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No. 83

## House of Representatives

The House met at 10 a.m.

Rabbi Stuart L. Berman, Congregation Beth Chai, Seminole, FL, offered the following prayer:

Almighty God, help us, to reflect clearly and to strive conscientiously on the performance of our responsibilities. And may we be blessed with the enduring accomplishments of this 99th Congress.

Let us direct our efforts toward the eradication of hatred, prejudices, and blindness of mind.

May we never forget the common bond of kinship that unites all, who were created in Thine divine image.

Grant us strength of body and health of mind. Enable us to face the challenges of life with faith and courage.

In moments of doubt, strengthen us in our convictions, in hours of gloom, illuminate our paths.

In adversity and frustration, guide us with patience. Above all, imbue us with the wisdom to count our blessings.

And let us all say, amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 1106) "An act to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in dockets numbered 57, 59, and 13E of the Indian Claims Commission and docket numbered 13F of the United States Claims Court, and for other purposes."

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2057. An act to establish the President's Council on Health Promotion and Disease Prevention; and

S.J. Res. 290. Joint resolution to designate July 4, 1986, as "National Immigrants Day."

### RABBI STUART L. BERMAN

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Florida. Mr. Speaker, it is my pleasure this morning to introduce our guest chaplain for today, Rabbi Stuart Berman, my friend and constituent, who serves the Congregation Beth Chai in Seminole, FL.

Rabbi Berman has the distinction of recently being appointed as chaplain for the Florida State Correctional System—the first rabbi in the State's history to serve in this capacity.

Rabbi Berman returns to our Nation's Capital today where he has served in numerous capacities. He has worked on the White House staff, was a member of the President's Transition Committee, and was an appointee to the White House Conferences on Aging and on Children and Youth. In addition to serving a congregation in Washington, DC, he was also the host of a local weekly television talk show.

Rabbi Berman was born and raised in Allentown, PA, and is a graduate of Yeshiva University in New York City. He has served congregations in Allentown, upstate New York, Oceanside, NY, Plantation, FL, and Washington, as mentioned before.

He has been actively involved in a wide range of important State and county programs, including the Florida International University Death and Bereavement Counseling Program, and the Federation Task Force on Narcotic Addition to Alcohol Abuse.

Pinellas County Sheriff Gerry Coleman has appointed Rabbi Berman as a special deputy sheriff, he is chaplain for the Pinellas County Hospice Care Program, and he is a member of the Pinellas County Board of Rabbis and the Seminole Clergy Association.

Mr. Speaker, in just a short time, Rabbi Berman has made many important contributions to our community in Pinellas County and I am very happy to welcome him here to the House of Representatives.

### PROVIDING FOR CONSIDERATION OF H.R. 4868, ANTI-APARTHEID ACT OF 1986

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 478 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 478

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of Rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4868) to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of Rule XI and section 311(a) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177), are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two and one-half hours, with one hour and forty-five minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, fifteen minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, fifteen minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Affairs, and fifteen minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider, as an original bill for the purpose of amendment under the five-minute rule, the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, as modified by striking out section 3 thereof and inserting in lieu thereof the text of the amendment recommended by the Committee on Ways and Means now printed in the bill. Said substitute as so modified shall be considered as having been read for amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of section 311(a) of the Congressional Budget Act of 1974, as amended, are hereby waived. No amendment to the bill or to said substitute shall be in order except the following amendments printed in the Congressional Record of June 17, 1986 by, and if offered by, the Members designated, and said amendments shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole:

(1) the first amendment by Representative Burton of Indiana, which shall be debatable for not to exceed fifteen minutes, to be equally divided and controlled by Representative Burton and a Member opposed thereto;

(2) the second amendment by Representative Burton of Indiana, which shall be debatable for not to exceed fifteen minutes, to be equally divided and controlled by Representative Burton and a Member opposed thereto;

(3) the amendment to section 4 by Representative Dellums of California, which shall be debatable for not to exceed fifteen minutes, to be equally divided and controlled by Representative Dellums and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of Rule XVI and section 311(a) of the Congressional Budget Act of 1974, as amended, are hereby waived;

