

115TH CONGRESS  
2D SESSION

# S. 3244

To amend chapter 84 of title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan.

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IN THE SENATE OF THE UNITED STATES

JULY 19, 2018

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend chapter 84 of title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Employees  
5       Sustainable Investment Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) The Department of Labor has asserted that  
9       socially responsible investments meet the fiduciary

1 standards set in the Employee Retirement Income  
2 Security Act of 1974 (29 U.S.C. 1001 et seq.).

3 (2) Eighty-four percent of mutual fund inves-  
4 tors would be more likely to invest in a fund if one  
5 of its principles was to invest in companies that en-  
6 gage in ethical business practices in terms of oper-  
7 ations and reporting.

8 (3) Seventy-one percent of investors agree that  
9 companies that operate with higher levels of integ-  
10 rity carry less investment risk, and 67 percent of in-  
11 vestors believe that these companies deliver better  
12 investment returns.

13 (4) The United States National Research Coun-  
14 cil has established that human activity is largely re-  
15 sponsible for recent climate change and threatens  
16 significant harm to our Nation's public health and  
17 welfare, security, agriculture and forestry, natural  
18 resources, infrastructure, and economy.

19 (5) In 2012, \$3,740,000,000,000 was invested  
20 in socially responsible funds in the United States.

21 **SEC. 3. CORPORATE RESPONSIBILITY STOCK INDEX FUND.**

22 (a) DEFINITION.—Section 8438(a) of title 5, United  
23 States Code, is amended—

24 (1) by redesignating paragraphs (2) through  
25 (10) as paragraphs (3) through (11), respectively;

1           (2) by inserting after paragraph (1) the fol-  
2           lowing:

3           “(2) the term ‘Corporate Responsibility Stock  
4           Index Fund’ means the fund established under sub-  
5           section (b)(1)(G);”; and

6           (3) in paragraph (10), as redesignated by para-  
7           graph (1) of this subsection, by striking “paragraph  
8           (8)(D)” each place it appears and inserting “para-  
9           graph (9)(D)”.

10          (b) ESTABLISHMENT.—

11           (1) IN GENERAL.—Section 8438(b)(1) of title  
12          5, United States Code, is amended—

13           (A) in subparagraph (E), by striking  
14          “and” at the end;

15           (B) in subparagraph (F), by striking the  
16          period at the end and inserting “; and”; and

17           (C) by adding at the end the following:

18           “(G) a Corporate Responsibility Stock Index  
19          Fund as provided under paragraph (6).”.

20          (2) FUND REQUIREMENTS.—Section 8438(b) of  
21          title 5, United States Code, is amended by adding  
22          at the end the following:

23          “(6)(A)(i) The Board shall select a minimum of one  
24          index which is a commonly recognized, passively managed  
25          index comprised of stocks (from the United States or

1 international equity markets) that have been analyzed and  
2 selected based on criteria consistent with the purposes of  
3 this paragraph.

4 “(ii) The criteria under clause (i) shall at a minimum  
5 include—

6 “(I) corporate governance;

7 “(II) environmental practices (including green-  
8 house gas emissions and contribution to climate  
9 change);

10 “(III) workplace relations and benefits;

11 “(IV) product safety and impact;

12 “(V) international operations and human  
13 rights;

14 “(VI) involvement with repressive regimes; and

15 “(VII) community relations.

16 “(iii) The historical performance of each index se-  
17 lected under this subparagraph shall be comparable to  
18 that of the other investment funds and options available  
19 under this subsection.

20 “(B) The Corporate Responsibility Stock Index Fund  
21 shall be invested in a portfolio designed to replicate the  
22 performance of the index in subparagraph (A) (or, if more  
23 than one index is selected, the overall average perform-  
24 ance). The portfolio shall be designed such that, to the  
25 extent practicable, the percentage of the Corporate Re-

1 sponsibility Stock Index Fund that is invested in each  
2 stock is the same as the percentage determined by dividing  
3 the aggregate market value of all shares of that stock by  
4 the aggregate market value of all shares of all stocks in-  
5 cluded in such index (or indexes).”.

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