfpr.com/doi/pension/pension.asp](http://www.idfpr.com/doi/pension/pension.asp)

CERTIFICATION FOR ASSET MANAGING COMPANIES  
Illinois Act to End Atrocities and Terrorism in the Sudan (Public Act 94-0079)

\_\_\_\_\_, an asset management company, in good  
(CONTRACTOR)

faith certifies to \_\_\_\_\_, that as  
(FIDUCIARY)

provided under Section 1-110.5 of the Illinois Pension Code, CONTRACTOR has not  
loaned to, invested in, or otherwise transferred any of the FIDUCIARY's assets to a  
forbidden entity, any time on or after January 27, 2006.

This certification is submitted on behalf of \_\_\_\_\_  
(CONTRACTOR)

Official authorized to sign on behalf of CONTRACTOR:

Name (printed) \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**USE THIS FORM BEFORE JANUARY 27, 2007**

CERTIFICATION FOR ASSET MANAGING COMPANIES  
Illinois Act to End Atrocities and Terrorism in the Sudan (Public Act 94-0079)

\_\_\_\_\_, an asset management company, in good  
(CONTRACTOR)

faith certifies to \_\_\_\_\_, that: (1) as  
(FIDUCIARY)

provided under Section 1-110.5 of the Illinois Pension Code, CONTRACTOR has not loaned to, invested in, or otherwise transferred any of the FIDUCIARY's assets to a forbidden entity, any time on or after January 27, 2006; and (2) as of January 27, 2007, at least 60% of the assets of the FIDUCIARY managed by CONTRACTOR are not invested in forbidden entities.

This certification is submitted on behalf of \_\_\_\_\_  
(CONTRACTOR)

Official authorized to sign on behalf of CONTRACTOR:

Name (printed) \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

CERTIFICATION FOR ASSET MANAGING COMPANIES  
Illinois Act to End Atrocities and Terrorism in the Sudan (Public Act 94-0079)

\_\_\_\_\_, an asset management company, in good  
(CONTRACTOR)

faith certifies to \_\_\_\_\_, that: (1) as  
(FIDUCIARY)

provided under Section 1-110.5 of the Illinois Pension Code, CONTRACTOR has not loaned to, invested in, or otherwise transferred any of the FIDUCIARY's assets to a forbidden entity, any time on or after January 27, 2006; and (2) as of July 27, 2007, 100% of the assets of the FIDUCIARY managed by CONTRACTOR are not invested in forbidden entities.

This certification is submitted on behalf of \_\_\_\_\_  
(CONTRACTOR)

Official authorized to sign on behalf of CONTRACTOR:

Name (printed) \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_