(4) the amendment in the nature of a substitute by Representative Dellums of California, which shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Dellums and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of section 311(a) of the Congressional Budget Act of 1974, as amended, are hereby waived;

(5) the amendment by Representative Siljander of Michigan, which shall be debatable for not to exceed twenty-five minutes, to be equally divided and controlled by Representative Siljander and a Member opposed thereto;

(6) the amendment by Representative Wolpe of Michigan, which shall be debatable for not to exceed fifteen minutes, to be equally divided and controlled by Representative Wolpe and a Member opposed thereto; and

(7) the amendment by Representative Conyers of Michigan, which shall be debatable for not to exceed fifteen minutes, to be equally divided and controlled by Representative Conyers and a Member opposed thereto.

At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amend-

ment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

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

Mr. WHEAT. Mr. Speaker, House Resolution 478 is a modified open rule providing for the consideration of H.R. 4868, the Anti-Apartheid Act of 1986. The rule provides for 2½ hours of general debate. One hour and forty-five minutes of debate time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. The remaining debate time is allotted to the Public Works and Transportation, Banking, Finance and Urban Affairs, and Ways and Means Committees, which will each control 15 minutes of debate time.

All points of order against the bill for failure to comply with section 311(a) of the Congressional Budget Act of 1974, as amended, are waived. Section 311(a) prohibits consideration of legislation which would cause revenues to fall below the revenue floor set forth in the concurrent resolution on the budget. H.R. 4868 could possibly reduce revenues by \$800,000 in fiscal year 1986 because duties will no longer be collected on the uranium, coal, and steel affected by the ban on importation from South Africa. The loss in revenue constitutes a violation of section 311(a) of the Budget Act, therefore, a waiver is necessary.

The rule also waives all points of order against the measure for failure to comply with clause 2(1)(6) of rule XI. Clause 2(1)(6) requires that committee reports be available to Members for 3 days prior to a bill's consideration on the floor. H.R. 4868 was reported out of the committees of jurisdiction late last week. Two committees have prepared and filed reports but the reports have not been available for 3 days. Therefore, a waiver of clause 2(1)(6) of rule XI is necessary.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, as modified by striking out section 3 and inserting in lieu thereof the text of the amendment recommended by the Committee on Ways and Means, now printed in the bill.

The bill shall be considered as having been read for amendment under the 5-minute rule and no amendment shall be in order except

the following amendments printed in the CONGRESSIONAL RECORD of June 17, 1986:

Two amendments to be offered by Representative BURTON of Indiana, which shall be debatable for a period not to exceed 15 minutes each and which shall be equally divided and controlled by Representative BURTON and a Member opposed thereto.

An amendment to be offered by Representative DELLUMS of California which shall be debatable for a period not to exceed 15 minutes and which shall be equally divided and controlled by Representative DELLUMS and a Member opposed thereto. All points of order against the amendment for failure to comply with clause 7 of rule XVI, that is the germaneness rule, and section 311(a) of the Congressional Budget Act of 1974, as amended, that is the rule which prohibits consideration of legislation which would cause revenues to fall below the revenue floor set in the concurrent resolution on the budget, are waived.

An amendment in the nature of a substitute to be offered by Representative DELLUMS of California. The amendment shall be debatable for 1 hour and shall be equally divided and controlled by Representative DELLUMS and a Member opposed thereto. All points of order against the amendment for failing to comply with section 311(a) are waived.

An amendment to be offered by Representative SILJANDER of Michigan. The amendment shall be debatable for 25 minutes and shall be equally divided and controlled by Representative SILJANDER and a Member opposed thereto.

An amendment to be offered by Representative WOLPE of Michigan which shall be debatable for 15 minutes and which shall be equally divided and controlled by Representative WOLPE and a Member opposed thereto.

An amendment offered by Representative CONYERS of Michigan which shall be debatable for 15 minutes and which shall be equally divided and controlled by Representative CONYERS and a Member opposed thereto.

The preceding amendments shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole.

Finally, the rule provides for one motion to recommit, with or without instructions.

