

NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 192, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. Ford] that the House suspend the rules and pass the joint resolution, House Joint Resolution 192, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 180, not voting 20, as follows:

[Roll No. 133]

YEAS—233

Ackerman	Fiedler	McCollum
Addabbo	Fish	McHugh
Akaka	Foglietta	McKernan
Anderson	Foley	McKinney
Andrews	Ford (MI)	Mikulski
Annuizio	Ford (TN)	Miller (CA)
Aspin	Frank	Miller (WA)
Atkins	Frost	Mineta
AuCoin	Gallo	Mitchell
Barnes	Garcia	Moakley
Bates	Gaydos	Mollohan
Bedell	Gejdenson	Moody
Beilenson	Gekas	Moorhead
Berman	Gephardt	Morrison (CT)
Biaggi	Gilman	Mrazek
Billakis	Glickman	Myers
Bliley	Gonzalez	Nowak
Boehlert	Gordon	Oakar
Boggs	Gray (PA)	Oberstar
Boland	Green	Obey
Bonior (MI)	Guarini	Ortiz
Borski	Hall (OH)	Owens
Bosco	Hall, Ralph	Packard
Boucher	Hamilton	Panetta
Boxer	Hawkins	Parris
Breaux	Hayes	Pashayan
Brooks	Heftel	Pease
Broomfield	Henry	Penny
Brown (CA)	Hertel	Pepper
Bruce	Horton	Porter
Bryant	Howard	Pursell
Burton (CA)	Hoyer	Rangel
Carr	Hughes	Reid
Chapple	Hunter	Richardson
Clay	Ireland	Rinaldo
Coats	Jacobs	Robinson
Coelho	Jeffords	Rodino
Coleman (TX)	Johnson	Roe
Conte	Jones (TN)	Roemer
Conyers	Kanjorski	Rose
Cooper	Kaptur	Rostenkowski
Coughlin	Kastenmeier	Roth
Courter	Kennelly	Roukema
Coyne	Kildee	Rowland (CT)
Crockett	Klecza	Roybal
Dannemeyer	Kolter	Russo
Daschle	Kostmayer	Sabo
Davis	LaFalce	Savage
de la Garza	Leach (IA)	Saxton
Dellums	Lehman (CA)	Scheuer
Derrick	Lehman (FL)	Schneider
Dixon	Leland	Schulze
Donnelly	Levin (MI)	Schumer
Dorgan (ND)	Levine (CA)	Seiberling
Dornan (CA)	Lipinski	Sharp
Downey	Long	Sikorski
Dreier	Lowery (CA)	Slattery
Durbin	Lowry (WA)	Smith (FL)
Dwyer	Lujan	Smith (NH)
Dymally	Luken	Smith (NJ)
Early	Lungren	Snowe
Eckart (OH)	MacKay	Spence
Edgar	Manton	St Germain
Edwards (CA)	Markley	Stallings
Evans (IA)	Martin (NY)	Stokes
Evans (IL)	Martinez	Strang
Fascell	Matsui	Studds
Fazio	Mavroules	Synar
Feighan	McCloskey	Tauzin

Thomas (CA)
Torres
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer

Vucanovich
Walgren
Waxman
Weaver
Weiss
Wheat
Williams
Wirth
Wise

Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)

□ 1500

ANTI-APARTHEID ACT OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 174 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1460.

□ 1500

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, with Mr. DE LA GARZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, May 21, 1985, the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs was open to amendment at any point.

Are there any further amendments to the committee amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: Page 34, after line 4, insert the following new section:

SEC. 15. BAN ON IMPORTING URANIUM AND COAL FROM SOUTH AFRICA AND NAMIBIA

(a) PROHIBITION.—Notwithstanding any other provision of law and except as provided in subsection (b), the following products of South Africa and Namibia may not be imported into the United States: coal, uranium ore, and uranium oxide.

(b) WAIVER.—The prohibition contained in subsection (a) may be waived by the President in accordance with section 6.

(c) NEGOTIATIONS.—The President shall, during the course of any bilateral or multilateral negotiation held pursuant to section 10, include attempts to persuade the governments of other countries to ban imports of coal, uranium ore, and uranium oxide from South Africa and Namibia. The President shall include the status of those attempts in any report submitted to the Congress under section 10.

□ 1510

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, this amendment sends two messages: First of all, the message of rendering objectionable the policies of the South African Government of apartheid. The second message that this amendment sends is that we are here to protect American jobs.

Despite the fact that our country has some of the largest coal deposits in the world, the United States continues to increase our coal imports from South Africa, the leading exporter of

Alexander
Anthony
Archer
Arney
Badham
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bonar (TN)
Bonker
Boulter
Brown (CO)
Broyhill
Burton (IN)
Bustamante
Callahan
Campbell
Carney
Carper
Chandler
Cheney
Cobey
Coble
Coleman (MO)
Combust
Craig
Crane
Daniel
Darden
Daub
DeLay
DeWine
Dickinson
Dicks
DioGuardi
Dowdy
Duncan
Dyson
Eckert (NY)
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Franklin
Frenzel
Fuqua
Gibbons
Gingrich
Goodling
Gradison
Gregg
Grotberg

NAYS—180

Gunderson
Hammerschmidt
Hansen
Hartnett
Hatcher
Hefner
Hendon
Hiller
Hillis
Holt
Hopkins
Huckaby
Hutto
Hyde
Jenkins
Jones (NC)
Jones (OK)
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (FL)
Lightfoot
Livingston
Lloyd
Loeffler
Lott
Lundine
Mack
Madigan
Marlenee
Martin (IL)
Mazzoli
McCain
McCandless
McCurdy
McDade
McEwen
McMillan
Meyers
Mica
Michel
Miller (OH)
Molinari
Monson
Montgomery
Moore
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nielsen
O'Brien

Olin
Oxley
Perkins
Petri
Pickle
Price
Quillen
Rahall
Ray
Regula
Ritter
Roberts
Rogers
Rowland (GA)
Rudd
Schaefer
Schroeder
Schuette
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Slitsky
Skeen
Skeltan
Slaughter
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spratt
Staggers
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swift
Swindall
Tallon
Tauke
Taylor
Thomas (GA)
Valentine
Vander Jagt
Walker
Watkins
Weber
Whitehurst
Whitley
Whitten
Wylie
Young (FL)
Young (MO)
Zschau

NOT VOTING—20

Applegate
Byron
Chappell
Clinger
Collins
Dingell
Florio

Fowler
Gray (IL)
Hubbard
Lantos
Lewis (CA)
McGrath
Morrison (WA)

Ridge
Solarz
Stark
Torricelli
Whittaker
Wilson

□ 1450

Messrs. PRICE, DICKS, and ERDREICH changed their votes from "yea" to "nay."

Messrs. DE LA GARZA, WORTLEY, and RALPH M. HALL, and Mrs. VUCANOVICH changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

coal to the United States. Our uranium imports from South Africa-Namibia have increased 350 percent since 1981, and this is at a time when the number of domestic uranium mines has dropped from 362 to 15 and 85 percent of our miners have lost their jobs.

While the importation of these minerals holds economic implications for this country, it is also a significant moral issue. Labor conditions for black miners in South Africa-Namibia are deplorable. Black miners have virtually no job security. They must contract for a limited number of months and then reapply for their jobs. They are not allowed to live with their families; white miners are. They are prohibited by law from holding skilled labor positions; these slots are reserved for white miners only. They must pay for their health insurance; white miners receive free insurance. And their low wages have artificially depressed the world price of uranium and coal, making U.S. coal and uranium less competitive.

Sixty thousand American coal miners are out of work. Our uranium industry is in danger of extinction. This affects many States in the West that have uranium capacity and many States throughout the country that have significant coal reserves.

If these two minerals are terminated in their imports from South Africa, it would not affect national security. No tariffs are involved. No quotas are involved. The financial implications are minimal.

In addition to that, we feel that this amendment would send a very strong signal that the United States is saying that we will give a chance to our own energy industry. We have a sufficient capacity in this country to make up for this very limited shortfall from South Africa.

This amendment does not affect existing contracts. We would not be abrogating any existing contracts. To accommodate members of the Committee on Ways and Means, we did not include uranium oxide, so that no tariffs whatsoever would be involved.

The main message that is sent is a twofold message: first of all, that this country finds the policies of apartheid objectionable, that the reason that the competitive nature of our coal and uranium industries is so adversely affected is because of the conditions of the black miners in South Africa, and we are also sending a message to our depressed mining industry in this country that the United States is prepared to stand behind our coal miners and that the United States is prepared to stand behind the uranium industry that has virtually gone under. In another 2 years, unless certain steps are taken such as limited import restrictions, our uranium industry for all practical purposes will be terminated.

So I ask for the support of this House to send that dual message. The first is that we find the policies of apartheid objectionable, that we will

not tolerate the continued exploitation of workers, but also that we will stand behind those coal miners throughout Western and Eastern and Midwestern States, and that we will stand behind uranium miners in this country and say no to this practice that continues.

Mr. Chairman, I ask for the unanimous support of the Members of the House for this amendment.

(Mr. WOLPE asked and was given permission to revise and extend his remarks.)

Mr. WOLPE. Mr. Chairman, I rise in very reluctant opposition to the amendment offered by my distinguished colleague, the gentleman from New Mexico [Mr. RICHARDSON].

My opposition is reluctant because I regard this amendment as clearly a friendly amendment. I certainly support the thrust and the intent of the amendment that is before the House at this point.

In fact, the uranium import sanction would strike at what is the fourth largest South African import into the United States. It has produced \$197 million in foreign exchange for South Africa in 1983 and \$145 million in 1984, and as my distinguished colleague has noted, while U.S. jobs in the uranium industry are disappearing, uranium produced by cheap labor in South Africa and South African-occupied Namibia is being exported into the United States in increasing amounts. These exports now account for about 20 percent of South African-Namibian uranium production. South African-Namibian uranium accounts for nearly 8 percent of the uranium enriched for U.S. utilities and even more that is enriched for reexport to other countries.

So on the substance there is much that is meritorious in what the gentleman from New Mexico has said in his observations.

Having said that, it needs to be noted that the authors of the legislation before us spent considerable time trying to craft legislation that would offer up those sanctions that would be most effective vis-a-vis South Africa, that would send the kind of message that needs to be sent with both economic and political meaning in South Africa, and that would also be politically doable within this institution.

My opposition to the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] is based upon a concern that this amendment would actually have the effect of weakening the position of the House as we enter into conference with the other body. I will be in a position a little later in this proceeding of opposing other friendly amendments that are intended to strengthen the sanctions and to add new sanctions to those already embodied in this legislation before us, and I do so again, not because of a disagreement with the thrust or with the intent, but because I want to make certain that the

strongest possible package emerges from this House and becomes the vehicle for discussion with the other body. There has already been legislation offered by way of various bills in this body to prohibit tax credits for U.S. firms in South Africa, to prohibit landing rights for South African Airways, various kinds of trade embargo restrictions, the closing of primary consulates, and a whole range of initiatives.

In short, there has been a whole range of initiatives that have been suggested. We could have added this particular sanction to those that are already part of our legislation. We could have added other sanctions, but we decided that we had to draw the line somewhere, and I would submit the legislation that is before this body right now represents a very balanced approach to addressing the issue of apartheid in South Africa, to distancing the United States from the apartheid regime, and to make clear to South Africa that unless there is progress made toward the elimination of apartheid, there will be growing costs in terms of the American-South African relationship and a growing isolation vis-a-vis South Africa and the international community.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to my distinguished colleague, the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I think my friend for yielding.

I thank the gentleman from New Mexico [Mr. RICHARDSON] may be on the right track. This is just a personal opinion. I do not like my country and important leaders in my country to speak loudly and carry a small stick, a little twig. That reverses the traditional posture we like to find ourselves in.

I have a copy of the speech, the Democratic radio response last Saturday to the President that was delivered by our Speaker, TIP O'NEILL, and in that speech he said some very important things. He said, and I quote:

We will pass the kind of tough economic sanctions against South Africa that tell the world that we Americans place a higher value on the treasure of human rights and democracy than we place on the treasure of South African gold and South African diamonds.

Those are important words, and I think we ought to take them to heart. Why do we just want to ban uranium and coal? We have all kinds of coal in Illinois and in Pennsylvania. If there is no pain, there is no gain. Why do we not really hit them where it hurts and say, "No more gold, no more diamonds"? Not just the diamonds that are displayed in full-page ads in *Dossier* magazine, but industrial diamonds as well. Let us hit them where it hurts, and if it hurts us, why we will risk this in defense of principle.

□ 1520

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has expired.

(At the request of Mr. HYDE, and by unanimous consent, Mr. WOLPE was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, I have just four more minerals I would like to mention; bauxite, titanium, cobalt, and manganese.

Mr. WOLPE. Well, let me just say, if I can reclaim my time, to the gentleman from Illinois, that there are many, many other sanctions that are available to the United States to impose against South Africa. My own personal judgment is that unless movement is made by that regime to dismantle apartheid, that many of those measures to which the gentleman referred will become in order in due course.

I believe that this legislation, however, represents a moderate, reasonable, first-step effort in formulating our approach to South Africa.

I would note that while the amendment of the gentleman from New Mexico [Mr. RICHARDSON] contains some important sanctions, as I indicated in my opening remarks, they are simply not as powerful as the no-new-investment portion of H.R. 1460, which would prevent new companies from entering South Africa, which would eliminate tens of millions of dollars of newly U.S.-funded expansion occurring within South Africa and would stop the \$1 billion rise in bank loans to the private sector since 1982.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I respect my colleague, the gentleman from Illinois, for the point he has made. I agree with my colleague about the other minerals.

The point I want to make are the ones that I am directly affected with and many others throughout the country, coal and uranium. I think can easily be made up by domestic production. A case can be made that there are other minerals that have unlimited national security. I am not going to get into that. I am not a member of the Foreign Affairs Committee, but the point I do want to make is that I do not think this amendment would adversely affect the economic situation in South Africa that much.

We are not talking about a significant amount. We are talking about industries in the United States that are dying. The uranium industry is dying. The coal industry can easily make up this difference.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. Yes, of course.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has again expired.

(At the request of Mr. HYDE, and by unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. Yes.

Mr. HYDE. It just seems to me the purpose of this legislation is not to economically improve our country, but it is to stand before the world and tell the world, as our Speaker did on Saturday, that human rights mean more to us than South African gold and South African diamonds.

I would like to implement his language by banning from our country any diamonds, industrial or decorative; gold, and while we are at it, chrome, titanium, and manganese.

Let us really back our brave words with brave actions.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. WOLPE] has again expired.

(By unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. WOLPE. Mr. Chairman, I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, I just wanted to add to my colleagues that the main reason that I am offering this amendment, obviously, the moral apartheid reason is paramount, but I also want to make it very clear that I want to protect American mining jobs; uranium and coal jobs that are significant, as my colleague knows.

We are talking on uranium about an industry that is dying simply because there are nations that subsidize their uranium industry and we do not offer the same kind of thing. I am not asking for protection. I am saying reciprocity, with the coal industry in the same way. Our coal industry can easily make this up. This would not be interpreted as a massive sanction against South Africa; although if my colleague offered such an amendment on the other minerals, here is one colleague who would support him.

I am being very specific about the ones I have because I am concerned about the national security argument. You cannot make a national security argument that we would be adversely affected if we stopped these two areas. This is why I am concerned that the Foreign Affairs Committee did not take them up. They took Krugerrands. They dealt with many other issues. Why did they omit this?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RICHARDSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. ZSCHAU

Mr. ZSCHAU. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ZSCHAU:
Page 29, line 2, insert "(a) IN GENERAL,—"

immediately before "The".
Page 29, line 8, insert immediately before the period the following: ", and other restrictions in effect under United States law with respect to South Africa".

Page 29, insert the following after line 9:

(b) FUTURE ANTI-APARTHEID MEASURES.—The Congress urges the President to consult with other countries, particularly the major allies of the United States, with respect to the implementation in the future of any anti-apartheid measures being considered by the United States or any such country, in order to encourage multilateral, rather than unilateral, implementation of such measures.

Page 29, insert the following after line 9 and redesignate succeeding sections and references thereto accordingly:

SEC. 11. REPORT ON STATUS OF APARTHEID AND HUMAN RIGHTS IN SOUTH AFRICA.

(a) MONITORING AND REPORT.—The President shall monitor the status of apartheid and human rights in South Africa and shall report annually to the Congress on the progress or lack of progress of the Government of South Africa in eliminating apartheid and promoting human rights in that country.

(b) ADDITIONAL ANTI-APARTHEID MEASURES.—It is the sense of the Congress that the United States should take measures in addition to the sanctions imposed by this Act unless the Government of South Africa makes substantial progress toward the goals set forth in subsection (a).

Mr. ZSCHAU [during the reading]. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

(Mr. ZSCHAU asked and was given permission to revise and extend his remarks.)

Mr. ZSCHAU. Mr. Chairman, these two amendments are designed to strengthen the sanctions in this bill and the process for bringing pressure on the Government of South Africa.

The first amendment provides that the United States when considering, any future sanctions toward South Africa consult with other countries, particularly our major allies, and urge our allies to implement any such sanctions toward the Government of South Africa in unison with us. This is based on the principle that multilateral action is more effective than unilateral action.

Let me give an example. In this bill, H.R. 1460, there is a provision which would ban the future sales of computers to the Government of South Africa. This is a ban designed to disas-

sociate ourselves with the activities of the Government that administers and enforces apartheid.

The United States has about one-half of the sales of computers in South Africa. Other countries have the other half. The largest growth in the sales of computers to South Africa comes from the Japanese.

Let us make no mistake about it: If we ban the sales of our computers to the Government of South Africa, it will not mean that the government will no longer get computers. It will merely get them from the Japanese or the British or the French or the other vendors. However, if such sanctions were to be implemented in concert with our allies, it could mean that South Africa could not get the latest and best computer equipment. That would bring much greater pressure to bear on the South African Government than the unilateral action proposed in this bill.

The second amendment provides that we should monitor the situation in South Africa and we should take future actions based on the results of the sanctions that we are implementing under this bill and the actions that the Government of South Africa takes to end apartheid.

The second amendment would require that regular reports be made to Congress and that it is the sense of Congress, if progress is not made toward dismantling apartheid in South Africa, that the Congress should consider taking stronger actions in the future.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I would be happy to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman.

What would happen if multilateral action was not forthcoming and the United States still felt the need to act unilaterally?

If the gentleman's amendment were adopted, do we have that option?

Mr. ZSCHAU. Yes. My amendment suggests that we encourage our allies through whatever means that we might have to enter into multilateral approaches with us rather than following a unilateral approach by ourselves.

It also says that we should consult with other countries so the likelihood of multilateral action is increased.

Mr. ROEMER. But if the gentleman would yield further, assume the worst. I agree with the premise of the gentleman that if we act together, we act more strongly. There is no doubt about that; but there are some of us who think we need action, whether alone or together.

I just want to make clear that the gentleman is telling this body that the gentleman's amendment does not preclude our standing alone if we think that is what it takes.

Mr. ZSCHAU. That is correct.

Mr. ROEMER. I thank the gentleman.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. Yes, I would be happy to yield to the gentleman from Michigan.

Mr. WOLPE. I would just like to say to the gentleman in the well that I believe the two amendments that he is discussing at this point are very constructive.

□ 1530

I certainly intend to support them. We have a provision in our own bill that talked about the importance of international consultation with respect to the sanctions in the legislation. The gentleman carries that a step further to talk about any further antiapartheid measures. I think it is a very constructive addition.

Mr. ZSCHAU. I thank the Chairman for his support and his comments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. ZSCHAU].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ZSCHAU

Mr. ZSCHAU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZSCHAU:

Page 20, line 20, add the following after the period: "The prohibition contained in the preceding sentence shall apply only to the extent it is not inconsistent with the obligations of the United States under the General Agreement on Tariffs and Trade."

(Mr. ZSCHAU asked and was given permission to revise and extend his remarks.)

Mr. ZSCHAU. Mr. Chairman, this amendment deals with the provision which would ban the importation of the gold coin, the Krugerrand, from South Africa. That ban is designed to be a symbolic gesture to express our outrage toward the policy of apartheid.

Everyone knows, and is under no illusions to the contrary, that banning the importation of Krugerrands will not bring the Government of South Africa to its knees or stop the mining of gold in that country. But it does give us a warm feeling that at least we are not assisting the South African Government directly by importing their gold coins.

