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# A BILL FOR AN ACT

RELATING TO THE REPEAL OF ACT 192, SESSION LAWS OF HAWAII 2007.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to repeal Act 192,  
2 Session Laws of Hawaii 2007 (Act 192), that requires the  
3 Employees' Retirement System of the State of Hawaii, identified  
4 as the "public fund", to divest itself of investments in  
5 companies that provide significant support for genocide in  
6 Darfur, Sudan, and provide to the legislature annual publicly  
7 available reports regarding the status of the divestment and  
8 related duties of the public fund under Act 192.

9           Under section 8 of Act 192 (2007), that Act shall be  
10 repealed upon the occurrence of any of the following:

11           "(1) The Congress or President of the United States  
12           declares that the Darfur genocide has been halted for  
13           at least twelve months:

14           (2) The United States revokes all sanctions imposed  
15           against the government of Sudan;

16           (3) The Congress or President of the United States  
17           declares that the government of Sudan has honored its



1 commitments to cease attacks on civilians, demobilize  
2 and demilitarize the Janjaweed and associated  
3 militias, grant free and unfettered access for  
4 deliveries of humanitarian assistance, and allow for  
5 the safe and voluntary return of refugees and  
6 internally displaced persons; or

7 (4) The Congress or President of the United States,  
8 through legislation or executive order, declares that  
9 mandatory divestment of the type provided for in this  
10 chapter interferes with the conduct of United States  
11 foreign policy."

12 In 2017, the United States revoked longstanding economic  
13 sanctions against Sudan. In United States Presidential  
14 Executive Order No. 13761, President Barack H. Obama noted  
15 "Sudan's positive actions over the past 6 months. These actions  
16 include a marked reduction in offensive military activity,  
17 culminating in a pledge to maintain a cessation of hostilities  
18 in conflict areas in Sudan, and steps toward the improvement of  
19 humanitarian access throughout Sudan, as well as cooperation  
20 with the United States on addressing regional conflicts and the  
21 threat of terrorism." Executive Order No. 13761 provided for



1 revocation of the sanctions if the United States Secretary of  
2 State published notice in the Federal Register that Sudan had  
3 sustained the positive actions by a certain date, which was  
4 subsequently extended. On October 11, 2017, the Secretary of  
5 State published such notice of sustained positive actions in the  
6 Federal Register. As a result, U.S. persons are generally able  
7 to trade and do business with individuals and entities in Sudan,  
8 according to the U.S. Department of State.

9 In President Donald J. Trump's Memorandum of October 26,  
10 2020, he certified pursuant to section 6(e) of the Comprehensive  
11 Peace in Sudan Act of 2004 (Public Law 108-497, as amended by  
12 the Darfur Peace and Accountability Act of 2006 (Public Law 109-  
13 344) that the Government of Sudan had taken demonstrable steps  
14 as follows to:

15 "(A) [E]nsure that the armed forces of Sudan and any  
16 associated militias are not committing atrocities or  
17 obstructing human rights monitors or the provision of  
18 humanitarian assistance;

19 (B) [D]emobilize and disarm militias supported or created  
20 by the Government of Sudan;



- 1 (C) [A]llow full and unfettered humanitarian assistance to  
2 all regions of Sudan, including the Darfur region;
- 3 (D) [A]llow an international commission of inquiry to  
4 conduct an investigation of atrocities in the Darfur  
5 region, in a manner consistent with United Nations  
6 Security Council Resolution 1564 (September 18, 2004),  
7 to investigate reports of violations of international  
8 humanitarian law and human rights law in the Darfur  
9 region by all parties, to determine also whether or  
10 not acts of genocide have occurred and to identify the  
11 perpetrators of such violations with a view to  
12 ensuring that those responsible are held accountable;
- 13 (E) [C]ooperate fully with the African Union, the United  
14 Nations, and all other observer, monitoring, and  
15 protection missions mandated to operate in Sudan;
- 16 (F) [P]ermit the safe and voluntary return of displaced  
17 persons and refugees to their homes and rebuild the  
18 communities destroyed in the violence; and
- 19 (G) [I]mplement the final agreements reached in the  
20 Naivasha peace process and install a new coalition  
21 government based on the Nairobi Declaration on the



1           Final Phase of Peace in the Sudan signed on June 5,  
2           2004."

3   Based on the foregoing certifications of President Donald Trump,  
4   the designation of Sudan as a state sponsor of terrorism was  
5   rescinded.

6           On October 26, 2020, President Trump in his Certification  
7   of Recission of Sudan's Designation as a State Sponsor of  
8   Terrorism that the Government of Sudan has not provided any  
9   support for acts of international terrorism during the preceding  
10   6-month period, and the Government of Sudan has provided  
11   assurances that it will not support acts on international  
12   terrorism in the future.

13           Therefore, one or more of the occurrences that shall  
14   trigger repeal of Act 192, Session Laws of Hawaii 2007, have  
15   been satisfied.

16           SECTION 2. Act 192, Session Laws of Hawaii 2007, is  
17   repealed.

18           SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Employees' Retirement System; Repeal; Act 192, Session Laws of Hawaii 2007

**Description:**

Repeals Act 192, Session Laws of Hawaii 2007, which requires the Employees' Retirement System to divest itself of investments in companies that provide support for genocide in Darfur, Sudan, and provide annual reports to the Legislature on the status of divestment. (SD2)

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