H.R. 4868 prohibits new loans and investments to South Africa; bars the importation of South African uranium, coal, and steel; prohibits the use of United States technology or services to develop new energy sources in South Africa, denies landing rights to South African aircraft; and bars United States firms from mining and exporting natural resources from the South African-controlled territory of Namibia. The bill also requires the withdrawal of all United States invest-



ments in South African computer businesses and prohibits the export of computers to South Africa after 1 year. Finally, the legislation authorizes \$25 million for community development and refugee assistance for South Africans and Namibians disadvantaged by apartheid.

All of the sanctions imposed by this measure can be terminated only if the President reports to Congress that the South African Government has dismantled apartheid or has freed all political prisoners, including Nelson Mandela, and has begun good faith negotiations with representative black leaders. The President's findings must then be approved by Congress through passage of a joint resolution.

□ 1015

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. TAYLOR. Mr. Speaker, House Resolution 478 is a limited rule under which the House will consider legislation imposing new and tougher economic sanctions on South Africa.

The rule waives two points of order that would otherwise lie against consideration of the bill, H.R. 4863, in order that the House might accommodate the majority leadership's agenda.

The rule waives our 3-day layover rule, since one of the two committee reports has only been available for 2 days.

The rule also waives section 311(a) of the Budget Act, since the bill will cause revenues to fall below the floor set forth in the budget resolution for fiscal 1986.

Mr. Speaker, I have no illusions that these two waivers will cause the Members to reject this rule, but I did want to point out that we are making an exception to our legislative procedures in order to consider this bill today.

The rule limits both the number and type of amendments which may be offered. It makes in order seven specific amendments, which are required to have been printed in yesterday's RECORD.

In exercising its "judgment" on which particular amendments to make in order, the Committee on Rules has allowed the following amendments:

Two amendments by the gentleman from Indiana [Mr. BURTON], although he requested three;

An amendment to section 4 of the bill by the gentleman from California [Mr. DELLUMS];

An amendment in the nature of a substitute by the gentleman from California [Mr. DELLUMS];

An amendment by the gentleman from Michigan [Mr. SILJANDER];

An amendment by the gentleman from Michigan [Mr. WOLPE];

And an amendment by the gentleman from Michigan [Mr. CONYERS].

Mr. Speaker, the Committee on Rules applied a somewhat unusual

standard in picking and choosing which particular amendments to make in order.

It granted a germaneness waiver for the amendment to section 4 by the gentleman from California [Mr. DELLUMS], but denied a similar request made by the gentleman from Kentucky [Mr. SNYDER], as well as a similar request made by the gentleman from New Hampshire [Mr. GREGG].

Mr. Speaker, this procedure is hardly what I would call fair. This rule does not treat all Members equally. It is especially unfair to the minority Members, who should have the same right to present their ideas to the House as do the majority Members.

Mr. Speaker, the bill we'll consider under this unusual procedure imposes a set of new economic sanctions tougher than those imposed by the President in his Executive order of last September, and tougher than those accepted by the House last summer.

The bill requires far more in the way of disinvestment by United States owned firms and comes mighty close to a total economic boycott of South Africa.

The President's Executive order created an Advisory Committee on South Africa, and gave it 12 months to make a report on how best to encourage peaceful change in South Africa.

Mr. Speaker, I do not think the Congress should preempt the advisory committee's report, which is due shortly. The issue is determining how best the United States can use our influence to promote further change in the social policies of the Government of South Africa.

Mr. Speaker, I yield 5 minutes to the distinguished minority whip, the gentleman from Mississippi [Mr. LOTT].

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

Mr. LOTT. I thank the gentleman for yielding this time to me.

Mr. Speaker, let me say at the outset that I don't question for a moment the motives or intentions of the sponsors of this legislation. I have no doubt they are honorable and genuine. But let me hasten to add that those efforts are being demeaned and diminished by this shoddy procedure being foisted upon the House by the Democratic leadership.

Here we are, considering a bill designed to promote human rights in South Africa under a procedure which denies the basic rights of 430 democratically elected Members of the United States House of Representatives. That's right, only five of our colleagues will be permitted to offer amendments to this bill; the other 430 have been shut out.