I support this kind of symbolic gesture. However, I only support them if they do not do immense damage to this country. I am concerned that this ban may be damaging to the United States because there is an indication at least that the importation ban on Krugerrands would be a violation of our obligations under the General Agreement on Tariffs and Trade and would make it more difficult for us to enforce the GATT when other countries appear to be violating the GATT.

When we are facing a situation of \$130 billion a year in trade deficits—which is not only hurting the economic situation currently for people across

this country in the heavy industries, the light industries, and in the farming communities but is also undermining the industrial structure of this country which could have a long-lasting effect—we should be doing everything we can to maintain our capability to make sure that our trading partners do not violate the GATT.

Where do we have such violations in the actions of our trading partners? We allege that the Japanese have restrictions on beef and citrus imports which are in violation of GATT and hurt our farmers. We allege that the European Community has subsidies on various farm exports that also make it difficult for our farmers to survive.

If we are going to be able to argue persuasively that they should cease violating the legal procedures for conducting international trade, we are going to have to have our hands clean. If we should implement a ban like this or any other action which violates our obligations under GATT, our ability to enforce those obligations among our trading partners will be undermined.

What is the situation with the General Agreement on Tariffs and Trade? Under that agreement, South Africa, which is a signatory, is entitled to most favored nation status. It therefore enjoys the same privileges, immunities, and advantages in its gold coin exports to the United States as do other gold coin exporting countries such as Canada.

Article XI of the GATT says:

No prohibitions or restrictions other than duties, taxes, or other charges shall be instituted or maintained by any contracting party on the importation of any product of the territory of another contracting party.

There is an exception to that in article XX for gold and silver. However, it says in article XX that any gold or silver import restrictions are subject to the qualification that they may not constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail.

Some people say that the Government of South Africa, with its apartheid policy, constitutes such a situation where different conditions prevail. Other people disagree. They say it is not the political situation but the economic situation that should be considered to determine if different conditions prevail.

I do not know what the answer is. I do not know whether the ban on Krugerrands is GATT legal or not. However, I strongly believe that if this ban is a violation of GATT we should not be instituting it. If it is GATT illegal, such a ban can harm the very economic fabric of this country. It can undermine our capability to enforce international trade rules with our trading partners. At a time when our basic industries, our high tech industries and American agriculture is under intense pressure in world markets as well as domestic markets, it is

no time, in a cavalier fashion, to institute a ban that can come back to haunt us.

I ask for support of this amendment which would provide that the ban on the importation of Kruggerands could only be implemented if it were not in violation of our obligations under the GATT.

The CHAIRMAN. The time of the gentleman from California [Mr. ZSCHAU] has expired.

(On request of Mr. ROEMER and by unanimous consent Mr. ZSCHAU was allowed to proceed for 1 additional minute.)

Mr. ROEMER. Will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from Louisiana.

Mr. ROEMER. Are you not assuming in your amendment something that you have admitted is impossible to assume, and that is the question of GATT legal? Do you not assume by removing the Kruggerand from one package that this prohibition would be termed GATT illegal? Are you not making that assumption?

Mr. ZSCHAU. No; that is not correct. What I suggested is that I do not consider myself to be an expert on whether the ban is legal or not under the GATT. I do not know all the facts.

As a matter of fact, there is a case pending where a Canadian province has put a tax on importation of Kruggerands and that is being argued right now.

I am trying to establish here a principle: When we take a symbolic move that is really not going to have much of an effect other than to express ourselves symbolically, it should not be done if it has serious repercussions on our own international trade.

Mr. ROEMER. I thank the gentleman.

Mr. WOLPE. Mr. Chairman, I rise in very strong opposition to this amendment offered by the gentleman from California [Mr. ZSCHAU].

I rise in opposition because the effect of this amendment would be very simply to gut the Kruggerand prohibition that is embodied within the legislation; that is, the ban on the importation of Kruggerands. I say that very simply because the administration is already on record. In recent testimony before our committee the administration indicated they felt that such a ban might in fact be inconsistent with GATT.

I might point out that that testimony by the administration witness was in direct conflict with earlier testimony by another administration witness to the effect that there was no inherent conflict between GATT and the contemplated prohibition on importation of Kruggerands.

It was also in conflict with the Congressional Research Service study which indicated there is no conflict between the proposed sanction and the GATT Agreement. But we know in advance that the administration has not

come to the view that it is not consistent with GATT and therefore this provision will be used to essentially gut that provision.

I would also point out that we have imposed a whole range of additional sanctions against other countries that were not necessarily in conformity with GATT. That has simply never been the all-abiding criterion as to how we respond to nations of this world that are very serious human rights violators, and which the United States believes it important to make a very clear expression of our own views and to distance ourselves from those regimes.

□ 1540

With that, I yield to the distinguished gentleman from New York, my colleague [Mr. SOLARZ].

Mr. SOLARZ. I thank the very distinguished chairman of the Subcommittee on Africa for yielding to me.

Mr. Chairman, I would like to make some brief observations on the Zschau amendment. I do not know whether the prohibition contained in the legislation before us with respect to the importation of Kruggerands into the United States is or is not a violation of GATT. I have heard some learned arguments to the effect that it is not a violation of GATT inasmuch as GATT primarily deals with items that are traded, and the Kruggerands involves a monetary item, and coins have generally not been considered within the purview of GATT.

So a case can be made that this legislation does not constitute a violation of GATT. But I do know that whether or not a prohibition on the importation of Kruggerands is a violation of GATT, the administration will inevitably conclude that it is a violation of GATT and, therefore, if this amendment is adopted, we can be absolutely certain that the prohibition on the importation of Kruggerands will be scuttled by the administration.

But I also know something else, and that is that even if it does constitute a violation of GATT, it would not be the first time when, in pursuit of an important human rights objective, we have violated GATT. We have a total trade embargo on Cuba; we have a trade embargo on Vietnam; we have a trade embargo on Cambodia; we have a trade embargo on North Korea; we have a trade embargo against Iran; and we have a trade embargo against other countries all of which constitute a presumptive violation of GATT. Yet in spite of that, the Congress and the administration have supported these embargoes.

Mr. ZSCHAU. Mr. Chairman, will the gentleman from Michigan yield?

Mr. WOLPE. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I would just point out that the distinction between the countries that the gentleman men-

tioned and the instance of South Africa is that South Africa has most-favored-nations' status. So that the way in which those signatories that have most-favored-nations' status is different than those that the gentleman mentioned.

Mr. SOLARZ. If I may conclude my argument, I would say to my friend from California that there is no question but that we have violated the GATT in the past when we have imposed embargoes for human rights purposes. We violated it when we imposed an embargo against Uganda when Idi Amin was murdering his own people in wholesale lots. And I recall some of the Members on the gentleman's side of the aisle who supported us at that time in imposing an embargo against Uganda because of the human rights violations which were taking place in that country who dismissed out of hand the argument that the embargo against Uganda constituted a violation of GATT because they thought there was a more important principle at stake.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. SOLARZ and by unanimous consent, Mr. WOLPE was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. Mr. Chairman, will the gentleman continue to yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. SOLARZ. Similarly, the administration just imposed a total embargo against Nicaragua. That clearly violates GATT. Yet the administration believed, rightly or wrongly, that a larger objective justified it.

So I would urge the defeat of this well-intentioned amendment by my very good friend from California [Mr. ZSCHAU] because it would have the effect of scuttling one of the most important provisions in the bill.

The gentleman says this is purely symbolic. If it is symbolic, there is 600 million dollars' worth of symbolism here, because that is the amount of Kruggerands South Africa exports to the United States, and that is the amount of foreign exchange we are sending to South Africa for the purchase of Kruggerands which is helping to strengthen the apartheid system there.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. WOLPE. I yield to the chairman of the Committee on the Budget, the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I would like to ask the distinguished gentleman from New York [Mr. SOLARZ], particularly in light of the comments made earlier by the gentleman from California [Mr. ZSCHAU], in offering the amendment, that this is

purely emotional symbolism that has no significant effect.

The gentleman from New York [Mr. SOLARZ] has made an observation, made a statement that it is not symbolism, it is not emotionalism, that the prohibition of Krugerrands sales is about \$600 million. Is that what the gentleman said, Mr. Chairman?

Mr. SOLARZ. Yes.

Mr. GRAY of Pennsylvania. Also would the gentleman perhaps further explain what does that impact upon the apartheid system in terms of its ability to finance that insidious political system?

Mr. SOLARZ. If the gentleman from Michigan will continue to yield, as always, the gentleman is absolutely accurate. We are spending \$600 million a year for the purchase of Krugerrands. That money goes to South Africa. It helps to strengthen the apartheid system in that country. What is involved here is much more than just symbolism. There is a lot of substance—600 million dollars, worth—involved here. And for the same reason we were prepared to violate GATT when we opposed an embargo against Uganda, we should be prepared to violate it now in the case of South Africa, if such a prohibition actually violates GATT, which it very well may not.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FRENZEL asked and was given permission to revise and extend his remarks.)

Mr. FRENZEL. Mr. Chairman, without reference to the major bill or whatever its motivations are, I do not see why we would object to the amendment of the gentleman from California [Mr. ZSCHAU].

We are laboring in a trade environment in which we have accrued a deficit of \$120 billion in the year of 1984. And in that same environment we are likely to show a deficit of \$150 billion in 1985.

We are a country that alleges that we honor our international obligations. Everybody in this room knows that we do not always honor them. Occasionally, they are honored in the breach.

Then at least we ought to think about it, if we are in danger of dishonoring an international agreement that is worth keeping. And that is a question I think the gentlemen from California has brought to this body at this time. If you want to violate that agreement and you think it is important, then you should go ahead. If, on the other hand, you think those international agreements are worthwhile and that they ought to be a matter of negotiation, then I think many Members will want to support the amendment of the gentleman from California, as I believe I am going to do.

I must confess, however, that I am perhaps a prejudiced witness. I do not see this bill as living up to the expecta-

tions of its promoters. So I am not enthusiastic about it in the first place.

The chief reason for my lack of enthusiasm is that I doubt the passage of the bill will cause benefit to the black citizens of South Africa.

Again and again, I have seen our country, with the highest of motivations, adopt splendid statements affirming the highest principles of human rights and establishing policies which not only do no good to the oppressed, but also exacerbate the oppression.

Our outrage and high moral position did not improve conditions in Russia, or areas where the U.S.S.R. was at war, when we instituted embargoes or denied trade privileges. I supported most or all of these actions, as did most Members of this body, in the hope that our actions would help. Perhaps not every case was a failure, but the overall effect of our human rights policies against the U.S.S.R., Nicaragua, Chile, Rhodesia, Poland, and others has not been successful.

At the same time, the presence of U.S. companies in South Africa is probably the greatest hope for the training and promotion of black South Africans. Disinvestment would remove this hope.

For instance, three very large Minnesota companies, known for their good citizenship, and a number of other fine, but less-well known companies, are active in South Africa. According to a recent article in the Minneapolis Tribune, all three of the majors say, "they do more to promote racial equality by remaining." Together they employ over 2,000 South Africans of which over 900 are nonwhite. All have signed the Sullivan principles. Two were rated as "making good progress," and the other as "making progress."

The CEO of one of these firms, who was, as I recall, the only private industrial leader to testify in favor of the Humphrey-Hawkins bill, was quoted as saying disinvestment would "deny black people help from one of their most important allies." All three companies indicate that disinvestment would likely force U.S. firms out of South Africa.

The Minnesota experience in South Africa, and the U.S. experience in trying to force unwilling governments to improve their policies, lead me to the conclusion that this bill will not improve the conditions, or prospects, of black South Africans. In the absence of other compelling evidence, my intention is to vote against it on final passage.

I do say, however, that this country has lived within the regimen, or tried to live within the regimen, of the only trading system the free world has, and if we break it we ought to at least know that we are breaking it and be doing so for a good reason.

I think the amendment of the gentleman from California [Mr. ZSCHAU]

is eminently sensible and I intend to support it.

□ 1550

Mr. ZSCHAU. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding and I thank him for his remarks. It has been stated here by the gentleman from Michigan [Mr. WOLPE] that this would gut the Krugerrand ban. It would only do so if the Krugerrand ban were in violation of the GATT. If it were not in violation of the GATT, then it would not.

Mr. WOLPE. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Michigan.

Mr. WOLPE. If I could just clarify to the gentleman from California, I said it would gut the Krugerrand provision because the administration has most recently testified that it does in fact view this provision as inconsistent with GATT, even though as I said earlier that the administration had previously testified that it could in fact be consistent. In this case, it has changed his position.

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ZSCHAU. I appreciate the gentleman yielding to me.

Mr. Chairman, I believe we should establish a principle here, and the principle is this: If we are going to implement a ban, then it should not be in violation of our trade agreements.

If it does not violate the GATT, the ban would go ahead. If it does violate the GATT, I submit that it has enormous cost to the farmers, to the steel industry, to the automobile industry, to the high technology industry across this country, and we had better consider that when we are proposing such a ban.

It has been suggested that we have violated GATT in the past. We had an embargo on sales of wheat to the Soviet Union. Well, you know what that did to the farmers in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZSCHAU. I ask unanimous consent the gentleman have 2 additional minutes.

Mr. FRENZEL. Reserving the right to object.

The CHAIRMAN. Does the gentleman desire additional time?

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. FRENZEL was allowed to proceed for 2 additional minutes.)

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

We had an embargo on pipelaying equipment that would have been used

to build the gas pipeline with the Soviet Union. Who did that hurt? That hurt the industrial firms in the Midwest.

We have taken these unilateral actions in the past but the people that it has hurt each time have been American citizens rather than the people that we are trying to persuade.

We should not be undermining our ability to persuade our trading partners to respect the international agreements. However, if we implement a ban on importation of Krugerrands that does violate the GATT, we will be undermining our ability to make other countries adhere to those provisions.

Mr. FRENZEL. Mr. Chairman, I yield back the balance of my time.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words.

I thank the Chair for recognition. The gentleman from California, the author of this amendment [Mr. ZSCHAU] has advanced the argument that what is at stake here is in effect the integrity of the GATT agreement and the overriding interest of the United States in preserving a free and fair international trading system.

He has suggested that if we were to reject his amendment and adopt a prohibition on the importation of Krugerrands, and if it should turn out that it constitutes a violation of the GATT, the potential damage this might do to the United States, and to those sectors of our economy which depend on the capacity of our country to export, could be so great as to really outweigh whatever advantages might be obtained by imposing such a prohibition on Krugerrand exports to the United States.

In pursuance of that argument, he has suggested that there have been a whole series of occasions in the past where we have imposed embargoes that have turned out to be more harmful than helpful to our own interests.

Now I would be the first to agree that there have been many occasions in the past when we have imposed embargoes that turned out to be either ineffective or counterproductive, but virtually all of the examples the gentleman cited had absolutely nothing whatsoever to do with violations of GATT in the sense that even if the examples he cited were violations of GATT, the counterproductive consequences for the United States had nothing to do with the extent to which the embargoes in question were a violation of the GATT.

If the American farmers were hurt by the grain embargo against the Soviet Union, it was not because that constituted a violation of GATT; it was because the farmers of our country lost the opportunity to make substantial sales to the Soviet Union and because that impaired our reputation as a reliable trader in grains.

The same arguments are true with respect to the gentleman's contention concerning the sanctions we imposed

on the sale of components for the pipeline to the Soviet Union. That created severe political problems for us with our allies, but it was not because of the violation of GATT.

In fact, I would challenge my friend from California or anybody else on the other side of the aisle to give us a single example, let alone a series of examples, of situations in which by virtue of violations of the GATT, due to sanctions imposed for human rights purposes, we hurt our capacity to benefit from the international trading system.

It did not happen when we imposed the embargo against Cuba; it did not happen when we imposed the embargo against a whole variety of other countries; I think we may have isolated ourselves politically and diplomatically when we imposed the embargo against Nicaragua, but I have not heard the argument advanced that we hurt ourselves by virtue of the embargo against Nicaragua because we violated GATT.

Now in terms of this particular instance, it literally boggles the imagination to think that because we might impose a prohibition on the importation of Krugerrands, that we are going to upset the entire GATT treaty and international trading system. I have no doubt South Africa will complain, but South Africa does not have too many friends in the world today, and I think that we will do much more to benefit the reputation of our country by imposing such an embargo than we will to damage it.

So I say to my friend, I do not know whether this does constitute a violation of GATT. I am not prepared to concede that it does. I think an argument can be made that it does not, but I do know that the administration will contend that it violates GATT and, therefore, if the gentleman's amendment is adopted, the ban on the importation of Krugerrands will be null and void.

His amendment, therefore, guts one of the major provisions in the bill, and it does so on the grounds that if his amendment is rejected, we will disrupt the entire GATT arrangement, and that is simply not the case.

Mr. ZSCHAU. Will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. I yield to the gentleman.

Mr. ZSCHAU. As usual, the gentleman has described my amendment better than I was able to describe it, and has also made an excellent point, that the examples I was using did not speak directly to this but rather to the fact that when we take action, it can sometimes backfire, which was the point that I was trying to make.

In terms of the specifics of this situation, we are faced now with persuading our trading partners such as Japan and members of the European Community to cease and desist from practices that we consider to be in violation of the GATT. The ban on importation of, or the restrictions on importation of, citrus and beef in the case of Japan; some subsidies in the case of the European Community.

It undermines our position; it does not destroy the trading system, but it undermines our position if we are similarly violating through this kind of a measure.

So what I am suggesting is, that when we implement a measure like this, we should take into account the fact that that situation of undermining our position could occur.

Mr. SOLARZ. Well, I take the gentleman's point and I can only say that I would find it far more persuasive if we had not done this on human rights grounds on innumerable occasions in the past, and if in spite of that, GATT has not survived, we have not survived, and the international trading system has not survived. But we have, and so has GATT, and we both will continue to survive, even if the gentleman's amendment is rejected and we retain the prohibition on the importation of the Krugerrand.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ZSCHAU].

RECORDED VOTE

Mr. ZSCHAU. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 292, not voting 14, as follows:

[Roll No. 134]

AYES—127

Archer	Frenzel	Michel
Armey	Gallo	Miller (OH)
Badham	Gekas	Monson
Bartlett	Gradison	Montgomery
Barton	Groberg	Moorhead
Bateman	Gunderson	Morrison (WA)
Bentley	Hall, Ralph	Myers
Bereuter	Hammerschmidt	Nielson
Bilirakis	Hansen	O'Brien
Bonker	Hartnett	Olin
Boulter	Henry	Packard
Brown (CO)	Hiler	Parris
Broyhill	Holt	Petri
Burton (IN)	Hyde	Pursell
Callahan	Ireland	Quillen
Campbell	Johnson	Ritter
Chandler	Kemp	Roberts
Cheney	Kindness	Roth
Coble	Kolbe	Rudd
Combest	Kramer	Saxton
Courter	LaFalce	Schaefer
Craig	Lagomarsino	Schneider
Crane	Latta	Schuette
Dannemeyer	Leath (TX)	Sensenbrenner
Daub	Lent	Shaw
Davis	Lightfoot	Shumway
DeLay	Livingston	Shuster
DeWine	Loeffler	Siljander
Dickinson	Lott	Skeen
Dornan (CA)	Lowery (CA)	Slaughter
Dreier	Lujan	Smith (IA)
Duncan	Lungren	Smith (NE)
Eckert (NY)	Martin (NY)	Smith, Denny
Emerson	Mazzoli	Smith, Robert
Evans (IA)	McCain	Snyder
Fiedler	McCollum	Solomon
Fields	McEwen	Spence
Franklin	McMillan	Strang

Stump
Sundquist
Sweeney
Swindall
Tauke

Taylor
Thomas (CA)
Vander Jagt
Whitehurst
Whittaker

Wolf
Wortley
Zschau

Weiss
Wheat
Whitley
Whitten
Williams
Wirth

Wise
Wolpe
Wright
Wyden
Wylie
Yates

Yatron
Young (AK)
Young (FL)
Young (MO)

NOES—292

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Carney
Carper
Carr
Chappell
Chappie
Clay
Coats
Cobey
Coelho
Coleman (MO)
Coleman (TX)
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Daniel
Darden
Daschle
de la Garza
Dellums
Derrick
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Moody

Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hendon
Hertel
Hillis
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Klecza
Kolter
Kostmayer
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Long
Lowry (WA)
Luken
Lundine
Mack
MacKay
Madigan
Manton
Markley
Marlenee
Martin (IL)
Martinez
Matsui
Mavroules
McCandless
McCloskey
McCurdy
McDade
McHugh
McKernan
McKinney
Meyers
Mico
Mikulski
Miller (CA)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Moody

Barnard
Byron
Clinger
Collins
Dingell

NOT VOTING—14

Florio
Fowler
Gray (IL)
Hubbard
McGrath

Ridge
Rogers
Torricelli
Wilson

□ 1610

Mrs. VUCANOVICH, Mr. ROE, and Mr. STRATTON changed their votes from "aye" to "no."

