

~~B. LESS THAN 75% OF ALL POWER PRODUCTION ACTIVITIES THAT PROVIDE POWER OR ELECTRICITY TO THE MARGINALIZED POPULATIONS OF SUDAN; AND~~

~~C. FAILURE TO TAKE SUBSTANTIAL ACTION;~~

~~(2) IS COMPLICIT IN THE DARFUR GENOCIDE; OR~~

~~(3) SUPPLIES MILITARY EQUIPMENT TO SUDAN.~~

~~(B) FOR PURPOSES OF SUBSECTION (A)(3) OF THIS SECTION, A COMPANY IS NOT CONSIDERED TO SUPPLY MILITARY EQUIPMENT TO SUDAN IF THE COMPANY:~~

~~(1) SUPPLIES MILITARY EQUIPMENT THAT CANNOT BE USED TO FACILITATE OFFENSIVE MILITARY ACTIONS IN SUDAN; OR~~

~~(2) IMPLEMENTS SAFEGUARDS TO PREVENT USE OF MILITARY EQUIPMENT BY FORCES ACTIVELY PARTICIPATING IN ARMED CONFLICT.~~

~~21-1A-03.~~

~~(A) (1) AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE OCTOBER 1, 2007, THE BOARD OF TRUSTEES SHALL IDENTIFY ALL SCRUTINIZED COMPANIES IN WHICH THE BOARD OF TRUSTEES HAS DIRECT OR INDIRECT HOLDINGS;~~

~~(2) TO IDENTIFY SCRUTINIZED COMPANIES AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL:~~

~~(i) REVIEW AND RELY ON PUBLICLY AVAILABLE INFORMATION REGARDING COMPANIES WITH BUSINESS OPERATIONS IN SUDAN, INCLUDING INFORMATION PROVIDED BY NONPROFIT ORGANIZATIONS, RESEARCH FIRMS, INTERNATIONAL ORGANIZATIONS, AND GOVERNMENT ENTITIES;~~

~~(ii) CONTACT ASSET MANAGERS CONTRACTED BY THE BOARD OF TRUSTEES ON BEHALF OF THE SEVERAL SYSTEMS, WITH BUSINESS OPPORTUNITIES IN SUDAN; AND~~

~~(iii) CONTACT OTHER INSTITUTIONAL INVESTORS THAT HAVE DIVESTED FROM OR ENGAGED WITH COMPANIES THAT HAVE BUSINESS OPERATIONS IN SUDAN.~~