Several Members' amendments which were requested before the Committee on Rules were specifically excluded, including one of three amendments requested by the gentleman from Indiana [Mr. BURTON]. When I

asked what was the basis, the response was, "Well, it was just judgmental. We liked a couple of Mr. BURTON's; we did not like the other one. We did like one by Mr. SILJANDER, perhaps; but we did not think too much of the one from Mr. SNYDER."

Is that the role of the Committee on Rules? We ought to have some basic guidelines. We are either going to allow amendments or we are not; but just to say "We did not like this one," I think, far exceeds the responsibility of the Committee on Rules.

Why has the amendment process been shut down? Is this bill so complex or so perfect that it can't be perfected further? I doubt it. Last year we had a similar bill under an open amendment process that simply put an overall time limit on amendments, and that seemed to work out well. Why are we changing it this time?

But this year the leadership decided to put this on a fast, closed track, probably because they were more interested in an issue than in sound legislation and fair process. How else can you explain the fact that three of the five committees to which this was referred were pressured into waiving their jurisdictional claims. That includes the Rules Committee which only got a sequential referral yesterday.

How else can you explain that both the chairman of the Foreign Affairs and Rules Committee ignored the Democratic caucus rule requiring published notice in the RECORD of intentions to request or grant less than an open rule?

How else can you explain the fact that the Democratic leadership tried to schedule this in the Rules Committee on Monday, when no members would be around to testify on behalf of making amendments in order? Fortunately, there weren't enough Rules Committee members around either to make up a quorum.

How else do you explain that we are waiving the 3 day layover rule for committee reports, including one that was only filed on Monday?

Mr. Speaker, by now we have learned on this side that when the leadership starts to short circuit the normal legislative process and shut out Members from full and fair participation in that process, they are more interested in scoring partisan points than in shaping sound and rational policy. By your procedures ye shall be known. The procedure before us today let us know how little you think of democracy. Vote down this rule so we can have and fair, open, and democratic amendment process!

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding this time to me. I do not think I will need the 5 minutes.

Mr. Speaker, yesterday at the meeting of the Committee on Rules there

were some arbitrary decisions made, one of which was alluded to by the gentleman from Mississippi who just spoke in the well.

I had three amendments that I thought were germane to the bill and very important. The legislation, I felt, needed some severe restructuring. The amendments that I proposed, I thought, were going to be helpful in that effort. Two of the amendments were accepted by the Committee on Rules. They agreed to hear those amendments in debate today, but the third amendment was arbitrarily discarded.

I think that was a terrible mistake. I think the particular amendment that they decided not to allow today was one of the most important amendments that would have been heard before this body.

So, Mr. Speaker, I object to the rule on that basis. I think that any rule that prohibits an amendment of that significance should be voted down by this body, and I urge my colleagues to vote against the rule when it comes up for a vote later today.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I have no requests for time, but I yield myself such time as I may consume.

Mr. Speaker, I would like to point out that the Committee on Rules is sensitive to considerations of shutting off Members. In fact, we gave very careful consideration to all of the amendments that were offered by Members before the Committee on Rules.

There was only one amendment that was excluded. It was the amendment offered by the gentleman from Indiana [Mr. BURTON]. However, two amendments offered by Mr. BURTON were accepted. While it is inappropriate to suggest that the Committee on Rules agreed with those amendments, it is appropriate to suggest that the Committee on Rules recognized that those amendments were legitimate amendments that reasonable people could discuss on the floor of the House of Representatives.

□ 1025

The two amendments ought to be debated. But in view of the time constraints that we placed on the consideration of this bill by the House of Representatives and the fact that the third amendment by the gentleman from Indiana [Mr. BURTON] was an amendment that did not speak to an issue that was going to come before this body in the debate. That is, no aid was being offered to the group that the gentleman talked about in his amendment, the Committee on Rules decided that it would be more appropriate to spend the time on debating the issue before us.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just want to clarify. Do I understand that the reason why we cannot have an open rule on the bill and discuss amendments is because there were time constraints put on the bill?

Who put on those time constraints?