Messrs. MORRISON of Washington, CAMPBELL, and BADHAM changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS, Mr. Speaker, I was unavoidably absent on rollcall No. 134, the vote on the Zschau amendment to H.R. 1460, the Anti-Apartheid Act of 1985. I oppose the amendment, and would have voted "no."

□ 1620

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 34, add the following after line 4:

SEC. 15. WAIVER OF PROVISIONS OF SECTION 4.

The provisions of section 4 of this Act shall cease to be effective if—

(1) the Secretary of State determines, after conducting a poll of substantial numbers of non-white South Africans, that a majority of non-white South Africans oppose the prohibition on new investment contained in section 4 or oppose the divestiture by United States persons of their investments in South Africa; and

(2) the Secretary submits that determination, and the basis for the determination, to the Congress.

The CHAIRMAN pro tempore (Mr. LIPINSKI). The gentleman from Indiana is recognized for 5 minutes in support of his amendment.

Mr. McCANDLESS, Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from California.

(Mr. McCANDLESS asked and was given permission to revise and extend his remarks.)

Mr. McCANDLESS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to this bill.

The issue before us is not apartheid. We all agree that apartheid is morally wrong and a gross violation of human rights. Apartheid is like a cancer and must be eradicated. However, just as competent doctors can differ over an effective treatment of cancer, so, too, can we differ on the best way to eliminate apartheid. Our course of action must be predicated on

what is best for the people—of all races—of South Africa, the region, and the United States.

I do not believe that H.R. 1460 would eradicate apartheid. In fact, it would have the opposite result. There is evidence that punishing business firms which operate in South Africa would undercut even those moderate reforms which have already taken place, would result in increased unemployment for blacks, and would undo the good work already accomplished by American companies, both through the example of the Sullivan principles for equal employment conditions, and the voluntary contributions toward black education and development which American firms have made.

Mr. Chairman, several polls taken in South Africa show that the black population there is opposed to an American economic boycott of their country. In August 1984 the Centre for Applied Social Sciences of the University of Natal issued a report on the attitudes of black construction workers. That report stated that those interviewed indicated that "disinvestment by U.S. companies and trade sanctions are a threat to their material and work interests."

A Human Sciences Research Council report, based on polling of 1,500 blacks, noted that 66 percent believed an economic boycott would hurt non-white South Africans most.

Market Research Africa surveyed 1,000 blacks about U.S. disinvestment as a means of pressuring the South African Government to remove apartheid. Researchers found that 79 percent rejected disinvestment while only 20 percent supported it.

I would like to quote a brief statement by Chief Minister Gatscha Buthelezi, who was elected in 1975 as leader of the 5.6 million Zulus, the largest single black group in South Africa, and was also elected in 1976 as President of Inkatha, the largest black South African political organization:

Economic sanctions, such as the divestment by public pension funds of stocks in U.S. companies operating in South Africa, will only hurt the people intended to be helped. . . . You talk here about divestment as a stick with which to rap the knuckles of the South African regime. But divestment will end up crushing black people, the victims of apartheid. There is no point in doing something symbolic which just causes more misery to those who are actually suffering.

H.R. 1460 would place a ban on new investment—including loans—by U.S. persons or firms in South Africa, except for the earnings of a business enterprise established in South Africa prior to the date of enactment. Nearly 300 U.S. companies do business in South Africa. These American companies, which employ approximately 120,000 people, are actively engaged in all sectors of the South African economy. According to the Commerce Department, U.S. direct investment in South Africa, at the end of 1983, amounted to \$2.3 billion.

Prohibiting new investment would not be a moderate or symbolic measure as its proponents allege. It would be the first step toward disinvestment. In the 6 years since Sweden took this same action, the number of Swedish companies and employees in South Africa has diminished by 50 percent. Defining bank loans as investment would hinder normal U.S. commercial transactions, including \$200 million in agricultural commodities sales to South Africa. Companies already established in South Africa would be unable to move capital there for normal retooling operations or stockpiling.

Over 70 percent of South Africans who work for American companies in South Africa are employed by firms that adhere to a code of employment conduct established by the Reverend Leon H. Sullivan in 1977, known as the Sullivan Principles. These companies have established the practice of non-discrimination in the workplace and have set up programs to upgrade the working conditions, skills and earning levels of their nonwhite employees.

American companies in South Africa have spent \$100 million in the last 7 years on social programs to benefit nonwhites. These include assistance to black education, support for black business development, and assistance to housing, health and welfare and community recreation programs. These programs are sponsored by American firms on a voluntary basis.

A ban of American investment in South Africa would reduce and could even eliminate the funds used by American companies to finance social programs. Existing programs would be cut back, and new ones would not be started, due to lack of funds.

H.R. 1460 calls for a ban on new loans by American persons or firms to the Government of South Africa, or any entity owned by it. At a time when the banking community has been having so much trouble with foreign loans, it does not seem wise to deny American banks access to a low-risk market. The business would be immediately snapped up by banks in the United Kingdom, France, and Switzerland. This would hurt our banking business and assist foreign banks. Under this prohibition, agencies owned by the South African Government which are not involved in apartheid enforcement, such as the Electricity Supply Commission or South African Airways, would be unable to get U.S. financing for the purchase of American products. This would penalize U.S. banks and other firms without any real impact on South Africa. It would involve extraterritorial application of U.S. laws, which might raise objections from our largest trading partners.

The bill would also prohibit importation of Krugerrand gold coins, and I believe this would not have any significant effect on eliminating apartheid. Instead, it would cost American jobs

and harm American interests. Over 3,200 American firms sell Krugerrands. Prohibiting the importation of these coins would reduce these firms' sales significantly. Of course, importation of gold coins from other foreign countries would increase, but the gold that is used in manufacturing them would still come from South Africa. Such a ban would give the South African Government the right, under international law, to take similar action against imports to that country from the United States. South Africa is an important market for a wide range of American goods, including agricultural commodities, consumer and capital goods. At a time of huge trade deficits, when the U.S. Government is seeking to promote American exports, it would be foolish to impede U.S. export business in this way.

H.R. 1460 would also place a ban on the export from the United States of computer goods and technology for use by the Government of South Africa or any entity owned by it. U.S. regulations already prohibit the sale of computers to military, police, and other Government bodies involved in the enforcement of apartheid. This measure would cut off sales to other Government agencies such as the Reserve Bank, the Electricity Supply Commission, and other potential computer purchasers as harmless as the Banana Control Board. Our 50-percent share of a half-billion-dollar annual market would be quickly taken up by other countries, especially Japan.

Mr. Chairman, the white South African Government has taken a few tentative steps toward social change. We may perceive these as far too slow, but they do indicate some progress. In November 1983, black voters nationwide elected mayors and town councils to govern their communities. On November 2, 1983, a national referendum was conducted in which the then all-white electorate overwhelmingly approved a new South African Constitution that extended the national franchise to nonwhites for the first time in the country's history.

In August 1984 voters of the colored and Indian communities went to the polls for the first time to elect direct representatives to Parliament. On January 25, 1985, the multiracial, tricameral South African Parliament convened. Whites, coloreds, and Indians, enjoying equal franchise, participated jointly in the executive and legislative functions of the national government for the first time.

On January 25, 1985, in a speech opening Parliament, President Botha announced that the Government accepted the permanence in South Africa of the urban black population, and agreed that they should have the right of political participation in both their own affairs and in matters of common interest in the country as a whole. President Botha indicated that the question of citizenship would be negotiated with black leaders and an-

nounced that a forum for negotiations with black leaders to develop constitutional mechanisms for political participation for blacks would be established.

On February 1, 1985, the South African Government announced discontinuation of resettlement to black communities, thereby abandoning so-called black-spot policy.

On February 8, 1985, downtown commercial districts, nationwide, were opened to all businessmen irrespective of race.

In February 1985, amnesty, conditioned only on a renunciation of the use of violence for political ends, was offered to and refused by Nelson Mandela and others serving prison sentences following conviction of sabotage.

Between the years 1979 and 1984 South Africa saw desegregation of trade unions and the workplace. Black and multiracial trade unions were legalized. Of 200 trade unions in South Africa today 79 are multiracial, 21 are black, 43 are colored, and 57 are white. Job reservation for whites was eliminated in 1983. The right to strike and to bargain collectively is now protected by statute, the apprentice system is opened to blacks, and equal opportunity hiring is becoming widely accepted. All reference to race, color, or sex has been removed from all labor legislation. Factories and offices have been desegregated.

From 1970 to 1980 there was a rise in black income in South Africa and a black middle class began to emerge. In the same years, the black share of total personal income in South Africa rose from 25 to 40 percent, and in 1985 it is nearly 50 percent.

Between 1970 and 1980 black high school students increased from 105,000 to over one-half million. Spending on black education increased 230 percent from 1975 to 1980, and another 51 percent in 1980 and 1981, and is still rising. The literacy rate for blacks ages 12-22 is reported to be 80 percent.

South Africa trains more black doctors than any other African country. It offers the most comprehensive health services on the continent. Complete treatment to all patients is provided at a nominal fee of about \$2. Infant mortality is the lowest in Africa. South Africa has the highest doctor-patient ratio in Africa.

Since 1975, \$2 billion has been spent to build new homes for urban blacks, at a rate of 100 houses per day. Home ownership was opened to blacks in 1982.

Despite its problems, South Africa has the highest living standards, per capita income, literacy and life expectancy in Africa. It accounts for about 20 percent of the entire continent's economic output, 40 percent of its industrial output, 85 percent of its steel production, and 50 percent of the continent's electrical power. South Africa is also host to some 1 million "guest workers" from other African states.

Mr. Chairman, I believe that we have a responsibility to listen to those most affected by our actions and consider carefully the consequences of this bill. Economic growth is the major agent for change in South Africa, and American companies doing business in that country are the best means we have of influencing social change. Let's not hurt the very people who need help in South Africa. I urge a "no" vote on H.R. 1460.

Mr. BURTON of Indiana. Mr. Chairman, when I was in South Africa about a year ago I took the opportunity to talk to a number of black leaders over there about the question of disinvestment, and section 4 of this bill deals with no future investments by the United States of America, or loans to the South African Government.

Every single black leader with whom I talked, including the chief of the largest tribe, Mr. Buthelezi of the Zulus, said that disinvestment, or a lack of future capital by the United States of America would work a hardship on the blacks of that country. In the gold mines, for instance, they have about 600,000 blacks who work on a daily basis. Each one of those blacks feed about 5 to 6 individuals, so if you multiply by 6 the number of blacks who are working in the gold mines alone, you come up 3.6 million people.

I believe those people should be heard. I believe that if we are going to pass legislation that is going to affect millions of black citizens in South Africa, we ought to know how they feel about it. All this amendment does is say that we should have the Secretary of State conduct a very extensive poll among the majority blacks in South Africa to find out how they feel about the lack of future investment by the United States of America and American companies in that country.

I do not think that is too much to ask. I believe this amendment goes right to the heart of the matter. It finds out from the people who will be affected most by disinvestment or future investment in South Africa what they think about it. I am confident that if this poll is taken at the direction of the Secretary of State of the United States of America, we will find that the blacks in South Africa do not want disinvestment and they want a continuation of capital from the United States of America.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I would be happy to yield to my colleague, the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I would like the gentleman to know that not only do the majority of the blacks in South Africa support no new investment, but the majority of them, if their leaders are any criteria, support disinvestment in its entirety.

The leaders of the two largest black trade unions, the Federation of South

African Trade Unions, and the Council of Unions of South Africa have issued calls for disinvestment over the years, as did the late Steve Biko, Mandela went to jail for this same enunciation, so there is little doubt in my mind.

I think the principle that the gentleman adheres to is perfectly fine, that we are not inventing the policy and the political direction for 22 million people across the continent. The fact of the matter, though, is that we have sought that advice, we have sought that counsel, and it seems to me it is clear that they are for it.

Mr. BURTON of Indiana. Mr. Chairman, if I may reclaim my time, I talked to some of those black leaders myself when I was there and in an article from Barron's, Mr. Bremlow quoted black leaders like Zulu Chief Buthelezi and they said that in a number of surveys they opposed disinvestment.

So all I am saying with this amendment, and I hope you support it, and I get the indication that you might, is that the Secretary of State conduct a public opinion poll among blacks and majority people in South Africa to find out exactly what they feel and to report back to the Congress. That will give us future guidance.

Mr. CONYERS. If the gentleman would continue to yield, let me assure him I cannot support the amendment. I like the principle, but we have already consulted. When the gentleman talks about Mandela, Biko, Luthuli, Sobukwe, and many of the other leaders of the unions—

Mr. BURTON of Indiana. Mr. Chairman, if I may reclaim my time, I do not understand what the gentleman fears. What this amendment says is that if the blacks support disinvestment in South Africa, then the bill will go on as previously written; if they oppose disinvestment or future investment in South Africa, then the provisions of section 4 of this bill will no longer be in force.

Mr. CONYERS. Is the gentleman talking about no new investment or is he talking about disinvestment?

Mr. BURTON of Indiana. I am talking about future investment.

Mr. CONYERS. All right. They have spoken to that already.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. SILJANDER and by unanimous consent. Mr. BURTON of Indiana was allowed to proceed for 3 additional minutes.)

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Chairman, obviously there seems to be significant disagreement as to what the black labor unions in South Africa believe. From my infor-

mation, there is not one that supports disinvestment in South Africa.

In terms of polls, there was a poll done in 1984, the Schlemmer poll, which indicated 74 percent of the blacks in South Africa opposed disinvestment. There was another poll, a second poll done, by the Human Sciences Research Council that reported, with 1,473 blacks, that 66 percent believe that economic boycott would hurt nonwhite South Africans most. The survey found also that only 10.2 percent favored any type of economic boycott. There was another poll taken by a commercial research organization, Market Research of Africa. They surveyed 1,000 blacks and they found that 79 percent rejected disinvestment and 20 percent supported it.

□ 1630

So while I hear interesting counter-statements, it seems consistent that many polls, four of these that I have numbered, do not support South African disinvestment. Still there seem to be some advocations to the contrary.

What the gentleman is proposing is that once and for all we do a completely unbiased survey by those that would be untouched by one bias or another. This approach is a good approach. It brings to light issues, how the black Africans feel.

I see one thing that has not been touched on throughout this entire debate, and that is, just how do black Africans feel about disinvestment? How do they feel about no new investment? How do they feel about banning Krugerrands, new bank loans, and computers? That is one thing in this debate that has been clearly understated.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his contribution. Those statistics and polls that he quoted, I think, are accurate, and all we want to do is verify the accuracy of those polls by having a further poll done or a further poll taken by the Secretary of State, a very comprehensive poll that will show us in very clear terms exactly what the blacks in South Africa want.

If they do not want us to cut off our investments in South Africa or the bank loans in the future, then the provisions of section 4 of the bill will no longer be in force.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's yielding, and I simply want to bring this point to the attention of our colleagues who may suggest or try to infer that everyone in South Africa of the black race happens to support immediate sanctions or disinvestment or anything of that sort. And I would state that even Bishop Tutu on February 3, when he was enthroned—and I read this a

couple of weeks ago when we began our debate.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. GUNDERSON, and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Wisconsin.

Mr. GUNDERSON. Again, Mr. Chairman, I appreciate the gentleman's yielding.

Let me just read again the ending line or part of the speech Bishop Tutu gave when he was enthroned. He said,

I will give notice that if in 18 or 24 months from today apartheid has not been dismantled or is not being actively dismantled, then for the first time I will myself call for punitive economic sanctions.

So I think not only the elected bishops or chairmen of tribes but also people such as Bishop Tutu, who clearly is perceived as the moral leader of the black population in South Africa, if not the elected leader, are not even asking for immediate sanctions.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Chairman, is the distinguished gentleman from Indiana aware that under the laws of South Africa, if anyone who is a South African, regardless of what group they may belong to, advocates economic restrictions, it is a violation of South African national law, sedition, and treason? Is the gentleman aware of that fact as he talks about making Secretary Shultz into Gallup?

Mr. BURTON of Indiana. Mr. Chairman, all I can say in response to my colleague is that polls have been taken in the past and nobody has accused anyone who answered the polls of sedition or treason, and I do not think a poll taken under the auspices of the Secretary of State of the United States would be considered treasonous in the future.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Michigan.

Mr. SILJANDER. Mr. Chairman, there are two points dealing with what the gentleman from Pennsylvania [Mr. GRAY] mentioned, dealing with this Terrorist Act. Under the 18 years since this Terrorist Act has been passed, not one person has been incarcerated. One person was arrested and has not yet been convicted, and that was 9 years ago.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(On request of Mr. SILJANDER, and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Michigan.

Mr. SILJANDER. Mr. Chairman, I thank the gentleman for yielding.

The second point is that the poll taken by Larry Schlemmer, who conducted a survey of black workers, showed that 27 percent of blacks in urban areas said that they supported the African National Congress, which is also illegal to state.

So on one hand we have those who argue that they cannot answer honestly in the polls and that is why the numbers are so high because it is illegal under the Terrorist Act, but on the other hand 27 percent answered and responded that they support in fact the African National Congress.

Mr. ROEMER. Mr. Chairman, will the gentleman yield on that point?

Mr. SILJANDER. These polls were taken by an unbiased survey. They were taken by a well-known anti-apartheid pollster, by the liberal South African Institute of Race Relations. They were taken to clearly show that the black South Africans overwhelmingly opposed disinvestment, and 75 percent of those in the survey indicated as such. Another additional 10 percent said they would oppose disinvestment if Sullivan Principles were mandatory. That makes 85 percent. Another 5.5 percent did not care one way or the other. That brings it up to a grand total of 95.5 percent who either do not care, oppose disinvestment, or oppose it under the conditions of mandatory Sullivan, which this gentleman intends to substantially quote in effect later on in the debate.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I want to make just one point.

The gentleman quoted a figure in a so-called scientific poll of 27 percent, and because 1 person out of 1,000 said they supported a certain group, he says that is proof positive that the poll was both accurate and fair. That is not proof that the poll was accurate and fair.

How does the gentleman know the real figure was not 97 percent and because of fear and repression and lack of social intercourse and discussion on the matter, 27 percent came out? This idea is not a good one.

Mr. BURTON of Indiana. Mr. Chairman, if I may, I would like to reclaim my time.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, I have had an opportunity to talk to black leaders, not just one, but about 15 or 20 of them, black leaders in South Africa, tribal leaders, and they told me firsthand face-to-face that disinvestment would incur an undue hardship on the black population of South Africa.

What I am asking for in this amendment is to find out through a very broad-based poll exactly what the black South Africans think. I talked to people in all stratas of society over there. I talked to a young black man who was a caddy on a golf course, and I talked to a fellow who was a busboy. They were very open with me.

I believe that if a poll was taken nationwide over there, we would get a pretty good picture of what black South Africans feel about disinvestment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield one more time?

Mr. BURTON of Indiana. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, the gentleman's sincerity is not in question by me, but he has a false assumption at the core of his premise, and that is that when people speak to you they always tell you the truth. In a society that has been split and splintered, where man is against man and color against color, I submit that the chance of a scientific poll yielding the truth is minimal, not maximal.

Mr. BURTON of Indiana. Mr. Chairman, if I may reclaim my time, I just want to say that Bishop Tutu was just quoted, and he and Buthelezi, the chief of the Zulu tribe, were not afraid. They said exactly what they thought. Tutu was quoted earlier as saying he would not oppose new investment in South Africa unless apartheid was not started to be dismantled within a 2-year period.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLPE. Mr. Chairman, I rise in opposition to the amendment, and I will be very brief.

This amendment is an effort again to counter the entire thrust of the legislation. The suggestion that the Secretary of State is going to be out there polling black workers in South Africa I think is a reflection of how distant we Americans are from the South African political system and society. We are talking about a society in which 85 percent of the population has no involvement whatsoever in the key political decisions that impact on their lives on a daily basis and in which advocacy of economic pressure, of measured economic sanctions and the like, is widely considered to be treasonous, subject to action by South African law.

