



Investment Committee

Agenda Item 6g

November 16, 2021

Item Name: Report to the California Legislature – California Public Divest from Iran and Sudan Act Compliance

Program: Total Fund

Item Type: Information Consent

Executive Summary

Staff intends to submit the attached report to the California Legislature and Governor pursuant to the requirements of California Government Codes §7513.6 and §7513.7, also known as the Sudan Act and the California Public Divest from Iran Act (the Acts), respectively. As further described in the report, all U.S. economic sanctions against Sudan have been lifted which triggers the sunset of the Sudan Act. CalPERS will discontinue future monitoring and restrictions of the affected companies going forward.

The CalPERS 2021 California Public Divest from Iran Act and Sudan Act Legislative Report is provided as Attachment 1.

Strategic Plan

This item does not support the CalPERS 2017-22 Strategic Plan.

Investment Beliefs

This item supports CalPERS Investment Belief 3 - CalPERS investment decisions may reflect wider stakeholder views, provided they are consistent with its fiduciary duty to members and beneficiaries.

Background

The Acts

The Acts prohibit the boards of the California Teachers' Retirement System and CalPERS from investing in companies with specified business activities in Iran and Sudan, respectively, subject to the fiduciary duties of the Board as described in the California Constitution. The Acts require CalPERS to undertake a number of different activities, including the identification of and engagement with companies potentially subject to the Acts, divestment where both indicated

and consistent with the Committee's fiduciary duties, and submission of an annual report to the California Legislature¹.

Analysis

Highlights of differences between the 2020 report and 2021 report are as follows:

1. No new companies were added for further review under the California Public Divest from Iran Act and the Sudan Act.
2. CalPERS has ceased monitoring a number of companies due to lack of ownership of these stocks. Additional information is available in Attachment 1.

Budget and Fiscal Impacts

Not Applicable.

Benefits and Risks

Failure to comply with the statutory requirement of the Acts could result in legal and reputational risk to CalPERS.

Attachments

Attachment 1 – CalPERS 2021 California Public Divest from Iran Act and Sudan Act Legislative Report

Amy Deming
Investment Director
Investment Controls & Operational Risk

Arnold B. Phillips
Interim Deputy Chief Investment Officer

Dan Bienvenue
Interim Chief Investment Officer

¹ [CalPERS legislative report archives](#)