Mr. WHEAT. Mr. Speaker, when the chairman of Foreign Affairs came before the committee, he requested that we be able to address this bill in a timely manner, preferably today and tomorrow. It was an open request and it was not countered by any other person who was testifying. In fact, it was agreed to by all who came before the Committee on Rules.

Mr. WALKER. Mr. Speaker, in other words, we started off with an arbitrary time constraint that this bill, unlike the housing bill, is a bill where we cannot take a long enough period of time to assure that all amendments are heard. We just arbitrarily put on a time constraint and then decided that some people could not offer amendments because they fell outside the time constraints?

Mr. WHEAT. Mr. Speaker, the gentleman is aware that the minority leader pointed out that this bill was dealt with last year. At that time, there was an overall time limit placed on consideration of the bill. This is merely a different procedure to go about the same process. We are trying to finish consideration of the legislation within a reasonable period of time and still give Members the opportunity to bring up their amendments.

All of the Members who came before the Committee on Rules and requested that they be given amendments were, in fact, given the opportunity to offer their amendments.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, the problem is that last year we had an inclusive procedure that allowed people basically to be included in the process. This time, you have an exclusive procedure that says that many people are not going to be able to offer amendments. Now the Committee on Rules has taken upon itself to decide who and how those amendments will be offered.

It just seems to me that when we are dealing with an issue as important as this one, and as deeply held and as deeply felt by people as this one, that it is ill-behooving this House to move with a procedure which is this kind of a procedure.

I think it is a shame the Committee on Rules moved in that direction.

I thank the gentleman for yielding.

Mr. WHEAT. Mr. Speaker, this is an important matter for consideration. It is a matter of urgency. It is vital now that this issue come before the floor of the House of Representatives.

Mr. Speaker, I urge the Members to adopt the rule, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 286, nays 127, not voting 20, as follows:

[Roll No. 177]

YEAS—286

Ackerman	Edwards (OK)	Levine (CA)
Akaka	English	Lewis (FL)
Alexander	Erdeich	Lipinski
Anderson	Evans (IA)	Lloyd
Andrews	Evans (IL)	Long
Annuizio	Pascell	Lowry (WA)
Anthony	Pawell	Lukens
Applegate	Fazio	Lundine
Aspin	Feighan	MacKay
Atkins	Fish	Manton
AuCoin	Flippo	Markey
Barnard	Florino	Martin (NY)
Barnes	Foglietta	Martinez
Bates	Foley	Matsui
Bedell	Ford (MI)	Mavroules
Beilenson	Ford (TN)	Mazzoli
Bennett	Frank	McCloskey
Bereuter	Franklin	McCurdy
Berman	Frenzel	McDade
Bevill	Frost	McHugh
Biaggi	Gaydos	McKinney
Boehrlert	Gedjenson	Mica
Boggs	Gekas	Mikulski
Boland	Gephardt	Miller (CA)
Bonior (MI)	Gibbons	Miller (OH)
Bonker	Gilman	Miller (WA)
Borski	Glickman	Mineta
Bosco	Gonzalez	Mitchell
Boucher	Goodling	Moakley
Breaux	Gordon	Mollohan
Brooks	Gradison	Montgomery
Broomfield	Gray (IL)	Moody
Brown (CA)	Gray (PA)	Morrison (CT)
Bruce	Gregg	Mrazek
Bryant	Guarini	Murphy
Burton (CA)	Hall (OH)	Murtha
Bustamante	Hamilton	Natcher
Byron	Hatcher	Neal
Carper	Hawkins	Nelson
Carr	Hayes	Nichols
Chappell	Hefner	Nowak
Clay	Heftel	Oakar
Coelho	Henry	Oberstar
Coleman (TX)	Hertel	Obey
Collins	Holt	Olin
Conte	Horton	Ortiz
Conyers	Howard	Owens
Cooper	Hoyer	Panetta
Coughlin	Hubbard	Pease
Courter	Hughes	Penny
Coyne	Hutto	Pepper
Crockett	Jeffords	Perkins
Daniel	Jenkins	Petri
Darden	Jones (NC)	Pickle
Daschle	Jones (OK)	Price
de la Garza	Jones (TN)	Pursell
Dellums	Kanjorski	Quillen
Derrick	Kaptur	Rahall
Dicks	Kastenmeier	Rangel
Dingell	Kemp	Ray
DioGuardi	Kennelly	Regula
Dixon	Kildee	Reid
Donnelly	Kindness	Richardson
Dorgan (ND)	Klecza	Rinaldo
Downey	Kolter	Ritter
Duncan	Kostmayer	Robinson
Durbin	LaFalce	Rodino
Dwyer	Lantos	Roe
Dymally	Latta	Roemer
Dyson	Leach (IA)	Rose
Early	Lehman (CA)	Rostenkowski
Eckart (OH)	Lehman (FL)	Rowland (GA)
Edgar	Leland	Roybal
Edwards (CA)	Levin (MI)	Russo