The notion that somehow scientific polling can have any validity is, I

think, a tragic commentary on the failure to comprehend what apartheid is in the everyday existence of millions upon millions of people who happen not to be white but happen to be the vast majority of the population.

Mr. Chairman, I urge opposition to this amendment.

□ 1640

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 40, noes 379, not voting 14, as follows:

[Roll No. 135]

AYES—40

Archer	Eckert (NY)	Shuster
Armey	Emerson	Siljander
Badham	Fawell	Smith, Denny
Bartlett	Fields	Smith, Robert
Barton	Grotberg	Solomon
Bilirakis	Hansen	Spence
Burton (IN)	Hendon	Stangeland
Callahan	Hunter	Strang
Cheney	Lott	Stump
Cobey	Lowery (CA)	Taylor
Crane	Michel	Vander Jagt
Dannemeyer	Monson	Vucanovich
DeLay	Petri	
Dornan (CA)	Ritter	

NOES—379

Ackerman	Chappell	Fazio
Addabbo	Chappie	Feighan
Akaka	Clay	Fiedler
Alexander	Coats	Fish
Anderson	Coble	Flippo
Andrews	Coelho	Foglietta
Anunzio	Coleman (MO)	Foley
Anthony	Coleman (TX)	Ford (MI)
Applegate	Combust	Ford (TN)
Aspin	Conte	Frank
Atkins	Conyers	Franklin
AuCoin	Cooper	Frenzel
Barnard	Coughlin	Frost
Barnes	Courter	Fuqua
Bateman	Coyne	Gallo
Bates	Craig	Garcia
Bedell	Crockett	Gaydos
Beilenson	Daniel	Gejdenson
Bennett	Darden	Gekas
Bentley	Daschle	Gephardt
Bereuter	Daub	Gibbons
Berman	Davis	Gilman
Bevill	de la Garza	Gingrich
Biaggi	Dellums	Glickman
Bliley	Derrick	Gonzalez
Boehlert	DeWine	Goodling
Boggs	Dickinson	Gordon
Boland	Dicks	Gradison
Boner (TN)	DioGuardi	Gray (PA)
Bonior (MI)	Dixon	Green
Bonker	Donnelly	Gregg
Borski	Dorgan (ND)	Guarini
Bosco	Dowdy	Gunderson
Boucher	Downey	Hall (OH)
Boulter	Dreier	Hall, Ralph
Boxer	Duncan	Hamilton
Breaux	Durbin	Hammerschmidt
Brooks	Dwyer	Hartnett
Broomfield	Dymally	Hatcher
Brown (CA)	Dyson	Hawkins
Brown (CO)	Early	Hayes
Broyhill	Eckart (OH)	Hefner
Bruce	Edgar	Heftel
Bryant	Edwards (CA)	Henry
Burton (CA)	Edwards (OK)	Hertel
Bustamante	English	Hiler
Campbell	Erdreich	Hillis
Carper	Evans (IA)	Holt
Carr	Evans (IL)	Hopkins
Chandler	Fascell	Horton

Howard	Mikulski	Schumer
Hoyer	Miller (CA)	Seiberling
Huckaby	Miller (OH)	Sensenbrenner
Hughes	Miller (WA)	Sharp
Hutto	Mineta	Shaw
Hyde	Mitchell	Shelby
Ireland	Moakley	Shumway
Jacobs	Molinari	Sikorski
Jeffords	Mollohan	Sisisky
Jenkins	Montgomery	Skeen
Johnson	Moody	Skelton
Jones (NC)	Moore	Slattery
Jones (OK)	Moorhead	Slaughter
Jones (TN)	Morrison (CT)	Smith (IA)
Kanjorski	Morrison (WA)	Smith (NE)
Kaptur	Mrazek	Smith (NH)
Kasich	Murphy	Smith (NJ)
Kastenmeier	Murtha	Snowe
Kemp	Myers	Snyder
Kennelly	Natcher	Solarz
Kildee	Neal	Spratt
Kindness	Nelson	St Germain
Klecza	Nichols	Staggers
Kolbe	Nielson	Stallings
Kolter	Nowak	Stark
Kostmayer	O'Brien	Stenholm
Kramer	Oaker	Stokes
LaFalce	Oberstar	Stratton
Lagomarsino	Obey	Studds
Lantos	Olin	Sundquist
Latta	Ortiz	Sweeney
Leach (IA)	Owens	Swift
Leath (TX)	Oxley	Swindall
Lehman (CA)	Packard	Synar
Lehman (FL)	Panetta	Tallon
Leland	Parris	Tauke
Lent	Pashayan	Tauzin
Levin (MI)	Pease	Thomas (CA)
Levine (CA)	Penny	Thomas (GA)
Lewis (CA)	Pepper	Torres
Lewis (FL)	Perkins	Towns
Lightfoot	Pickle	Traficant
Lipinski	Porter	Traxler
Livingston	Price	Udall
Lloyd	Pursell	Valentine
Loeffler	Quillen	Vento
Long	Rahall	Visclosky
Lowry (WA)	Rangel	Volkmmer
Lujan	Ray	Walgren
Luken	Regula	Walker
Lundine	Reid	Watkins
Lungren	Richardson	Waxman
Mack	Rinaldo	Weaver
MacKay	Roberts	Weber
Madigan	Robinson	Weiss
Manton	Rodino	Wheat
Markey	Roe	Whitehurst
Marienne	Roemer	Whitley
Martin (IL)	Rogers	Whittaker
Martin (NY)	Rose	Whitten
Martinez	Rostenkowski	Williams
Matsui	Roth	Wirth
Mavroules	Roukema	Wise
Mazzoli	Rowland (CT)	Wolf
McCain	Rowland (GA)	Wolpe
McCandless	Roybal	Wortley
McCloskey	Rudd	Wright
McCollum	Russo	Wyden
McCurdy	Sabo	Wyllie
McDade	Savage	Yates
McEwen	Saxton	Yatron
McHugh	Schaefer	Young (AK)
McKernan	Scheuer	Young (FL)
McKinney	Schneider	Young (MO)
McMillan	Schroeder	Zschau
Meyers	Schuette	
Mica	Schulze	

NOT VOTING—14

Byron	Florio	Ridge
Carney	Fowler	Smith (FL)
Clinger	Gray (IL)	Torricelli
Collins	Hubbard	Wilson
Dingell	McGrath	

□ 1650

Mr. HARTNETT and Mr. WALKER changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS. Mr. Speaker, I was unavoidably absent on rollcall No. 135, the vote on the Burton of Indiana

amendment to H.R. 1460, the Antia-apartheid Act of 1985. I oppose the amendment and would have voted "no."

□ 1700

Mr. MILLER of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I gave serious consideration to offering an amendment to H.R. 1460. The amendment that I considered offering would have added to this sanctions bill provisions to positively promote, with U.S. help, black efforts to being democracy and an end to apartheid in South Africa. I envisioned the United States, through an agency such as the Endowment for Democracy, funding black political groups seeking peaceful change. I think this would be both in the long-term interest of black South Africans and the United States.

Mr. Chairman, I am not offering this amendment because, first, of concern by sponsors of this bill that such an amendment would take from the sanctions effort which I support and, also, because many sponsors have either offered private assurances that they would support such an amendment or seriously consider such an amendment, if such an amendment were offered as an amendment to the foreign aid authorizations bill.

I am, therefore, not offering the amendment at this time and serving notice that I will offer such an amendment when the foreign aid authorization bill comes up.

Mr. WOLPE. Mr. Chairman, would the gentleman yield?

Mr. MILLER of Washington. I yield to the gentleman.

Mr. WOLPE. I thank the gentleman. I would like to express my appreciation both for the Member's interest in the subject and for his cooperation in expediting the passage of the sanctions legislation before us.

I certainly would be prepared to consider the provisions that the gentleman is suggesting when we get to subsequent legislation that will be before this body.

Mr. MILLER of Washington. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 26, insert the following after line 18 and redesignate succeeding sentences and references thereto accordingly:

SEC. 8. NUCLEAR EXPORTS.

(a) COOPERATION.—Cooperation of any kind provided for in the Atomic Energy Act of 1954 is hereby prohibited with respect to the Republic of South Africa.

(b) NUCLEAR REGULATORY COMMISSION AUTHORIZATIONS.—The Nuclear Regulatory Commission may not issue any license or other authorization under the Atomic

Energy Act of 1954 for the export to the Republic of South Africa of any source or special nuclear material, any production or utilization facility, any sensitive nuclear technology, any component, item, or substance determined to have significance for nuclear explosive purposes pursuant to section 109 b. of the Atomic Energy Act of 1954, or any other material or technology requiring such a license or authorization.

(c) **DISTRIBUTION OF NUCLEAR MATERIAL.**—The authority of the Atomic Energy Act of 1954 may not be used to distribute any special nuclear material, source material, or by-product material to the Republic of South Africa.

(d) **SUBSEQUENT ARRANGEMENT.**—No department, agency, or official of the United States Government may enter into any subsequent arrangement under the Atomic Energy Act of 1954 which would permit the transfer to or use by the Republic of South Africa of any nuclear materials and equipment or any nuclear technology.

(e) **AUTHORIZATIONS OF SECRETARY OF ENERGY.**—The Secretary of Energy may not provide any authorization (either in the form of a specific or a general authorization) under section 57 b. (2) of the Atomic Energy Act of 1954 for any activity which would constitute directly or indirectly engaging in the Republic of South Africa in activities which require an authorization under that section.

(f) **EXPORT LICENSES.**—

(1) **NUCLEAR RELATED USES.**—The Secretary of Commerce may not issue any license under the Export Administration Act of 1979 or other provision of law for the export directly or indirectly to the Republic of South Africa of any goods or technology—

(A) which are intended for a nuclear related end use or end user;

(B) which have been identified pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978 as items which could, if used for purposes other than those for which the export is intended, be of significance for nuclear explosive purposes; or

(C) which are otherwise subject to the procedures established pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978.

(2) **PROHIBITION OF ADDITIONAL EXPORTS.**—In addition, the Secretary of Commerce shall use the authorities set forth in the Export Administration Act of 1979 (notwithstanding section 20 of that Act) to prohibit any export directly or indirectly to the Republic of South Africa of any goods and technology contained on any of the lists prepared pursuant to paragraph (3) of this subsection. Export controls shall be imposed pursuant to this paragraph without regard to the requirements otherwise applicable to the imposition of export controls under the Export Administration Act of 1979.

(3) **LIST OF PROHIBITED GOODS AND TECHNOLOGY.**—Not later than 6 months after the date of the enactment of this Act, the Nuclear Regulatory Commission, the Secretary of Commerce, the Secretary of Energy, and the Secretary of State shall each prepare a list of all goods or technology, whose transfer to the Republic of South Africa is not otherwise prohibited by this Act, which in their judgment could, if made available to the Republic of South Africa, increase the ability of that country to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices. Such lists shall include goods or technology which, although not intended for any of the specified nuclear related end uses, could be diverted to such a use.

(g) **INFORMATION.**—No officer or employee in any department or agency of the executive branch (including the Nuclear Regulatory Commission) may make available to the Republic of South Africa, directly or indirectly, any technology or other information which could increase the ability of that country to design, develop, fabricate, test, operate, or maintain nuclear materials, nuclear facilities, or nuclear explosive devices. This subsection does not require that an officer or employee withhold information in published form which is available to the public from such officer or employee.

(h) **PRIOR LICENSES AND AUTHORIZATIONS.**—Any license or authorization described in this section which was issued before the enactment of this Act is hereby terminated.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, this amendment is intended to prohibit all nuclear assistance to South Africa, including equipment, technology, dual-use items, and nuclear information. It is a very simple, straight-ahead amendment.

This amendment banning nuclear collaboration between our country and South Africa is based on a simple premise; that is, that South Africa is a regime that seeks the capability of nuclear weapons, has repeatedly refused to sign the Nuclear Nonproliferation Treaty, has refused to submit to international inspections of any kind, and a regime which has made unabashed statements of its nuclear intentions. So that in some respects this is not just an antiapartheid amendment to go on some important legislation. This is a propeace amendment for the African Continent.

The question that this amendment puts into debate here is whether or not we should continue to aid South Africa with nuclear assistance, given its militarism at home and its intransigence and violence, even, in their region; its utter refusal to enter into agreements and the numerous statements that it has made regarding its nuclear intentions. Such as: "No rules apply to us with regard to nuclear development." So that question is a very important one.

Now some of you may be wondering what we are doing in the first place dealing with nuclear materials, dual-use equipment, with South Africa in the very first place. And the reason is that, notwithstanding our embargo and our agreements not to do it, there were small loopholes in the legislation of 1978 which allowed the Department of Commerce, the Department of Energy, the State Department to grant licenses that precluded that ban.

So this is a very modest attempt to carry on discussions and understandings and an importance which was reached by many Members many times before.

Mr. WOLPE of Michigan. Would the gentleman yield?

Mr. CONYERS. I yield to the chairman of the subcommittee.

Mr. WOLPE. I thank my distinguished colleague from Michigan for yielding.

I want to commend the gentleman from Michigan on the introduction of this amendment. I have no objections to it and intend to support it. My original concern had to do with whether or not it might weaken our ability to secure support in conference for the other sanctions in this legislation. But it appears that the other body will be likely accepting language very similar to that which is being offered by the gentleman from Michigan. This similar amendment passed this House last year as it did pass the other body as well. So I think both the House and the Senate have spoken very clearly that we do not think it serves American national interests to be perceived as assisting in the development of South Africa's nuclear program, particularly when South Africa has expressly refused to renounce further efforts to acquire nuclear weapons. It has not signed the Nuclear Non-Proliferation Treaty, it has given no indication of cooperation in that area whatsoever.

Mr. CONYERS. I thank the manager of this bill. It can now be revealed that he himself advanced this notion about nuclear abolition of any relationship and I appreciate his support for it.

Mr. SILJANDER. Will the gentleman yield?

Mr. CONYERS. Yes; I yield to the gentleman from Michigan.

Mr. SILJANDER. Just a point of inquiry. I thank the gentleman for yielding.

I did not quite catch, what do we now as a U.S. Government, as a Nation, provide in nuclear technology, advice, assistance, et cetera, to the South African Government? I understand we do have some elements of nuclear technology that are in fact banned now.

Mr. CONYERS. There are a number of things. First of all, and this is a sorry episode in foreign relations, we are responsible for whatever nuclear development South Africa has. We are the ones that gave them the go-ahead sign. We are now currently under Commerce licenses, under Energy licenses, furnishing them with uranium-enriched materials, we are supplying them with computers that are for specific nuclear development application; we are even supplying them with personal managers, engineers to facilitate and operate their equipment.

□ 1710

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WORTLEY

Mr. WORTLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WORTLEY: Page 20, strike out lines 16 through 25 and insert in lieu thereof the following:

SEC. 5. GOLD COINS

(a) REGISTRATION AND FEE.—No South African Krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa may be entered into the customs territory of the United States unless and until, at the point at which the Krugerrand or gold coin is entered—

(1) the Krugerrand or gold coin is registered with the Secretary of the Treasury, in such form as the Secretary may prescribe, and

(2) a fee of 5 percent of the value of the Krugerrand or gold coin is paid.

(b) USE OF FEES AND FINES.—It is the sense of the Congress that the amounts of the fees collected under subsection (a)(2) and the amounts of fines collected under section 9(b)(2)(B) should be used—

(1) to pay for the costs of the registration required by subsection (a)(1), and

(2) for financing scholarships, awarded on the basis of merit and financial need, to black and other nonwhite South Africans for undergraduate or professional education in the United States or South Africa, particularly in those fields of study in which the percentage of qualified persons in South Africa who are nonwhite is substantially less than the percentage of nonwhite persons in the general population in South Africa.

Mr. WORTLEY [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FRENZEL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Minnesota reserves a point of order on the amendment.

The gentleman from New York is recognized for 5 minutes on behalf of his amendment pending the reservation of the gentleman from Minnesota.

Mr. WORTLEY. Mr. Chairman, my amendment offers my colleagues the opportunity to adopt an affirmative policy in dealing with South Africa. Our distinguished former colleague, Paul Tsongas, offered similar language to a bill considered by the other body in a previous Congress. He believed as I do that a positive force makes more sense than sanctions.

Instead of banning the importation of Krugerrands, this amendment would require that they be registered upon entry. A nominal fee of 5 percent would be payable at that time. My amendment goes on to express the sense of the Congress that amounts equal to those collected in registration fees should be used to cover the costs of registration with any remaining amounts to be used for scholarships for nonwhite South African students.

Rules of the House preclude being more specific at this time about the use of the registration fees. Detailed language providing for covering the cost of registration and administering the scholarship program will have to be included in this year's foreign assistance appropriations legislation.

There are several reasons why my amendment is an improvement over a complete ban on the importation of Krugerrands. First, it would be effective. It would help . . . not hurt . . . black and other nonwhite South Africans. And it would be a positive force for change.

Last year, \$485 million worth of Krugerrands was imported into the United States. This represents roughly 25 percent of total South African Krugerrand exports. When H.R. 1460 was being developed, it was assumed that 1984 imports amounted to \$600 million or 50 percent of total South African Krugerrand exports. This figure was an estimate and has been adjusted downward, which in turn reduces the anticipated effect of banning Krugerrands. It is interesting to note that the U.S. share of Krugerrand export market has generally declined since the late 1970's.

In addition, the ban on Krugerrands as currently contained in H.R. 1460 would not be enforced if this bill were implemented in good faith. The President would be able to determine immediately that one of the eight conditions enumerated in H.R. 1460 has been met because on February 1, 1985, the South African Government announced the discontinuation of resettlement of black communities. Once Congress has enacted a joint resolution approving the President's determination, the ban on Krugerrands would be lifted for 12 months. Even without extensions of the waiver, this would give the South African Government and U.S. importers plenty of time to work out ways to get around the ban, either by minting in third countries or exporting the gold in forms other than coins.

Even if it were effective, a ban on Krugerrands would do nothing to help the situation in South Africa. The more likely result would entrenchment of opposition to progress. Of equal importance, reducing South Africa's main source of foreign exchange would result in a constriction of the South African economy. This would hurt all South Africans, but it would be especially hard on the poorer segment of South African society—mostly blacks and other nonwhites. While this may well foster violence, revolution, and an eventual end to apartheid, the cost in lives and destruction would be very high.

I believe there is a better alternative.

My amendment offers an affirmative policy for change and progress in South Africa. Instead of promoting a policy of noninvolvement in South Africa, it promotes active efforts to improve the educational opportunities

of nonwhite South Africans. Improving and expanding education provides the impetus for evolutionary change by increasing the economic and political activity and influence of those disenfranchised under the current system of apartheid.

If we had had registration of Krugerrands in 1984, registration fees would have amounted to \$24.25 million. If the cost of administering the registration program amounted to half of this amount, which is unlikely, that would still have left more than \$12 million available for scholarships for nonwhite South African students to pursue undergraduate or professional studies in the United States or South Africa.

It seems to me that using fees from the importation of Krugerrands to privately finance \$12 million in scholarships is a much more constructive approach to ending apartheid peacefully than banning Krugerrands altogether.

In short, a vote for my amendment is a vote for black education. A vote against my amendment is a vote for a policy of attrition against black South Africans.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. FRENZEL] wish to proceed with his point of order?

Mr. FRENZEL. Mr. Chairman, if the gentleman wishes to extend his time to yield, I would reserve my point of order until he is through with his extended time.

The CHAIRMAN. Has the gentleman from New York concluded?

Mr. WORTLEY. I have concluded, Mr. Chairman.

The CHAIRMAN. The gentleman has concluded.

(Mr. FRENZEL asked and was given permission to revise and extend his remarks.)

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I make a point of order that the amendment offered by the gentleman from New York is in violation of clause 5 of rule XXI which prohibits amendments carrying a tax or tariff measure from being offered during consideration of a bill not reported by the committee having jurisdiction over such tax and tariff matters.

Clause 5(b) of rule XXI states:

No bill or joint resolution carrying a tax or tariff measure shall be reported by any committee not having jurisdiction to report tax and tariff measures, nor shall an amendment in the House or proposed by the Senate carrying a tax or tariff measure be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction.

Section (a)(2) of the amendment imposes a fee of 5 percent as a condition of the importation of Krugerrands or gold coins into the United States. This has the equivalency of tariff which must be collected by Customs officials at the point of entry as a condition of entry.

