

ADOPTED

Senators Cowser of the 46th, Harbin of the 16th and Anavitarte of the 31st offered the following amendment:

1 *Amend HB 285 (LC 43 2562) by replacing lines 4 and 5 with the following:*

2 alternative investments; to provide for retirement system divestment from certain Chinese
3 entities; to provide for definitions; to provide for a time line for compliance; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 *By replacing lines 24 and 25 with the following:*

6 **SECTION 2.**

7 Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, relating to the
8 "Public Retirement Systems Investment Authority Law," is amended by adding a new Code
9 section to read as follows:

10 "47-20-83.1.

11 (a) As used in this Code section, the term:

12 (1) 'Investment activities' means acts of investing in or lending of assets of a retirement
13 system.

14 (2) 'Restricted entity' means:

15 (A) A Chinese entity:

16 (i) Designated by Presidential Executive Order 13959, relating to addressing the
17 threat from securities investments that finance Communist Chinese military
18 companies;

- 19 (ii) Designated by Presidential Executive Order 14105, relating to addressing United
20 States investments in certain national security technologies and products in countries
21 of concern;
- 22 (iii) Included in the List of Specially Designated Nationals and Blocked Persons
23 maintained by the U.S. Department of the Treasury, Office of Foreign Assets Control;
- 24 (iv) Included on the Non-SDN Chinese Military-Industrial Complex Companies List
25 maintained by the U.S. Department of the Treasury, Office of Foreign Assets Control
26 under Presidential Executive Order 14032;
- 27 (v) That qualifies as a Chinese military company or a military-civilian fusion
28 contributor and included on the list maintained by the Department of Defense in
29 accordance with Section 1260H(b) of the National Defense Authorization Act for
30 Fiscal Year 2021;
- 31 (vi) That is included on the list required under Section 1237 of the National Defense
32 Authorization Act for Fiscal Year 1999;
- 33 (vii) That is included on the Denied Persons List described in Section 764.3(a)(2) of
34 the federal government's Export Administration Regulations;
- 35 (viii) That is included on the Unverified List set forth in supplement No. 6 to Part 744
36 of the Export Administration Regulations;
- 37 (ix) That is included on the Military End User List set forth in supplement No. 7 to
38 Part 744 of the Export Administration Regulations;
- 39 (x) That produces or provides communications equipment or services on the list
40 published by the Federal Communications Commission under Section 2(a) of the
41 Secure and Trusted Communications Networks Act of 2019;
- 42 (xi) That is included on the Uyghur Forced Labor Prevention Act Entity List,
43 maintained by the Department of Homeland Security;

44 (xii) That is included on the Withhold Release Orders and Findings List maintained
45 by the Commissioner of the U.S. Customs and Border Protection pursuant to the
46 Uyghur Forced Labor Prevention Act;

47 (xiii) That is included on the list of covered issuers maintained by the Securities and
48 Exchange Commission pursuant to Section 104 of the Sarbanes-Oxley Act of 2002;
49 and

50 (xiv) That is otherwise included on any other list maintained by the United States
51 government that designates Chinese entities for restriction relating to investment,
52 contracting, or procurement;

53 (B) A Chinese entity otherwise subject to the control of a Chinese entity listed in
54 subparagraph (A) of this paragraph; and

55 (C) Any agency or instrumentality of the People's Republic of China.

56 (b) The state treasurer or his or her designee shall, on or before December 31, 2024, create
57 a list of restricted entities and shall update such list every six months.

58 (c) No retirement system may engage in investment activities with an entity on the list
59 maintained pursuant to subsection (b) of this Code section.

60 (d) Upon publication or update of the restricted entity list provided for in subsection (b)
61 of this Code section, the governing body or board of trustees of each retirement system
62 shall identify any holdings of the retirement system in such restricted entity and shall,
63 acting as a prudent investor, divest from any holdings or other investment activity in any
64 such within six months of such publication or update."

65 **SECTION 3.**

66 All laws and parts of laws in conflict with this Act are repealed.