Sabo  
Savage  
Saxton  
Scheuer  
Schroeder  
Schuette  
Schumer  
Seiberling  
Sharp  
Shelby  
Sikorski  
Sisisky  
Skelton  
Slattery  
Smith (FL)  
Smith (IA)  
Smith (NJ)  
Snowe  
Solarz  
Spratt  
St Germain  
Staggers

Stallings  
Stark  
Stokes  
Stratton  
Studds  
Sweeney  
Swift  
Synar  
Tallon  
Tauszin  
Thomas (GA)  
Torres  
Toricelli  
Towns  
Traficant  
Traxler  
Udall  
Valentine  
Vento  
Visclosky  
Volkmer  
Walgren

Watkins  
Waxman  
Weaver  
Weber  
Weiss  
Wheat  
Whitley  
Whitten  
Williams  
Wirth  
Wise  
Wolpe  
Wright  
Wyden  
Wyllie  
Yates  
Yatron  
Young (FL)  
Young (MO)  
Zschau

## NAYS—127

Archer  
Army  
Badham  
Bartlett  
Barton  
Bateman  
Billakis  
Bilely  
Boulter  
Brown (CO)  
Burton (IN)  
Callahan  
Carney  
Chappie  
Clinger  
Coats  
Cobey  
Coble  
Coleman (MO)  
Combest  
Craig  
Crane  
Dannemeyer  
Daub  
DeLay  
DeWine  
Dickinson  
Dorman (CA)  
Dreier  
Eckert (NY)  
Emerson  
Fiedler  
Fields  
Gallo  
Gingrich  
Green  
Gunderson  
Hall, Ralph  
Hammerschmidt  
Hansen  
Hartnett  
Hendon  
Hiler  
Hillis

Hopkins  
Hunter  
Hyde  
Ireland  
Jacobs  
Johnson  
Kasich  
Kolbe  
Kramer  
Lagomarsino  
Leath (TX)  
Lent  
Lewis (CA)  
Lightfoot  
Livingston  
Loeffler  
Lott  
Lowery (CA)  
Lujan  
Lungren  
Mack  
Madigan  
Marlenee  
Martin (IL)  
McCain  
McCandless  
McCollum  
McEwen  
McKernan  
McMillan  
Meyers  
Michel  
Molinari  
Monson  
Moore  
Moorhead  
Morrison (WA)  
Myers  
Nielsen  
Oxley  
Packard  
Parris  
Pashayan  
Porter

Ridge  
Roberts  
Rogers  
Roth  
Roukema  
Rowland (CT)  
Rudd  
Schaefer  
Schulze  
Sensenbrenner  
Shaw  
Shumway  
Shuster  
Siljander  
Skeen  
Slaughter  
Smith (NE)  
Smith, Denny  
(OR)  
Smith, Robert  
(NH)  
Smith, Robert  
(OR)  
Snyder  
Solomon  
Spence  
Stangeland  
Stenholm  
Strang  
Stump  
Sundquist  
Swindall  
Tauke  
Taylor  
Thomas (CA)  
Vucanovich  
Walker  
Whitehurst  
Whittaker  
Wolf  
Wortley  
Young (AK)

## NOT VOTING—20

Bentley  
Boner (TN)  
Boxer  
Broyhill  
Campbell  
Chandler  
Chapman

Cheney  
Davis  
Dowdy  
Fowler  
Fuqua  
Garcia  
Grotberg

Huckaby  
McGrath  
O'Brien  
Schneider  
Vander Jagt  
Wilson

## □ 1045

Messrs. MYERS of Indiana, LENT, COATS, CLINGER, and SHAW changed their votes from "yea" to "nay."