Mr. Chairman, I think it is quite clear that there is first of all a restriction of imports, and second of all, the imposition of a tariff, and for that reason, I believe that the amendment of the gentleman from New York is in violation of clause 5 of rule XXI.

Mr. WORTLEY. Mr. Chairman, will the gentleman yield so I can respond?

Mr. FRENZEL. I think the Chair will recognize the gentleman.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. WORTLEY. Mr. Chairman, I have attempted to choose my words very carefully in this amendment, and my purpose was merely to establish a surcharge, not a tax.

The Banking Committee has jurisdiction on surcharges, and we have had surcharges on gold coins. As a matter of fact, the Olympic gold coin, the proceeds of which went to the Olympic Committee. We have approved or we have rejected surcharges on credit cards. The fee involved here is a registration. It is not an imposition of a tax.

The fee is to cover the registration costs and the balance of the proceeds go to educate nonwhite South Africans. I submit that the cause is an admirable one and contributes to the betterment of the South African society.

This is an affirmative amendment for evolutionary change; it is not a tax.

Mr. FRENZEL. Mr. Chairman, I would like to be heard in addition.

I do not question that the cause is an admirable one, and I have no objection to the gentleman's amendment. It is simply in the protection of the jurisdiction of a committee of this House that I make the point of order.

The amendment calls the charge a fee. It seems to me that it is overwhelmingly clear that what is called here for is a tariff and a condition of entry into the United States; that it is likely to have to be collected by the Customs Service, and I therefore renew my point of order.

□ 1720

The CHAIRMAN (Mr. DE LA GARZA). The Chair is prepared to rule.

The Chair finds that the amendment provides for a uniform charge at the port of entry for South African coins. The proceeds to be deposited into the Treasury of the United States.

It appears, therefore, to the Chair that the amendment is in fact a tariff, an amendment only in order to bills reported from the Committee on Ways and Means under clause 5(b) of rule XXI.

The Chair, therefore, sustains the point of order.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana:

SEC. 15. WAIVER OF PROVISIONS OF SECTION 4.

The provisions of section 4 of this Act shall cease to be effective if—

(1) An internationally supervised referendum has been conducted which demonstrates that a majority of nonwhite South Africans oppose the prohibition on new investment contained in section 4

(2) The Secretary certifies to the Congress that such referendum was conducted in a fair manner, gave nonwhite South Africans a full opportunity to express their position and the results are believed to be definitive.

Mr. BURTON of Indiana. Mr. Chairman, the previous amendment which went down to a resounding defeat dealt with a poll being taken in South Africa under the auspices of the Secretary of State of the United States of America.

I do not see how anybody who is thinking logically can oppose this amendment. What this amendment says is that the blacks in South Africa will participate in a referendum on whether or not they want no further investment by the United States of America in their country. The blacks in that country for the first time in history would have an opportunity to go to the polls and express their will. Why anybody would oppose that, I know not.

Now, the argument, I am sure, is going to be raised: Will the South African Government participate or allow this to take place?

If they do not allow this to take place, then section 4 would go into effect.

I think it is very important, before we pass a bill as far-reaching as this, that we have some indication as to how the blacks in South Africa feel about it.

Now, all the polls that we have seen indicate the blacks want apartheid ended immediately. But they do not want disinvestment, they do not want elimination of further investment.

Now, the previous amendment that I suggested was taking a poll of the blacks in South Africa to find out how they felt about disinvestment or lack of future capital from the United States being invested in their country. This amendment allows them to participate in an internationally supervised referendum on the subject. For the first time they are going to be able to vote, for the first time their will is going to be expressed at the ballot box, and we will know for sure how they feel about the United States pulling their investments out of that country.

I see nothing wrong with this, and I do not understand why my colleagues on the other side of the aisle would oppose it. If the provisions of this amendment were not complied with by the South African Government, then section 4 would go into effect. So you would get what you want, anyhow. This would force the South African Government to allow this referendum to take place. Why would you oppose that? We have heard time and again from the people on this side of the

aisle and members of my party, as well, that we want the blacks to be involved in the elective process, to have the right to express themselves at the ballot box. Here is an opportunity for that to take place. Why you would oppose it is beyond me.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I am glad that the gentleman has brought this issue to our attention. And he asks why would anybody be opposed to this. Well, I am certainly opposed to the gentleman's amendment because the issue is not whether people want to vote at the ballot box on a poll. It is not about Lou Harris or Gallup. It is about people having the right to vote for their elected officials. And it seems to me that if the gentleman wants to have a referendum in South Africa, he would have an amendment which would say that the South African Government ought to move immediately to a public referendum where all of the people of the apartheid regime, including the 20 million people who are denied their very basic human rights, would have a right not to vote on a Gallup poll or a Lou Harris poll or a Peter Hart poll, but whether they could vote for the head of state, whether they could vote for elected officials, whether they would have the right to own property, whether they would have the right to hold jobs. And those are the kinds of things. That is why I am opposed to the gentleman's amendment.

Mr. BURTON of Indiana. The point is that we are not going to change the South African Government's attitude toward the blacks participating in the elective process so far as electing their leaders is concerned right now, and we all know that. But what we can do is through this amendment force them to allow those people to vote to find out how they feel about these economic sanctions we are talking about.

The blacks in South Africa are going to suffer if we pull all future investment out of that country. We talked about that before. There are 600,000 blacks in the gold mines alone. And we know that will affect 3 million blacks' ability to survive if we do not allow Krugerrands to be sold throughout the world. I think that we ought to let the blacks in South Africa have a voice in whether or not the United States cuts investment to that country.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. GRAY of Pennsylvania and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield further?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I would simply say to the gentleman from Indiana that I do not think the issue is about employment. I think a mistake in the debate we have heard so far is that we have somehow got to be supportive of apartheid and we cannot take any actions, as we do in many other countries around the world, simply because somehow we are going to lose jobs, we are going to lose employment opportunities. I find that very interesting for us to follow that argument, when the argument is not about a loss of employment or loss of jobs, it is about a loss of justice and a loss of life. That is what this debate is about. It is not about employment opportunities at all. And none of these restrictions in any way in the Anti-Apartheid Act will cause the loss of one job in South Africa, including the ones held by 125,000 people, 78,000 of whom are a majority South Africans, in Amercian subsidiaries. So it is not an argument that somehow this is going to cause a loss of jobs. This is an issue of the loss of justice.

Mr. BURTON of Indiana. If I may reclaim my time, if that is the case, then why would you not want to support this amendment? Because you are going to find out, if the referendum is held, whether or not the blacks are concerned about the lack of future investment and future capital coming from this country into theirs.

I do not understand why you would be opposed to this. The blacks over there are the people who are going to be affected adversely by disinvestment or lack of future capital from this country going to South Africa.

Mr. GRAY of Pennsylvania. I would say the answer, very simply—I thought I made it clear earlier—is that the plebiscite referendum that the gentleman is suggesting is totally irrelevant to the debate that we are talking about. It is like making Secretary of State Shultz Lou Harris and Peter Hart. I think the House demonstrated that. That is why I would disagree with the gentleman.

Mr. BURTON of Indiana. If I may reclaim my time, I do not think it is irrelevant when we are talking about a person's livelihood or the ability of them to feed their families in South Africa.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Minnesota.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(On request of Mr. WEBER and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. WEBER. My colleagues on the other side of the aisle keep referring to Gallup and Harris and Hart, and things like that. As I understand the gentleman's amendment, it is to ask

the South African Government to establish an internationally supervised referendum.

Mr. BURTON of Indiana. That is correct.

Mr. WEBER. So all this talk about Hart and Gallup, you are not talking about a poll anymore; that was your previous amendment.

Mr. BURTON of Indiana. We are talking about an actual referendum where the blacks have an opportunity to go to the polls and express themselves on this issue.

Mr. WEBER. Conducted by the Government and internationally supervised?

Mr. BURTON of Indiana. Internationally supervised.

Mr. WEBER. What kind of international supervision? It could be similar to the kind of referendum we have had in El Salvador, the kind of supervision that is bipartisan?

Mr. BURTON of Indiana. Yes. That formula can be worked out.

Mr. WEBER. I thank the gentleman for yielding.

(On request of Mr. DELLUMS and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, would my colleague yield?

Mr. BURTON of Indiana. I yield to my colleague, the gentleman from California.

Mr. DELLUMS. Let me now try to address the proposition the gentleman offered.

First of all, your previous amendment did in fact deal with a poll supervised by the Secretary of State.

Mr. BURTON of Indiana. Yes; it did.

Mr. DELLUMS. You have now revised that proposition. It is now not a poll taken, supervised by the Secretary of State; it is now a referendum inside South Africa, supervised internationally; is that correct?

Mr. BURTON of Indiana. That is correct.

Mr. DELLUMS. So, in effect, it really is a poll. It is just a poll taken by the South African people internationally supervised.

Mr. BURTON of Indiana. No. If I may reclaim my time, I do not know how you can consider it a poll if the blacks in South Africa go to the ballot box and express their will by voting.

Mr. DELLUMS. All right. The major point of it is that you want to get a sense of what you think ought to be appropriate action that is taken, and you want to have a referendum in order to see that that is done; is that not correct?

Mr. BURTON of Indiana. I want to find out—

Mr. DELLUMS. I do not want to trick the gentleman. I want to engage him in colloquy.

Mr. BURTON of Indiana. I understand. I think every Member of this body ought to know how the blacks in South Africa feel about the lack of

future capital and future investment from the United States of America.

Mr. DELLUMS. Will the gentleman yield so I can answer his question about why I would oppose it?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. DELLUMS. We have not asked the Nicaraguan people for an internationally supervised referendum on the embargo that has been imposed upon them. We have not asked the Soviet people for an international referendum on whether we ought to deploy the MX missile aimed at them.

Just let me finish, and I will ask for as much time as the gentleman wants. Again, I am not here to fancyfoot the gentleman. I want to engage him in a serious debate.

Now, we are asking other nations to give us their thoughts about what we ought to do because the one important referendum that we all must deal with is the one that brought us here, the election that brought my distinguished colleague and this gentleman to the Congress to exercise our major responsibility.

□ 1730

Where I think the gentleman and I both do in fact agree is that based upon the world's history of looking at Nazi Germany, we have now fully internalized that we have a responsibility whenever we see injustice to stand up and speak out against that injustice. You can either do it violently or you can do it peacefully.

Mr. BURTON of Indiana. If I may reclaim my time, I, like my colleague, opposed apartheid. I think it is reprehensible; I think it is something that should be done away with. But in the process, I do not believe we ought to hurt the people we are trying to help. It is my contention that the blacks in South Africa do not want us to disinvest or cut off future investment in that country because it is going to hurt them more than anybody else economically.

I think we ought to find out how they feel. Now, polls have been taken, time and again, which show that the blacks do not want us to cut off our investments. Time and again it has happened. We were cited four or five earlier in this debate. All I am saying is that let us find out once and for all how they feel about it before we cut all that investment over there which is going to work a hardship first on the people we are trying to help, the blacks of South Africa.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. DELLUMS. I appreciate that. I am simply saying to the gentleman that we have a major burden of responsibility. You have expressed a judgment. I may agree or disagree with that judgment, but every time we

make a decision, we are exercising judgment.

For example, on abortion and on gun control and on other issues, we could cite polls and you would then tell me to take my poll and shove it somewhere. What I am saying is that if we put those polls aside, we have a responsibility to exercise our judgment.

Mr. BURTON of Indiana. If I may reclaim my time here, we are not talking about a poll here and we are not talking about abortion, and we are not talking about Nicaragua; we are talking about—

Mr. DELLUMS. You just cited a poll; you said three polls.

Mr. BURTON of Indiana. South Africa and a referendum which will allow the people of that country, the blacks, to express themselves on a very important issue economically to them.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. SILJANDER. You know, you did introduce an amendment which did go down; I supported you regarding a poll, the advocacy was the former polls taken were not good enough; they were not accurate for one reason or another. You advocated a separate poll; that was voted down and that was not good enough. Now you are advocating for the first time in history blacks, in full, to participate in some form of referendum to determine how blacks feel about what we want to do to them. That also is being criticized.

All right; fair enough. Fair enough. What would the other side suggest as a means to determine the attitude and the opinions of those very individuals that we are, in our self-righteousness, attempting to assist?

I think the point is very clear. If the blacks themselves were truly for disinvestment, and disrupting the economy in the way that disinvestment would rock an economy, then why is there not a general strike and a general walkout by blacks in South Africa? They could simply, in unity, walk off their jobs and create a terrible disruption to the economy, but they choose not to do that.

I think blacks are not interested in our self-righteous attitudes.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

(On request of Mr. SILJANDER and by unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 1 additional minute.)

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. SILJANDER. I am not sure that the blacks are concerned, as we ponder their fates from our easy chairs, in our convenient environments here in Congress, telling them that their empty-bellied children and wives themselves is in their best interests for their future as we try to decide which entre we may order at our next reception.

So I appreciate the gentleman's interest and his genuine sincere interest, attempting to solicit the opinions of the people who count. I think we should consider their opinions.

We should consider a forum of some kind to determine how the blacks feel about what Americans want to do. It may not be an issue of jobs, as Mr. GRAY suggested. It is an issue of opportunity, of equal rights, and a racist society. I agree with that point; it is an issue of 350 blacks who have been killed. I agree with that point. However, is it not important to find out and determine the feelings of those we are trying to affect?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has expired.

Mr. BURTON of Indiana. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. WOLPE. Mr. Chairman, reserving the right to object, and I shall not object, I just want to make the general admonition that we really would like to try to move through the amendment process this evening so we can be in position to move on the substitutes tomorrow. I would hope that we might try to restrict the extensions of time.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] is recognized for 2 additional minutes.

Mr. BURTON of Indiana. I yield to the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. So my point is just that while we are listing innumerable lists of black leaders and white leaders who feel one way about disinvestment or the other; Mr. CONYERS from Michigan listed a long list of those who favor disinvestment. Others have listed those such as Chief Buthelezi who are against it. We have mentioned Tutu's name dozens of times during this debate. Why is it so wrong to ask the average black in that country what their opinions are? Instead, we seem to be focusing on just the leadership, which is fine, but we ought to broaden our base, broaden our vision and the gentleman on that side of the aisle. I know they do not agree with the poll, the previous polls, with your first amendment which is a new poll, or a complete referendum unless you supervise. What do they agree on? What do they suggest as an alternative to identify the opinion of the clientele, the average worker, black worker in South Africa?

Mr. FAUNTROY. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. FAUNTROY. Let me suggest that the only thing that would make this amendment or the one you previously offered reasonable for consideration, would be a rider that the South

African Government end its law which makes it a crime for persons to advocate disinvestment. Otherwise, you would be subjecting the 22.3 million people to the threat of being arrested, and thus an effort on the part of the South African Government to build enough jails to contain those who had the courage enough to say what was on their minds.

Mr. BURTON of Indiana. Let me interrupt and just say, I want to understand; what is the amendment to my amendment you are suggesting?

Mr. FAUNTROY. I am talking about the previous amendment which was voted down because it lacked—

Mr. BURTON of Indiana. We talking about this amendment.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. BURTON] has again expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. You are saying that if an amendment to this amendment were added which said that there was no prohibition on the blacks speaking their minds regarding disinvestment, that you could support this amendment?

Mr. FAUNTROY. No; I said it would be worthy of consideration then.

Mr. BURTON of Indiana. What do you mean, "worthy of consideration"?

Mr. FAUNTROY. It is not worthy of consideration so long as there is a law which, if the persons polled—you asked a question; may I answer your question?

Mr. BURTON of Indiana. If I may reclaim my time, I just want to say, and I am not cutting the gentleman off—

Mr. FAUNTROY. Oh, you are not?

Mr. BURTON of Indiana. If he is making this kind of a suggestion, would he be willing to support this amendment if your language was put into it?

Mr. FAUNTROY. I felt it was very clear. The only thing that would make it worthy of consideration.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. SILJANDER. This is the third time we have discussed the Terrorism Act. It has been instituted for 18 years in South Africa. It is a terrible act; it should be abolished. But there is the one point of reality that needs to be considered. Not one person has been convicted of that act in 18 years. One person has been arrested and is not yet convicted of the act in 18 years.

Again, I repeat that there were other polls taken which indicated that 27 percent of blacks in South Africa supported the ANC which is also illegal under the same act. So what about the 27 percent that fear this act upon them?

The CHAIRMAN. The gentleman will suspend.

The order is that the gentleman from Indiana has the time.

Mr. BURTON of Indiana. I will just conclude by saying this: This will give the blacks for the first time in the history of South Africa the ability to express themselves at the ballot box. If the South African Government interferes with that process and does not allow the referendum to take place, then section IV goes into effect. Why would you oppose that? There is no prohibition against section IV unless there is a referendum held and the blacks say that they do not want future investment cut off in that country.

I think this is a very reasonable amendment; one that you should not oppose, because if it is not implemented, the provisions of this amendment, then your section IV would go into effect.

If the referendum is held and the blacks express themselves saying that they want continued investment, then section IV is eliminated. I think it is time for you to put up or shut up. Here is a time, here is a chance for the blacks to express themselves in South Africa.

□ 1740

Mr. SOLARZ. Mr. Chairman, I rise in opposition to the amendment.

I am sure the amendment was well intentioned and the author of the amendment is undoubtedly sincere, but I think it is unfortunate that we have taken up well over 30 minutes of the time of the House with a debate on what is fundamentally a ludicrous proposition.

This amendment is utterly unacceptable for three reasons: It is intrinsically unworkable, it would set a very dangerous precedent, and it is politically offensive. It is intrinsically unworkable because in South Africa, in the unlikely event they ever agreed to such an internationally supervised referendum, which even the sponsors of the amendment know they would never do, you could not have a truly honest referendum because it would be a totally one-sided debate.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I would like to finish my remarks first. I listened to a long debate before I had a chance to get up.

Even those who are opposed to sanctions would be precluded from speaking out. They have no access to the media. The Government controls the television and the radios, and you could not have a genuinely honest referendum in which the people could freely express their opinions.

Second, it would set a very dangerous precedent. I see some people sitting on the other side of the aisle who believe it is appropriate for us, from time to time, to impose sanctions against the Soviet Union. Should we insist that before those sanctions become effective that a referendum be conducted in the Union of Soviet So-

cialist Republics in order to determine whether the people we are trying to help there are for it? Should we make sanctions against Poland or sanctions against Cuba or sanctions against Vietnam or sanctions against Libya or sanctions against Iran contingent on internationally supervised referendums in those countries?

When this amendment was first suggested, there was some question here as to whether or not we should accept it, because obviously, even if it was in the bill, the South African Government would never agree to such a referendum and it would be null and void, and we decided not to accept it because we do not want to make a mockery of the legislative process.

This amendment is ludicrous on the face of it. And finally, it is politically offensive, and the reason it is politically offensive is that here we have in South Africa a country in which the overwhelming majority of the people are denied the right to vote in any election which would give them the opportunity to play a role in the determination of their own destiny. Here we would be, the world's greatest deliberative body, the Congress of the United States, the embodiment and repository of democracy and the ideals of self-determination, saying in effect to the Government of South Africa, permit your black majority to vote for one reason and one reason only: On whether or not the United States should impose sanctions against South Africa which might hurt them, but do not proceed to give them the right to vote in elections in which they can pick their own leaders and their own Government.

Let me just say that if they want to have elections in South Africa in which the blacks can participate, there will not be any need for these sanctions. In fact, we have in this legislation a provision that when the day comes that the blacks can vote there, then the sanctions become null and void because the President can waive them.

So I really think the House already addressed itself to this issue. We rejected by an overwhelming margin the notion that there should be a survey conducted by the Secretary of State of the United States. A referendum conducted by the Government of South Africa is no better, and it should be rejected for the same reason.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to my friend, the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, we have been involved with internationally supervised elections in the past, have we not?

Mr. SOLARZ. Certainly.

Mr. BURTON of Indiana. All right. Why would an internationally supervised referendum over there be any different?

That is No. 1. I have one more question, and I will let the gentleman answer both of them.

The second question is, would this not be a first step toward the elective process that we all want for South Africa? Would this not open the door?

Mr. SOLARZ. The answer to the gentleman's question is that we have never, to my knowledge, made the imposition of sanctions against a government engaged in the gross violation of human rights contingent upon a referendum in that country.

Mr. BURTON of Indiana. How about El Salvador?

Mr. SOLARZ. First of all, we did not apply sanctions against El Salvador.

Mr. BURTON of Indiana. There were human rights violations down there.

Mr. SOLARZ. Second, there was no American policy made contingent on an internationally supervised referendum. There was an election in that country. We thought it was important.

Mr. WEBER. Mr. Chairman, will the gentleman yield on that point?

Mr. SOLARZ. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding, and I will not take a lot of time.

Mr. Chairman, the gentleman is right in the de jure interpretation of law, but as the gentleman well knows, aid from this country to El Salvador de facto was determined based on the success of those elections. We would not be sending aid to El Salvador today if they had not had successful and internationally applauded elections.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLARZ] has expired.

(On request of Mr. BURTON of Indiana and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. I say to my friend that to the extent that our aid to El Salvador was contingent upon their having an internationally supervised free and fair election, the imposition of sanctions against South Africa by the very terms of this legislation is contingent on the Government of South Africa not having free and fair elections in which the black majority in their country can participate.

Forget about referendums on sanctions. If what you are interested in is free and fair elections, then all the Government of South Africa has to do is agree to have an election in which all the people of that country can participate and these sanctions become null and void the day after.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield on that point?

Mr. SOLARZ. I yield to my friend on the other side, the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Fair enough. The gentleman's criticism of a poll, criticisms of a public forum, fair enough.

What would you suggest we ought to do, if anything, to solicit the opinion of the average black in South Africa?

Is that not a fair question?

Mr. SOLARZ. Yes, it is a very fair question.

Mr. SILJANDER. What would the gentleman suggest?

Mr. SOLARZ. I will tell the gentleman exactly what we ought to do, what some of us have done, and that is to go to South Africa, speak to the people of South Africa.

Mr. SILJANDER. I have done that, too.

Mr. SOLARZ. I did not interrupt the gentleman from Michigan.

So have I, and I suppose that is what makes a ball game. You came to one conclusion; I came to another conclusion. The conclusion I came to, based on a broad range of black leaders ranging from homeland leaders on the right to ANC activists on the left, people in the rural areas, people in the urban areas, the conclusion I came to is that there is very strong support of sanctions by the United States against South Africa, just as there was on the part of the black people of Rhodesia for international sanctions against them.

Mr. SILJANDER. If the gentleman will yield further, I understand his point. He went to South Africa.

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLARZ] has again expired.

(On request of Mr. SILJANDER and by unanimous consent, Mr. SOLARZ was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. I yield to the gentleman from Michigan.

Mr. SILJANDER. I appreciate the fact that the gentleman visited South Africa and talked to the leaders from the right to the left, to the homelands and the cities and the urban areas and the rural areas. But again, that is not necessarily an empirical analysis of public opinion. Obviously, there are other polls that have interviewed 3,000 blacks, by blacks, on off-work hours, 110 hours of interviews.

Mr. SOLARZ. Mr. Chairman, if I may reclaim my time, I have heard the gentleman make that argument before and I can only tell him that public opinion polls on issues like this in South Africa are about as relevant as public opinion polls in the Soviet Union or any of their satellite countries in Eastern Europe or elsewhere around the world. In an authoritarian regime where people can go to jail for expressing a point of view that differs from that of the Government, polls are worthless.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield for 30 seconds?

Mr. WALKER. I would be glad to yield to the gentleman from Michigan.

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Chairman, in response to the gentleman from New York, he has criticized the polls. I certainly criticize his individual poll, and his visit to South Africa certainly is no more legitimate than scientifically sophisticated polls. All right. So all the polls are bad. Still, what is the alternative? How do I identify the concerns of the blacks. Your visiting South Africa and my visiting South Africa does not identify the concerns of the average black person in South Africa.

□ 1750

Mr. WALKER. Mr. Chairman, I am sorry that I just heard democracy called ludicrous, because that is what we just heard. We heard the process of democracy called ludicrous.

What this says is that we are going to allow people to vote. Now, I do not see anything wrong with that. As a matter of fact, one of the arguments that has been made on the floor here consistently has been that we ought not look at this as merely an economic tool, that we ought to look at it as a political tool, and that we ought to be doing what we can to empower black Africans in South Africa in a political sense. For the first time in history this would do that under internationally supervised conditions if the South African Government decided they wanted to go that direction.

Now, I am not here to say that they will decide that, but they will be given a choice. It may be a Hobson's choice, but nevertheless it is a choice. It is a choice between either going this direction and having the economic problems connected with that, or not going this direction and having the economic problems that are connected with section 4.

But let us think about the things that the gentleman from New York just told us about this approach. First of all, it is internationally supervised, and so we would have the same conditions as other internationally supervised elections that we have endorsed in the past have had. We would also, it seems to me, have a situation where I would not have any problem with that as a precedent.

Good heavens, if something we were going to do in the Soviet Union would cause them to have an internationally supervised election within the Soviet Union where the people of the Soviet Union could get a chance to vote on some issue in an internationally supervised election, I think that would be wonderful. It think that would be great if we as a House could in some way effect that kind of a change in a totalitarian state like the Soviet Union, and I think it would be great if we could effect that kind of a change in a totalitarian country such as South Africa.

If we are concerned about whether or not everybody has a chance to voice

their opinions in such a referendum, that is covered in this resolution or in the amendment, because we say that the Secretary has to certify to the Congress that the referendum gave nonwhite South Africans a full opportunity to express their position, otherwise the Secretary could not certify it; that the elections were conducted in a fair manner, otherwise the Secretary could not certify it; and that the results are believed to be definitive, otherwise the Secretary could not certify it.

In other words, it is not just a referendum conducted by the Government, because then it has to be certified by our Secretary of State before section 4 would not apply. So we have a two-way protection under the bill, and it seems to me that if what we can do is bring about something that gives the first smidgeon of registering people to vote and having them go out and make their position felt in some way, using the ballot, that is a positive, and that is the direction we ought to be going. And here is something where the interests of the South African Government are so great—otherwise I do not think we would be going through this exercise if we did not believe we were doing something here that was meaningful—OK, if it is meaningful enough that we should go through this exercise, it ought to be meaningful enough to the South African Government that they would consider having such a referendum at the appropriate time. And if in fact they would go through with it, if a referendum would be taken, it would be a major step toward giving the blacks the kind of power that so many have said all the way along is what they want to achieve.

I think it is worth a try. If it is totally ludicrous, if the South African Government is not going to consider it, fine, then it is a provision of the bill that never came to be. But if there is some chance that democracy might have a little bit of an opportunity, I would say to the gentleman from New York and the rest of my colleagues that that is not ludicrous, that is a positive step in the right direction that we ought to follow.

I think we ought to congratulate the gentleman from Indiana [Mr. BURTON] for bringing forth an amendment that offers use a chance to get away from polling data and all that kind of thing and gives the people a chance to make a choice. We make choices in referendums throughout this country, and when the people speak in those referendums, we listen. It is not just us and our opinions; we listen to the people when they speak in referendums across the country.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would like for every one of my colleagues on the other side of the

aisle, as well as my colleague in the well, to answer this question in their own minds: Who would this amendment put the pressure on?

I think the answer is self-evident. It would be on the South African Government. They would have to provide a mechanism for a referendum for the first time in history, and the dike would be broken.

Mr. WEBER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have not participated widely in the debate. I might say that I have voted more often than not with my colleagues on the other side of the aisle on this issue, the gentleman from New York, the gentleman from California, and others, and I understand that as emotional and as important as this issue is, we are probably at a point where anything suggested by that side of the aisle is not acceptable on this side, and vice versa. Nonetheless, I truly think that the majority has made a mistake in not giving a little more serious thought to this particular amendment.

I think that we share objectives in terms of what we seek in South Africa. Our objectives are human rights, a pluralistic society, a democratic political system, and economic progress for all South Africans.

I agree with the speakers on the other side of the aisle who have made the point repeatedly that jobs are not the primary issue. They are an issue, but they are not the primary issue. I also agree that the issue of polls and public opinion should not be the primary consideration when we are dealing with a truly fundamental and moral issue.

However, in my discussions with Members on both sides of the aisle around this very important question, it has been my understanding, or at least what I have learned is that the major obstacle we face in achieving those objectives we agree on is political participation. How do we force the South African Government to open up its doors politically and allow all its citizens to participate? And that, of course, is also the area where we have minimal leverage. Even the Gray amendment and the bill that we have before us today, I think the authors and supporters would concede, carries no guarantee that it will change the political makeup of the South African Government. It is the best attempt to put certain pressure on the South African Government, and I have certainly not been critical of that approach at all.

But what I am suggesting is that the amendment that is on the floor today offered by the gentleman from Indiana does in my view offer a legitimate means of perhaps opening the door just a crack to genuine political participation. I am not under my illusions that the amendment or this law would be accepted by the South African Government or that it would be easy to

conduct a referendum, but I do think that the majority has misjudged the situation by rejecting it out of hand.

What happens if something like this is passed into law and the South African Government then simply rejects it, as you and I suspect they would reject it? Does that not substantially strengthen the case of everybody who has criticized the white racist Government of South Africa? Does that not expose them even more for what they fundamentally are? Does that not strengthen the case that the ultimate issue is political participation in the Government, and that even on this very narrow issue of public policy and economic policy the South African Government was unwilling to open its doors ever so slightly?

I think that it is worth a try. I do not know what caused the gentleman from Indiana to offer the amendment. I do not know that his reasons for supporting it are necessarily the same as mine, but I do think the majority judged it a little too quickly and judged it a little too harshly. I think it is an amendment that deals with the fundamental question that we face and will continue to face, which is political participation, and I think it is deserving of our support.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WEBER. I am glad to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding.

I remind the gentleman that he has premised his argument by asking, what is the objection to this amendment? It would put the pressure on the Government of South Africa.

What pressure would this amendment put on the Government that has in the law now the prohibition of blacks to vote? It is the law in South Africa that they cannot vote. What kind of pressure does this put on them?

Mr. WEBER. Mr. Chairman, if I may reclaim my time, the Government of South Africa has repeatedly stated that should be no disinvestment because the black population of South Africa is not in favor of disinvestment. I think from our standpoint, given the ideals that we represent, I might ask, what stronger case can we make than to say to those people, "Well, we want you to prove that through a genuine and honest election, not a poll or referendum but an election. We want at least on this one issue to bring all of your citizens into the political decisionmaking process"? Then is they refuse to do that, it seems to me that we have simply enhanced the pressure that we can put on them through the court of public opinion.

Mr. ROEMER. Mr. Chairman, will the gentleman yield for a final point?

Mr. WEBER. I yield to the gentleman from Louisiana.

Mr. ROEMER. Without getting into the esoteric question of what an election is—is it just the vote itself, or is it

a period of social intercourse prior to the vote?—without getting into that, let me as the gentleman—

Mr. WEBER. Let me reclaim the question, because the gentleman has gotten into something.

Mr. ROEMER. Fine.

Mr. WEBER. We are talking about an internationally supervised election. If the international supervision is not to our liking, of course, that does not meet the specifications of the amendment as put forth by the gentleman from Indiana. And as I pointed out, I am under no illusions that this is likely to happen, but certainly we can dictate the terms under which we would consider such an election or referendum to be acceptable. We do not have to accept the Botha government's definition of an acceptable election.

Mr. ROEMER. Mr. Chairman, will the gentleman yield further?

Mr. WEBER. I yield to the gentleman from Louisiana.

□ 1800

Mr. ROEMER. Fair enough. Just to reassure me on the gentleman's stance on this issue, let me ask the gentleman two quick questions.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. WEBER] has expired.

(At the request of Mr. ROEMER, and by unanimous consent, Mr. WEBER was allowed to proceed for 1 additional minute.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WEBER. I yield to the gentleman from Louisiana.

Mr. ROEMER. Two questions, if the gentleman could, in his opinion. One, would the Government of South Africa accept this amendment? Would they have a referendum, in the gentleman's opinion?

Mr. WEBER. Reclaiming my time, no.

I yield to the gentleman from Louisiana.

Mr. ROEMER. Question No. 2. If they were to allow such a referendum and the 22 million blacks in South Africa were given the right to vote on this question, in the gentleman's opinion, how would they vote, in the gentleman's opinion?

Mr. WEBER. In my opinion? I have no opinion how they would vote, but that is really not as important. If we could have a genuine, honest referendum, in which all the people of South Africa could participate, that it would seem to me would break open that system in a way that none of us can even dream of breaking it open, even given the full application of the sanctions in the bill that is before us today. So for me to judge the outcome of that election, that is not appropriate. I do not know how it would come out; but I think to have a genuine election that would satisfy the gentleman from Louisiana and the gentleman

from Minnesota would do more to change that political system and that social system than anything this legislation could do.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I dislike alienating myself from my dear friends on this side of the aisle, but I do not intend to support this amendment, for some of the reasons the gentleman from New York [Mr. SOLARZ] pointed out, perhaps not in as much depth as he did, but I do not think it is workable. I think it is untenable and I think the effect of it, not the intent of it, the effect of it is to trivialize a very important issue, not the intent of it. The intent of it was to underscore a very important point, that is, that public opinion among those most to be affected by disinvestment, the black working man and woman inside South Africa, may have a very different concern and view about disinvestment than do the moral leaders of the crusade against apartheid in this country.

I think that their sensibilities are entitled to be considered in this debate. I think we do not need to have an election or a referendum or a poll. We have listened to their leaders, their labor leaders, their tribal leaders, and responsible people who understand that this takes away leverage that we might have.

Now, it is an argument that can be argued the other way, too. How long are you going to tolerate apartheid without doing something effective to get rid of it? I understand and respect that argument, but the other argument also is deserving of respect; namely, to impoverish people who are already impoverished, to take away their economic sustenance, is to cause a great deal of suffering and to solidify a hardcore apartheid regime over there that will exacerbate and not solve the problem; so this is a terrible conundrum. It is a terrible riddle that many of us are trying to move toward a proper solution for the most people involved.

Now, that said, I should like to point out, and I regret that my friend, the gentleman from New York, has left the floor, because he is chairman of the Asiatic and Pacific Subcommittee. When I think about apartheid, I think of the two types of sins, the sin of omission and the sin of commission. I would characterize apartheid of a sin of commission. It is an affirmative act that disenfranchises people and makes them less than full citizens of their homeland and their country. That is an affirmative committed sin; but there are sins of commission, too. I think of the great country of India whose Prime Minister is visiting this country and I think of the caste system and I think of the tolerance that we seem to bestow on the caste system and I wonder if we are not

guilty of the sin of omission by not dedicating some of the fervor, just a fraction of the fervor toward the great country of India to try to help break down their caste system.

Religious apartheid exists in the Soviet Union. Now, Bishop Tutu is able to come and go and I bless him for that. The world is richer for that; but Shcharansky cannot leave the Soviet Union and come out and accept Noble Prizes, he dare not. So these are all sins of omission and commission and in the total context of fighting racism, of fighting the denial of human rights, whether it is in one continent or over the globe, it deserves attention and it deserves the considered attention of those people who share with all of us the concern that human rights be shared by every human being.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend from Baltimore.

Mr. MITCHELL. I am grateful the gentleman did, because good vibrations flow between us on this floor for the first time in a long, long time, and I am grateful for those good vibrations.

I just wanted to respond to the gentleman's question of why we did not take on India and other places. There is a Gospel hymn that goes, "One day at a time, sweet Jesus, one day at a time." This one solved and we will deal with the next one.

Mr. HYDE. Well, I appreciate that, but we have a lot of time and a lot of talent, but we never get around to much else. We do not consider Liberia, which has a great problem.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield again? I just do not want the gentleman to destroy the good vibrations. We have gone so well up to this point.

Mr. HYDE. No. I want resonations as well as vibrations.

Mr. MITCHELL. One day at a time.

Mr. HYDE. I thank the gentleman and I will wait for tomorrow, and tomorrow and tomorrow.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would join my friend, the gentleman from Illinois, in opposing this particular amendment to this bill.

I am somewhat disturbed by some of the debate that has gone into the Chamber today. The reason I am opposed to this is not because of the fact that we are setting up any form of election as a trigger for some type of action as far as our foreign relations are concerned, but that we would make the result of that election a determining factor as to what the foreign policy of the United States would be.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, I yield to my friend, the gentleman from Florida.

Mr. SHAW. And because of that, I believe it would be precedent-setting to the foreign policy of the United States. I know of no other situation where you would make the outcome of an election contingent upon this.

Mr. HYDE. What the gentleman is saying is that our foreign policy ought not to depend on a referendum in another country by people who are going to be the object of our foreign policy. We ought to have the resources to make our own judgment here.

Mr. SHAW. Mr. Chairman, if the gentleman will yield further, I think that is exactly the case, but I did say, if the gentleman would yield further to me, that I am somewhat concerned about the way the debate has been gathered, because I do have the feeling that there are many here who are pressing forward on this bill that really are not considering the true feelings and concerns of those who are going to be economically affected by what we may or may not do here in this Chamber.

A man's livelihood, his job, his self-respect, these are things we talk about in our own country when we are talking about jobs for people. We talk about that because we think that is a very precious and dear thing to the people of the United States.

I can tell you, having been to Mozambique, having been to Zimbabwe and having been to South Africa and talked to the working people, I know they are men and women just like we are and they are very concerned about such things.

Mr. CONYERS. Mr. Chairman, will the gentleman yield to me?

Mr. SHAW. It is not my time. It belongs to the gentleman from Illinois.

Mr. CONYERS. Mr. Chairman, would the gentleman from Illinois yield?

Mr. HYDE. I yield to my friend, the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman.

When we start talking about the jobless and jobs, it strikes a responsive chord. In my district, the unemployment rate for black males is 26 percent. For youths, it is 53 percent, for black youth; so we have got a big job to do there.

I hope that we will bring that consideration and concern for those in South Africa to the United States when our turn comes on that.

I thank the gentleman for raising the point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 30, noes 384, not voting 19, as follows:

[Roll No. 136]

AYES—30

Armev	Dannemeyer	Ritter
Badham	DeLay	DeLay
Bartlett	Dornan (CA)	Siljander
Barton	Eckert (NY)	Smith, Denny
Bilirakis	Fields	Solomon
Burton (IN)	Gingrich	Stump
Cobey	Hansen	Vucanovich
Coble	Hendon	Walker
Craig	Hunter	Weber
Crane	Petri	Young (AK)

NOES—384

Ackerman	DeWine	Hopkins
Addabbo	Dickinson	Neal
Akaka	Dicks	Howard
Alexander	DioGuardi	Hoyer
Anderson	Dixon	Huckaby
Andrews	Donnelly	Hughes
Anunnzio	Dorgan (ND)	Hutto
Anthony	Dowdy	Hyde
Applegate	Downey	Ireland
Archer	Dreier	Jacobs
Aspin	Duncan	Jeffords
Atkins	Durbin	Jenkins
AuCoin	Dwyer	Johnson
Barnard	Dymally	Jones (OK)
Barnes	Dyson	Jones (TN)
Bateman	Early	Kanjorski
Bates	Eckart (OH)	Kaptur
Bedell	Edgar	Kasich
Beilenson	Edwards (CA)	Kastenmeier
Bennett	Edwards (OK)	Kemp
Bentley	Emerson	Kennelly
Bereuter	English	Kildee
Berman	Erdreich	Kindness
Bevill	Evans (IA)	Kleczka
Bliley	Evans (IL)	Kolbe
Boehlert	Fascell	Kolter
Boggs	Fawell	Kostmayer
Boland	Fazio	Kramer
Boner (TN)	Feighan	LaFalce
Bonior (MI)	Fiedler	Lagomarsino
Borski	Fish	Lantos
Boucher	Flippo	Latta
Boulter	Foglietta	Leach (IA)
Boxer	Foley	Leath (TX)
Breaux	Ford (MI)	Lehman (CA)
Brooks	Ford (TN)	Lehman (FL)
Broomfield	Frank	Leland
Brown (CA)	Franklin	Lent
Brown (CO)	Frenzel	Levin (MI)
Broyhill	Frost	Lewis (CA)
Bruce	Fuqua	Lewis (FL)
Bryant	Gallo	Lightfoot
Burton (CA)	Garcia	Lipinski
Bustamante	Gaydos	Livingston
Callahan	Gejdenson	Lloyd
Campbell	Gekas	Loeffler
Carper	Gephardt	Long
Carr	Gibbons	Lott
Chandler	Gilman	Lowery (CA)
Chappell	Glickman	Lowry (WA)
Chappie	Gonzalez	Lujan
Cheney	Goodling	Lukens
Clay	Gordon	Lundine
Clinger	Gradison	Lungren
Coats	Gray (IL)	Mack
Coelho	Gray (PA)	MacKay
Coleman (MO)	Green	Madigan
Coleman (TX)	Gregg	Manton
Collins	Grotberg	Markey
Combest	Guarini	Marlenee
Conte	Gunderson	Martin (IL)
Conyers	Hall (OH)	Martin (NY)
Cooper	Hall, Ralph	Martinez
Coughlin	Hamilton	Matsui
Courter	Hammerschmidt	Mavroules
Coyne	Hartnett	Mazzoli
Crockett	Hatcher	McCain
Daniel	Hawkins	McCandless
Darden	Hayes	McCloskey
Daschle	Hefner	McCollum
Daub	Hefelt	McCurdy
Davis	Henry	McDade
de la Garza	Hertel	McEwen
Dellums	Hiler	McHugh
Derrick	Hillis	McKernan

McKinney	Rangel	St Germain
McMillan	Ray	Staggers
Meyers	Regula	Stallings
Mica	Reid	Stangeland
Michel	Richardson	Stark
Mikulski	Rinaldo	Stenholm
Miller (CA)	Roberts	Stokes
Miller (OH)	Robinson	Strang
Miller (WA)	Rodino	Stratton
Mineta	Roe	Studds
Mitchell	Roemer	Sundquist
Moakley	Rogers	Sweeney
Molinari	Rose	Swift
Mollohan	Rostenkowski	Swindall
Monson	Rowland (CT)	Synar
Montgomery	Rowland (GA)	Tallon
Moody	Roybal	Tauke
Moore	Rudd	Tauzin
Moorhead	Russo	Taylor
Morrison (CT)	Sabo	Thomas (CA)
Morrison (WA)	Savage	Thomas (GA)
Mrazek	Saxton	Torres
Murphy	Schaefer	Towns
Murtha	Scheuer	Trafficant
Myers	Schneider	Traxler
Natcher	Schroeder	Udall
Neal	Schuette	Valentine
Nelson	Schulze	Vander Jagt
Nichols	Schumer	Visclosky
Nielson	Seiberling	Volkmmer
Nowak	Sensenbrenner	Walgren
O'Brien	Sharp	Watkins
Oakar	Shaw	Waxman
Oberstar	Shelby	Weaver
Obey	Shumway	Weiss
Olin	Shuster	Wheat
Ortiz	Sikorski	Whitley
Owens	Sisisky	Whittaker
Oxley	Skeen	Whitten
Packard	Skeltton	Williams
Panetta	Slattery	Wirth
Parris	Slaughter	Wise
Pashayan	Smith (FL)	Wolf
Pease	Smith (IA)	Wolpe
Penny	Smith (NE)	Wortley
Pepper	Smith (NH)	Wright
Perkins	Smith (NJ)	Wyden
Pickle	Smith, Robert	Wylie
Porter	Snowe	Yates
Price	Snyder	Yatron
Pursell	Solarz	Young (FL)
Quillen	Spence	Young (MO)
Rahall	Spratt	Zschau

NOT VOTING—19

Biaggi	Fowler	Roukema
Bonker	Holt	Torricelli
Bosco	Hubbard	Vento
Byron	Jones (NC)	Whitehurst
Carney	Levine (CA)	Wilson
Dingell	McGrath	
Florio	Ridge	

□ 1820

Mrs. LONG changed her vote from "aye" to "no."

Mr. COBLE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. LEVINE. Mr. Chairman, I rise in strong support of H.R. 1460, the Anti-Apartheid Act.

As you know, the administration opposes this bill. After all this is the administration that thinks constructive engagement is the way to encourage peaceful change in South Africa—change that would move the Government of that country away from apartheid and toward a system that treats all its citizens equally. But treating the odious practice of apartheid in this benign manner has not worked.

The South African Government operates under an entrenched system of institutional racism, in open defiance of any standard of civilized society. Yet, the Reagan administration still

prefers to adhere to its misguided policy and to reward this inhuman government by making it the United States largest trading partner and by becoming the second-largest foreign investor in South Africa.

Through apartheid, the South African Government allows a minority of 4.5 million whites to deny 22 million black South Africans their basic human rights. Black South Africans cannot vote. They cannot run for political office to have a voice in their own destiny. The South African Government's homelands policy has resulted in over 9 million black South Africans being stripped of their citizenship in the land of their own birth. The South African Government has increased its oppression of trade unions. Its policies have resulted in the deaths of blacks fighting for their rights and for their ever-elusive freedom. A virtual police state exists in South Africa.

Mr. Chairman, as Members of this body, as citizens of this country, where freedom and equality are held precious and inviolable, we must raise our voices in opposition to the unconscionable practice of apartheid and take action designed to end it. Tolerance of apartheid is not the answer. Our national values and interests mandate that we take up the cause of those longing to be free of the shackles of their oppressors. It is our moral responsibility.

The bill before us would help achieve that worthwhile goal by imposing four economic sanctions on South Africa. The first sanction prohibits all loans and extensions of credit to that Government, including corporations or organizations controlled by the South African Government, unless the funds are used for educational, housing, or health facilities that would be available on a non-discriminatory basis to all South Africans. The second sanction prohibits all investment, direct or indirect, in new business enterprises in South Africa, or any new investments in existing South African businesses. The third sanction prohibits the importation into the United States of South African krugerrands or any other gold coins minted or sold by the South African Government. Fourth, the bill prohibits the direct and indirect export of U.S. computers, computer software, or other computer parts to the South African Government and corporations or organizations controlled by that Government.

This bill contains eight conditions that permit a Presidential waiver of sanctions for 12 months if the South African Government meets one of the eight conditions stipulated in the bill. For each additional condition met by that Government, the waiver can be extended for 6 months. These conditions include: eliminating policies that prohibit black employees and their families from living in family accommo-

dations near their place of employment; eliminating "influx control" policies that restrict blacks from seeking employment where they choose, and that prevent them from living near where they find employment; eliminating policies that make distinctions between the South African nationality of blacks and whites; stopping the removal of black populations from certain locations for reasons involving race or ethnic origin; entering into negotiations with representative leaders of the black population for a new, nondiscriminatory political system; and freeing all political prisoners.

Mr. Chairman, let us remember the human beings for whom and with whom we fight. We must oppose Reagan administration policy and pass this antiapartheid legislation.

South African Bishop Desmond Tutu, recipient of the 1984 Nobel Prize for Peace, has said that no amount of repression can contain the millions of black South Africans who are determined to be free. Let us join with them and help them achieve their aspirations. One day all the people of South Africa will be free, and I, for one, want to help hasten that day.

I urge my colleagues to support H.R. 1460.

Thank you. ●

● Mr. BARNES. Mr. Chairman, I am very pleased to be an original cosponsor of the antiapartheid bill, H.R. 1460, and to have the opportunity to voice my strong support for this legislation.

Something very fundamental is happening here in this Chamber. On the one hand, as I listen to the debate, there is no mistaking this Congress' clear repudiation of the administration's failed policy of constructive engagement. On the other hand, this House is, as a result of the administration's failure, going about the business of reshaping our country's policy toward South Africa.

For over 4 years we have been told that things have gotten better in South Africa, that people of color have been permitted to participate in the political process, that we are seeing the beginnings of racial equality, that the apartheid system is being dismantled, that freedom for the 20 million victims of apartheid is coming—if only we will be patient. It just is not happening. A promise of freedom is not the measure of freedom. It is time, long past time, for us to define our role for positive change. The strength of our own principles of democracy and freedom compel us to do so. This Congress is past the rhetoric, the promises, and the petty distractions that some say represent real progress. We are about to do something meaningful.

H.R. 1460 is not just another piece of legislation. It is, as my colleague from Pennsylvania, Representative BILL GRAY, has said, a U.S. commitment not to continue to finance apart-

heid. It enacts four sanctions against South Africa: A ban on loans to the South African Government and on the sale of computer goods and technology to the Government; a ban on new investments—including loans to enterprises; and a ban on the importation of Krugerrands into the United States. Implementation of these sanctions will not topple the South African Government, nor bring about economic devastation. This legislation lends authority to our official position against apartheid, and brings our moral weight to bear on the situation.

This House took a stand last year when we took up the Export Administration Act legislation. I remember well our battle during the last Congress to gain the other body's acceptance of the South Africa provisions. As a member of the conference committee on that bill, I strongly supported the Gray amendment to prohibit new investment; the package of trade sanctions, mandatory work standards, and ban on Krugerrand imports; the provision to prohibit all exports to the South African military and police; and the amendment to cut nuclear assistance to South Africa. This House twice voted for those measures last year.

As I listen to my colleagues debate this bill, I am reminded of the words of Robert F. Kennedy as he spoke in 1966 to the students at the University of Capetown in South Africa. He began:

"There is," said an Italian philosopher, "nothing more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things." . . .

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

When we vote on this bill, we should ask ourselves if what we do sends a ripple of hope, if we cherish liberty enough to take measured, practical steps for its universal application.

Taking up this legislation is exactly the kind of thing that makes our work meaningful. We are facing up to the fact that our trade with South Africa helps to finance a system of institutionalized, Government-sponsored racism. We are facing the reality that, although it is not within our power—nor should it be—to establish a more just system there, when we linger too long and too close to the forces of apartheid, we unwittingly lay down our arms against it and draw ourselves further away from what this Nation stands for. We are taking up our responsibility as legislators, to have the political will to do the right thing, to exercise prudent and, if required, bold leadership to correct a misdirected approach, one which has compromised our commitment to individual rights,

and equivocated on our moral stand against apartheid.

In South Africa, an independent homeland is a land of internal exile, freedom of access means obeying the pass laws, political expression results in Government repression, love between races is a deadly sin, individual worth is color coded, and democracy is a euphemism for apartheid. Our relationship with South Africa cannot be one of comfort and convenience, or hinge on expediency and practicality. It is not a relationship that comes without special burdens and responsibilities for us. At the core is the pressing question of principle and conviction, of our commitment to individual rights and democratic institutions. Reinhold Niebuhr wrote, "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary." I believe that this Congress is finally prepared to put this country back on track, to redirect U.S. policy toward South Africa, and to demonstrate that we can fashion a genuinely constructive policy that does not forsake, but rather promotes, our ideals. Passage of this legislation is our opportunity to make this happen. I strongly urge my colleagues to support this important endeavor. ●

● Mr. DURBIN. Mr. Chairman, I would like to express my strong support for H.R. 1460, the Anti-apartheid Act, introduced by my colleague from Pennsylvania, Mr. GRAY.

Recent events in South Africa have demonstrated convincingly that the Reagan administration's policy of constructive engagement is woefully inadequate to dismantle the South African Government's well-entrenched system of apartheid. Nightly newscasts in this country have vividly portrayed how protests against apartheid are brutally suppressed. They evoke images of Selma and Birmingham that are engrained in our memory, with one fundamental distinction—the segregation and discrimination in South Africa are sanctioned by the state.

I am unwilling to acquiesce to a policy of constructive engagement with a country in which, according to the State Department's 1984 human rights report:

The Government spends seven times more to educate each white child than each black child;

Poor sanitary conditions and the lack of doctors and hospitals in black areas have contributed to an infant mortality rate of 200 per 1,000 live births, compared to a white infant mortality rate of 15 per 1,000 live births;

The average monthly wage for blacks in 1980 was \$145 versus \$500 for whites.

Because the South African Government has proved to be relatively intransigent in allowing change to take place, stronger measures are clearly needed. Some suggest that we institute

a policy of abrupt divestiture of all U.S. investments in South Africa. However, I am concerned that this approach will be counterproductive because it will eliminate our strongest leverage to work for change in South Africa—our economic relations with that country.

If all American corporations pulled out of South Africa, many blacks would be thrown out of work. Many contend that other corporations would simply move in to take their place, based on the free enterprise concept that businesses will spring up where there is money to be made.

More important than the employment issue, however, is that civil rights policies instituted by U.S. firms would no longer be in effect. Following the guidelines of the Sullivan principles, U.S. firms must integrate their work places and pay equal wages. These are teaching skills, which helps to develop a black middle class. Bringing an end to American involvement in South Africa would represent a slap in the face of the limited progress that has been made.

I believe that H.R. 1460 represents an important step. It not only repudiates our policy of constructive engagement, but also acknowledges the importance of the leverage we can exercise through our trade relations. It prohibits any future loans or investments in South Africa, any additional imports of the South African Krugerrand, or any exports of U.S. computers to South Africa. However, it also provides conditions under which two of the conditions can be waived if progress is made in South Africa.

I believe that enactment of H.R. 1460 would demonstrate clearly and convincingly that this country is fundamentally opposed to the South African Government's policy of apartheid, and that it is also willing to exercise its leverage to achieve progress in South Africa. I urge my colleagues to support this bill.●

● Mr. TRAFICANT. Mr. Chairman, today I rise in strong support of H.R. 1460, the Anti-Apartheid Act. I believe this measure takes the necessary action against the apartheid policies of the South African Government and demonstrates to the people of that country that the United States wants equality and fairness for all people in South Africa.

In the view of many, including myself, the United States has a moral obligation to take whatever action is necessary to end the apartheid action in South Africa. If America values political and social equality and the opportunity to advance as set forth in our Declaration of Independence and bill of rights are to be reflected in our foreign policy, then our policy must reflect our desire to see these changes made. This legislation sets forth economic sanctions against the Government of South Africa and at the same time establishes goals, if achieved, can result in the lifting of these sanctions.

I believe H.R. 1460 represents a comprehensive approach to eliminating its system of racist rule.

The administration's policy of constructive engagement has not worked. It has not helped those who have been oppressed, those whose rights as an individual have been violated over and over again. Instead, I believe the administration's policy of constructive engagement has aligned the United States more closely with South Africa's white rule while further alienating us from the South African black majority. We as a nation must take action to resolve this conflict and disassociate ourselves from the policies of the South African Government.

The sanctions contained in this legislation will not decrease American influence, but rather provide incentives for real reforms, real change, clearly connecting the United States with the kind of positive change needed in South Africa.

I urge my colleagues to support this legislation and provide all people in South Africa, black and white, the opportunity to live in peace, fairness, and equality.●

● Mr. STOKES. Mr. Chairman, I rise in support of H.R. 1460, the Anti-Apartheid Act of 1985, introduced by my distinguished colleague, the gentleman from the State of Pennsylvania, Mr. GRAY. I urge my colleagues, on both sides of the aisle, to vote for this important legislation.

Today, Mr. Chairman, the House of Representatives must do what President Reagan has failed to do. We must pass H.R. 1460 and thereby put the South African Government on notice that apartheid cannot exist.

The American Government can no longer sit back and watch 22.7 million black South Africans be subjected to racism and oppression by the ruling minority white government. The harsh reality and urgency of this situation will not allow us that luxury any longer. If we do nothing to correct this problem, we will become part of the problem.

The news media depicts, almost daily, the mounting injustices, senseless killings and horrors that are a part of everyday life for the black South Africans. Ronald Reagan would have us believe that America is doing all that it should and can do through the constructive engagement approach. This is simply untrue.

Constructive engagement means that we simply talk tough with the South African Government. However, this approach does nothing to demonstrate to the ruling minority run government that America is committed to the idea of justice and equality for the majority of the South African people.

The Antiapartheid Act of 1985 makes the U.S. Government position quite clear. By prohibiting new investments by U.S. corporations and banks in South Africa; by banning the sale of the South African Krugerrand coin in America; and by prohibiting

U.S. computer sales to the South African Government, Congress will send the unmistakable message to Pretoria that apartheid will not be tolerated.

Time is running out. While the United States simply watches, the grand scheme of apartheid, to establish satellite black townships where blacks are relegated and robbed of their homeland, is in full swing. Institutional discrimination and overt racism are the law of the land. Violence and unjustified killings by Government police against unarmed black South Africans are on the increase. And, as black South Africans become more frustrated with apartheid, South Africa moves closer to the brink of an all-out blood bath.

Mr. Chairman, this is not an easy issue to face, but, it is an essential one.

American businesses and our Government have an interest in South Africa. Over 300 United States-based corporations conduct business in South Africa. The United States is a major importer of South African minerals. South Africa is a major United States ally in that part of the globe.

Some members may try to make the case, that for these reasons, we should not pass this bill today. When you stop to look at the total picture, the major point comes into focus. We have to choose. Either America can continue to play the constructive engagement game and turn our backs on the majority of the people in South Africa or we can stand up on the side of justice.

If we elect to stand on the side of justice, then, we should and we must vote today for the Anti-Apartheid Act of 1985. Thank you, Mr. Chairman.●

The CHAIRMAN. Are there further amendments to the bill?

Mr. WOLPE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, may I engage in a colloquy for a moment with my distinguished friend from Michigan [Mr. SILJANDER]?

□ 1830

Mr. Chairman, in order to try to assist the Members of this body, my understanding of where we are at this point is that there may be one more amendment pending; that of the distinguished gentleman from Michigan, and it would be my intention to move to take that amendment—I am not aware of any other amendment that is going to be offered—and then that would move us to the substitute of the gentleman from Michigan [Mr. SILJANDER], and at that point the Committee would rise and we would return to the bill tomorrow, having reached the Siljander substitute.

I would be pleased to yield to my distinguished ranking member, to see if that is consistent with his understanding of where we are.

Mr. SILJANDER. I thank the gentleman for yielding. I do not intend to offer my amendment. I will, however,

be offering the substitute amendment tomorrow.

Mr. WOLPE. Well, which you can in fact offer this evening, and then we will rise.

Mr. SILJANDER. I do not anticipate any other amendments on this side.

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. SILJANDER

Mr. SILJANDER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SILJANDER:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "South Africa Act of 1985".

SEC. 2. DECLARATION OF POLICY AND STATEMENT OF FINDINGS.

(a) IN GENERAL.—The Congress declares that it is the policy of the United States to be a positive influence in bringing an end to the apartheid system of racial discrimination in South Africa.

(b) FINDINGS.—The Congress finds that the policy and practice of apartheid—

(1) separates millions of workers from their families;

(2) is based on a form of rule in South Africa by a minority only, which denies political rights to the majority;

(3) consigns the masses of people living under it to lives of poverty;

(4) denies nonwhite nationals of South Africa the right to travel freely within their own country;

(5) provides economic privileges for some by denying basic freedoms from others;

(6) results in forceable removals of peoples from their homes against their wills;

(7) denies the majority of the people of South Africa their basic human rights;

(8) has damaged the status and reputation of the Republic of South Africa as a civilized nation; and

(9) has contributed significantly to a general climate of instability throughout southern Africa.

(c) DECLARATIONS OF POLICY.—The Congress makes the following declarations:

(1) The policy and practice of apartheid runs counter to the principles of civilized nations and beashes human dignity, and is repugnant to the values of the United States of America. The Congress consequently reaffirms that it is the continuing policy of the United States Government to oppose the practice of apartheid by the Government of South Africa, especially through diplomatic means, and, when necessary and appropriate, through the enactment and implementation of laws intended to reinforced United States policy with respect to apartheid.

(2) It is the policy of the United States to promote change in South Africa through peaceful means. The Congress directs the Secretary of State to consider urgently the best possible means to use United States influence to bring an end to this morally repugnant practice in a nonviolent manner, recognizing that this objective will best be achieved through cooperative action on the part of all nations and through the exercise of political rights by all of the people of South Africa.

(3) The Congress recognizes that the objectives of peaceful change in South Africa and the exercise of political rights by all people in that country can be served if United States influence is directed toward building institutions that will enable the

South African people to challenge the inequities of the apartheid system. To this end, the Congress declares it is the policy of the United States to support an independent and impartial judicial system in South Africa. The Congress declares further that it is the policy of the United States to support free trade unions for South African workers and to encourage the full participation of all the people of South Africa in the social, political, and economic life in that country.

(4) The Congress recognizes that the objectives of peaceful change in South Africa cannot be achieved unless representatives of all segments of the population in South Africa are convened for the purpose of making the necessary changes to establish a fully representative democratic system.

TITLE I—UNITED STATES COMMISSION ON SOUTH AFRICA

SEC. 101. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "United States Commission on South Africa" (hereinafter in this title referred to as the "Commission").

SEC. 102. DUTIES OF COMMISSION.

(a) STUDY AND REPORT ON PROGRESS AGAINST APARTHEID.—The Commission shall conduct an ongoing study of, and shall report to the Congress on, the progress that the Government of South Africa has made—

(1) in eliminating the system of apartheid; and

(2) toward the full participation of blacks and other nonwhites in the social, political, and economic life in South Africa.

The Commission shall also study the economic and political relations between the United States and South Africa.

(b) FOCUS OF STUDY.—In carrying out subsection (a), the Commission shall—

(1) with respect to the progress toward eliminating apartheid, pay particular attention to the termination of—

(A) the Group Areas Act;

(B) the Pass Laws;

(C) the Influx Control Act;

(D) the Mixed Marriages Act;

(E) the Immorality Act;

(F) the homelands policy; and

(G) the detention of persons without due process of law; and

(2) with respect to the goals referred to in subsection (a)(2), pay particular attention to the involvement of recognized representatives of the black and nonwhite population in South Africa in achieving these goals, including the convening, as soon as possible, by the Government of South Africa of a national congress, composed of all pro-democratic groups in South Africa, to establish a timetable for granting full citizenship to blacks and other nonwhites in South Africa.

(c) SCHEDULE OF STUDY AND REPORTS.—

(1) STUDY.—The Commission shall conduct the study under subsection (a) during the 3-year period beginning on the date of the enactment of this Act.

(2) REPORTS.—The Commission shall submit interim reports to the Congress at the end of each 6-month period beginning on the date of the enactment of this Act. Not later than the end of the 3-year period beginning on the date of the enactment of this Act, the Commission shall submit a final report to the Congress. The final report shall contain—

(A) a determination by the Commission of whether the Government of South Africa has made substantial progress toward the goals set forth in paragraphs (1) and (2) of subsection (a), and

(B) if the Commission determines under subparagraph (A) that substantial progress has not been made, a recommendation as to which of the following should be imposed:

(i) A ban on new commercial investment in South Africa.

(ii) A ban on new bank loans to the Government of South Africa.

(iii) A ban of the sale of computers to the Government of South Africa.

(iv) Changes in diplomatic relations with South Africa.

SEC. 103. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, as follows:

(A) The chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(B) The chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(C) The chairman and ranking minority member of the Subcommittee on Africa of the Committee on Foreign Affairs of the House of Representatives.

(D) The chairman and ranking minority member of the Subcommittee on Africa of the Committee on Foreign Relations of the Senate.

(E) Seven members appointed by the President from among persons knowledgeable in South African affairs, as follows:

(i) One member shall be an officer of the Department of State.

(ii) One member shall be an officer of the Department of Commerce.

(iii) One member shall be an officer of the Department of the Treasury.

(iv) Four members shall be appointed from among persons who are not officers or employees of any government who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(2) DESIGNATION OF SUBSTITUTES.—If any member referred to in paragraph (1)(A) or (1)(B) is the same individual as a member referred to in paragraph (1)(C) or (1)(D), then the individual shall designate another member of the Committee on Foreign Affairs or Foreign Relations, as the case may be, to serve as a member of the Commission.

(3) FILLING OF VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) CONTINUATION OF MEMBERSHIP.—If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he or she may continue as a member of the Commission for not longer than the 60-day period beginning on the date he or she leaves that office or becomes such an officer or employee, as the case may be.

(c) TERMS.—Members shall be appointed for the life of the Commission.

(d) BASIC PAY.—

(1) FOR NON-GOVERNMENT EMPLOYEES.—Except as provided in paragraph (2), members of the Commission shall serve without pay, but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, to the same extent as employees serving intermittently in the Government Service are allowed such expenses under section 5703 of title 5, United States Code.

(2) FOR GOVERNMENT EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e) **QUORUM.**—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) **CHAIRMAN.**—The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission.

(g) **MEETINGS.**—The Commission shall meet at the call of the Chairman or a majority of its members.

SEC. 104. **STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.**

(a) **STAFF.**—The Commission may appoint and fix the pay of such additional personnel as it considers appropriate.

(b) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(c) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 105. **POWERS OF COMMISSION.**

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chairman or Vice Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(g) **SUBPOENA POWER.**—

(i) **IN GENERAL.**—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) **REFUSAL TO OBEY A SUBPOENA.**—If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) **SERVING OF SUBPOENAS.**—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **VENUE OF PROCESS.**—All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(h) **IMMUNITY.**—No person shall be excused for attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which such individual is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 106. **TERMINATION.**

The Commission shall cease to exist 90 days after submitting its final report pursuant to section 412(c).

TITLE II—FAIR EMPLOYMENT PRINCIPLES

SEC. 201. **IMPLEMENTATION OF FAIR EMPLOYMENT PRINCIPLES.**

(a) **STATEMENT OF POLICY.**—It is the sense of the Congress that any person who—

(1) has a branch of office in South Africa, or

(2) controls a business enterprise in South Africa, should implement, in the operation of such branch, office, or business enterprise, those principles relating to employment practices set forth in section 202.

(b) **SANCTIONS.**—

(1) **APPLICABILITY.**—The sanctions set forth in paragraph (2) shall apply to any person who—

(A) has a branch or office in South Africa, or

(B) controls a business enterprise in South Africa,

in which more than 20 people are employed, and who does not implement the principles set forth in section 202 in the operation of that business enterprise.

(2) **SANCTIONS.**—With respect to any person described in paragraph (1)—

(A) no department or agency of the United States may—

(i) enter into any contract with,

(ii) make any loan, issue any guaranty of a loan, or issue any insurance to,

(iii) provide any counseling on economic or political risks to, or

(iv) intercede with any foreign government or any national regarding the foreign investment or export marketing activities in any country of, that person; and

(B) that person may not receive any credit or deduction under the Internal Revenue Code of 1954 for any income, war profits, or

excess profits paid or accrued to South Africa.

SEC. 202. **STATEMENT OF PRINCIPLES.**

The principles referred to in section 201 are as follows:

(1) **DESEGREGATING THE RACES.**—Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) **EQUAL EMPLOYMENT.**—Providing equal employment for all employees without regard to race or ethnic origin, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees without regard to race or ethnic origin; and

(B)(i) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and (ii) abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) **EQUITABLE PAY SYSTEM.**—Assuring that the pay system is equitably applied to all employees without regard to race or ethnic origin, including—

(A) assuring that any wage and salary structure that is implemented is applied equally to all employees without regard to race or ethnic origin;

(B) eliminating any distinctions between hourly and salaried job classifications on the basis of race or ethnic origin; and

(C) eliminating any inequities in seniority and grade benefits which are based upon race or ethnic origin.

(4) **MINIMUM WAGE AND SALARY STRUCTURE.**—Establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families.

(5) **INCREASING BLACKS AND OTHER NONWHITES IN CERTAIN JOBS.**—Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) **IMPROVING LIFE OUTSIDE THE WORKPLACE.**—Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing,

transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through providing facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) **FAIR LABOR PRACTICES.**—Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees to represent them;

(C)(i) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, (ii) allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and (iii) allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve dispute concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(8) **INCREASED ACTIVITIES OUTSIDE THE WORKPLACE.**—Increasing the dimension of activities outside the workplace, including—

(A) supporting the unrestricted rights of businesses owned by blacks or other nonwhites to locate in the urban areas of South Africa;

(B) attempting to influence other companies in South Africa to implement equal rights principles;

(C) supporting the freedom of mobility of black and other nonwhite employees to seek employment opportunities wherever they exist, and making possible provisions for adequate housing for families of employees near the place of employment; and

(D) supporting the termination of all apartheid laws.

SEC. 203. GUIDELINES.

The Secretary may issue guidelines and criteria to assist persons who are or may be subject to this title in complying with the principles set forth in section 202. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this title as to whether that person is subject to this title or would be considered to be in compliance with the principles set forth in section 202.

SEC. 204. ENFORCEMENT PROVISIONS.

(a) **AUTHORITY OF THE SECRETARY.**—The Secretary shall take the necessary steps to ensure compliance with the provisions of this title and any regulations, licenses, and orders issued to carry out this title. In ensuring such compliance, the Secretary shall establish mechanisms to monitor compliance with this title and such regulations, licenses, and orders, including onsite monitoring, at least once in every 2-year period, of each person subject to section 201(b) who files a report under subsection (b) of this section. In ensuring such compliance, the Secretary may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) **REPORTS BY PERSONS SUBJECT TO SECTION 201.**—Each person subject to section 201(b) shall submit to the Secretary—

(1) a detailed and fully documented annual report on the compliance of that person with the principles set forth in section 202, and

(2) such other information as the Secretary considers necessary.

(c) **DETERMINATIONS OF COMPLIANCE.**—The Secretary shall, within 90 days after giving notice and an opportunity for a hearing to each person subject to section 201(b) who files a report under subsection (b) of this section, make a determination with respect to the compliance of that person with the employment principles set forth in section 202 and any regulations issued to carry out that section.

(d) **APPLICABILITY OF SECTION 201(b).**—The sanctions set forth in section 201(b)(2) shall apply to any person—

(1) who fails to file the reports required by subsection (b) of this section, or

(2) with respect to whom the Secretary makes a determination under subsection (c) or (f) of this section either that the person is not in compliance with the employment principles set forth in section 202 (or any regulation issued to carry out that section), or that such compliance cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary.

(e) **LIST OF PERSONS IN COMPLIANCE AND NON-COMPLIANCE.**—The Secretary shall issue a list of all persons with respect to whom determinations are made under subsection (c) and redeterminations are made under subsection (f), and what the determinations and redeterminations are. The Secretary shall distribute the list to all departments and agencies of the Federal Government.

(f) **REDETERMINATIONS.**—

(1) **IN GENERAL.**—With respect to each person concerning whom a determination is made under subsection (c), the Secretary shall, at least once in every 2-year period, review and, in accordance with subsection (c), make a redetermination with respect to the compliance of that person with the employment principles set forth in section 202

and any regulations issued to carry out that section.

(2) **UPON REQUEST.**—In the case of any person with respect to whom the Secretary makes a determination under subsection (c) or paragraph (1) either that—

(A) the person is not in compliance with the employment principles set forth in section 202 (or any regulations issued to carry out that section), or

(B) such compliance cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary,

the Secretary shall, upon the request of that person and after giving that person an opportunity for a hearing, review and redetermine that person's compliance within 60 days after that person files the first annual report under subsection (b) after the negative determination is made.

(g) **JUDICIAL REVIEW OF DETERMINATIONS.**—Any person aggrieved by a determination or redetermination of the Secretary under subsection (c) or (f) may seek judicial review of that determination or determination in accordance with the provisions of chapter 7 of title 5, United States Code.

(h) **REPORT OF CONGRESS.**—The Secretary shall submit an annual report to the Congress on the compliance of those persons subject to section 201(b) with the employment principles set forth in section 202.

SEC. 205. REGULATIONS.

The Secretary shall, not later than 60 days after the date of the enactment of this Act, issue such regulations as are necessary to carry out this title. The regulations shall include dates by which persons subject to section 201(b) must comply with the provisions of this title, except that the date for compliance with all the provisions of this title shall be not later than 1 year after the date of the enactment of this Act.

SEC. 206. WAIVERS.

The President may waive the requirements of this title with respect to any person if the waiver is necessary to protect the national security of the United States. The President shall publish each waiver in the Federal Register and shall submit each waiver and the justification for the waiver to the Congress.

SEC. 207. DEFINITIONS.

For purposes of this title—

(1) **PERSON.**—The term "person" means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization, and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality of any such government, including a government-sponsored agency).

(2) **CONTROL.**—A person shall be presumed to control a business enterprise if—

(A) the person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) the person beneficially owns or controls (whether directly or indirectly) 25 percent of more of the voting securities of the business enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise is operated by the person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the person;

(e) the person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) the person has authority to appoint the chief operating officer of the business enterprise.

(3) **BUSINESS ENTERPRISE.**—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage.

(4) **BRANCH.**—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through a separate incorporated entity.

SEC. 208. APPLICABILITY TO EVASIONS OF TITLE.

This title and the regulations issued to carry out this title shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this title or such regulations.

TITLE III—ADDITIONAL MEASURES REGARDING SOUTH AFRICA

SEC. 301. HUMAN RIGHTS FUND.

Section 116(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended—

(1) in subparagraph (A)—

(A) by striking out "1984 and" and inserting in lieu thereof "1984,";

(B) by inserting after "1985" the following: ", and \$2,000,000 for the fiscal year 1986 and for each fiscal year thereafter"; and

(C) by adding at the end thereof the following: "Grants under this paragraph shall be made by the Assistant Secretary for Human Rights and Humanitarian Affairs."; and

(2) by striking out subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 302. NATIONAL ENDOWMENT FOR DEMOCRACY.

In addition to any any other amounts made available to the National endowment for Democracy for the fiscal years 1986 and 1987, there is authorized to be appropriated for each of those fiscal years \$1,500,000 for private enterprise and free labor union development in the nonwhite communities in South Africa. Of the amounts authorized by the preceding sentence—

(1) \$500,000 for each such fiscal year shall be for the Free Trade Union Institute; and

(2) \$500,000 for each such fiscal year shall be for the Center for International Private Enterprise.

SEC. 303. SCHOLARSHIPS FOR BLACK SOUTH AFRICANS.

Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Beginning with the fiscal year 1986, and for each fiscal year thereafter, \$15,000,000 of assistance provided under this section shall be used to finance scholarships for black South Africans who are attending universities, colleges, and secondary schools in South Africa. Of the funds available under the preceding sentence to carry out this paragraph, not less than \$5,000,000 shall be available only for assistance to full-time teachers or other educational professionals pursuing studies towards the improvement of their professional credentials."

SEC. 304. OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) **ELIGIBILITY OF CERTAIN PROJECTS IN SOUTH AFRICA.**—Section 237(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(a)) is amended—

(1) by striking out "(a) Insurance" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2), insurance"; and

(2) by adding at the end thereof the following:

"(2) Insurance, reinsurance, and guaranties of loans may be issued to cover an investment made in connection with a project in South Africa, notwithstanding the absence of an agreement with the Government of South Africa, except that—

"(A) the issuance of any such insurance, reinsurance, or guaranty shall only be made to promote joint ventures between business enterprises controlled or owned by South African blacks or other nonwhite South Africans and business enterprises controlled or owned by United States nationals; and

"(B) with respect to such a joint venture, the national or nationals of the United States hold a minority interest or agree to relinquish its majority interest during the course of the joint venture."

(b) **NATIONAL OF THE UNITED STATES DEFINED.**—Section 238 of the Foreign Assistance Act of 1961 (22 U.S.C. 2198) is amended—

(1) in subsection (c) by striking out "and" at the end thereof;

(2) in subsection (d) by striking out the period at the end thereof and inserting in lieu thereof: "and"; and

(3) by adding at the end thereof the following:

"(e) the term "national of the United States" means—

"(1) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; or

"(2) a corporation, partnership, or other enterprise if—

"(A) natural persons who are nationals of the United States own or control, directly or indirectly, more than 50 percent of the outstanding voting securities;

"(B) natural persons who are nationals of the United States own or control, directly or indirectly, 25 percent or more of the voting securities, and natural persons of another nationality do not own or control an equal or larger percentage;

"(C) any natural person who is a national of the United States operates the corporation, partnership, or enterprise pursuant to the provisions of an exclusive management contract;

"(D) a majority of the members of the board of directors are also members of the comparable governing body of a corporation or legal entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia; or

"(E) natural persons who are nationals of the United States have authority to appoint the chief operating officer."

SEC. 305. POLICY ON COOPERATION WITH ALLIED GOVERNMENTS.

It is the sense of the Congress that the President should consult with the heads of governments of countries allied to the United States regarding the important issues raised by the existence of apartheid in South Africa, particularly the prospect for joint, effective action among the allied countries in the field of economic relations to bring about an end to apartheid.

SEC. 306. STUDY: REPORTS

(a) **STUDY ON STARVATION AND MALNUTRITION IN HOMELANDS.**—The Secretary of State shall conduct a study to ascertain the amount of starvation and malnutrition taking place in the "homelands" areas of South Africa.

(b) **REPORT ON STUDY.**—The Secretary of State shall, not later than 3 months after the date of the enactment of this Act, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of the study conducted under subsection (a).

TITLE IV—GENERAL PROVISIONS

SEC. 401. SOUTH AFRICA DEFINED.

For purposes of this Act, the term "South Africa" includes—

(1) the Republic of South Africa,

(2) any territory under the administration, legal or illegal, of South Africa, and

(3) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

SEC. 402. CONSTRUCTION OF ACT.

Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in section 401(3).

SEC. 403. TERMINATION OF PROVISIONS OF ACT.

(a) **DETERMINATION OF ABOLITION OF APARTHEID.**—If the President determines that the system of apartheid in South Africa has been abolished, the President may submit that determination, and the basis for the determination, to the Congress.

(b) **JOINT RESOLUTION APPROVING DETERMINATION.**—Upon the enactment of a joint resolution approving a determination of the President submitted to the Congress under subsection (a), the provisions of this Act, and all regulations, licenses, and orders issued to carry out this Act, shall terminate.

(c) **DEFINITION.**—For purposes of subsection (a), the "abolition of apartheid" shall include—

(1) the repeal of all laws and regulations that discriminate on the basis of race; and

(2) the establishment of a body of laws that assures the full national participation of all the people of South Africa in the social, political, and economic life in that country.

SEC. 404. COMPLIANCE WITH BUDGET ACT.

Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as provided in appropriation Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1985.

Mr. SILJANDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 174, the gentleman from Michigan [Mr. SILJANDER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Is the gentleman from Michigan [Mr. WOLPE] opposed to the amendment?

Mr. WOLPE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, I yield to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. DE LA GARZA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, had come to no resolution thereon.

NATIONAL THEATRE WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 25) to designate the week beginning June 2, 1985, as "National Theatre Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I would like to yield to the gentleman from New York [Mr. GREEN], who is the chief sponsor of House Joint Resolution 25.

(Mr. GREEN asked and was given permission to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I would like to invite my colleagues to join with me in celebrating National Theatre Week which began on June 2, 1985. This week celebrates 301 years of the theatrical entertainment in America.

I am bringing this to the attention of my colleagues in order to address the important role the legitimate theatre has played in everyday life of our country. Many of our larger cities already know the impact of and important role the theatre plays.

It is a fact that, during his lifetime, George Washington was an avid supporter of the theatre, so much so that his support brought about the repeal of earlier Continental Congress resolutions of October 1778 banning theatre altogether. The purpose of the ban was to prepare Americans for a period of hardship and austerity, but the resolutions failed miserably. In fact, more theatrical activity was engaged in than ever before. The performances may have been illegal; however, they boosted the morale of the troops and of the citizenry.

It has been my pleasure to introduce this commemorative legislation for the last 3 years. With passage of House Joint Resolution 25, we can continue

to commemorate this great American tradition.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 25

Whereas many Americans have devoted much time and energy to advancing the cause of theatre;

Whereas the theatres of America have pioneered the way for many performers and have given them their start in vaudeville and stage;

Whereas theatre is brought to Americans through high schools, colleges, and community theatre groups as well as through professional acting companies;

Whereas the people of America have been called upon to support the theatre arts in the Nation's interest; and

Whereas many individuals and organizations are hailing the strength and vitality of the theatres of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 2, 1985, is designated as "National Theatre Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week by providing assistance to theatres throughout the Nation.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1229

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1229.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There were no objection.

BETTER HEARING AND SPEECH MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 93) to designate the month of May 1985 as "Better Hearing and Speech Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Does the gentleman from New York have an amendment?

Mr. GARCIA. Mr. Speaker, the answer to that is no.

The SPEAKER pro tempore. The resolution that the Chair has before it designates the month of May 1985.

Mr. GARCIA. Mr. Speaker, if I may address myself to that, this is a Senate joint resolution that we just received.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 93

Whereas more than fifteen million Americans of all ages experience some form of hearing impairment, ranging from mild hearing loss to profound deafness;

Whereas more than ten million Americans of all ages experience some form of speech or language impairment;

Whereas the deaf, hard of hearing, and speech or language impaired have made significant contributions to society in virtually every occupational category and profession;

Whereas those with communication disorders continue to encounter impediments and obstacles which limit their education and employment opportunities; and

Whereas the remaining barriers which prevent the communicatively handicapped from fulfilling their potential must be recognized and eliminated: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1985 is designated "Better Hearing and Speech Month" and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMEMORATING THE 75TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 159) commemorating the 75th anniversary of the Boy Scouts of America, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation, I would like to yield to the gentleman from Idaho [Mr. STALLINGS], who is