Mr. DUNCAN and Mr. BOEHLERT changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PERMISSION FOR SUBCOMMITTEE ON SURFACE TRANSPORTATION OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TOMORROW, JUNE 19, 1986, DURING 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule on Thursday, June 19, 1986.

Mr. Speaker, this has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## ANTI-APARTHEID ACT OF 1986

The SPEAKER. Pursuant to House Resolution 478 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4868.

## □ 1050

### 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 consideration of the bill (H.R. 4868) to prohibit loans to, other investments in, and certain other activities with respect to, South Africa, and for other purposes, with Mr. TRAXLER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

The gentleman from Michigan [Mr. WOLPE] will be recognized for 5½ minutes, the gentleman from Michigan [Mr. SILJANDER] will be recognized for 5½ minutes, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 7½ minutes, the gentleman from Illinois [Mr. CRANE] will be recognized for 7½ minutes, the gentleman from Rhode Island [Mr. ST GERMAIN] will be recognized for 7½ minutes, the gentleman from Ohio [Mr. WYLLIE] will be recognized for 7½ minutes, the gentleman from California [Mr. MINETA] will be recognized for 7½ minutes, and the gentleman from Kentucky [Mr. SNYDER] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. WOLPE. Mr. Chairman, 10 years after the uprisings of Soweto, South Africa is in the midst of a crisis of catastrophic proportions. During the last 21 months, more than 1,700 people have been murdered in South Africa, most of them killed by security

forces or Government-aided "vigilantes." In the last year, the South African Government has arrested more than 40,000 people on political charges. In the last few days the Afrikaner regime has raised the stakes even higher by installing a veritable state of seige and carrying out brutal raids against Zambia, Botswana, and Zimbabwe.

It is clear that the more than 300-year-old system of white domination in South Africa is crumbling. The black majority and its white allies are going to rule South Africa. The only remaining questions is how much violence, how much bloodshed will accompany this inevitable transition

It is against this backdrop that we today consider the Anti-Apartheid Act of 1986, legislation that would impose new economic sanctions on South Africa, sanctions that would be lifted when the horrendous, dehumanizing system of apartheid is finally dismantled or when the South African Government has at least freed Nelson Mandela and all political prisoners, and has entered into good faith negotiations with representative leaders of the black majority.

The Anti-Apartheid Act of 1986, like the antiapartheid legislation of last year, enjoys broad bipartisan cosponsorship and support. And for good reason. Because we Americans can no longer be party to the inhumanity of apartheid, not if we wish to be true to the ideals of freedom and of human rights that we so cherish. Our actions must be consistent with our words. To do otherwise is to compromise not only our values but our national interests.

Last year the 49 nations of the British Commonwealth created what came to be known as the Eminent Persons Group of seven distinguished world leaders to attempt to move the tragic South African conflict from the streets to the conference table.

For 6 months this group, cochaired by former Australian Prime Minister Malcolm Fraser and former Nigerian head of state Olusegun Obasanjo, including leaders from Great Britain, Canada, the Bahamas, Tanzania, and India, worked quietly and patiently to facilitate a dialog between the Government and the nation's black leaders.

As we all know, the initiative of that Eminent Persons Group collapsed in the military raids by the South African Government into three Commonwealth countries and in the decision of the Afrikaner regime to greatly intensify its domestic repression of even the most peaceful forms of black protest and dissent.

Mr. Chairman, I hold in my hands the final report of the Eminent Persons Group. It is an extraordinary document, must reading for every Member of Congress, indeed for every American who cares about the terrible tragedy that is unfolding in South Africa.

These Commonwealth leaders who tried every way they knew how to facilitate a new dialog among South Africans were finally forced to conclude, and I quote:

While the Government claims to be ready to negotiate, it is in truth not yet prepared to negotiate fundamental change nor to countenance the creation of genuine democratic structures, nor to face the prospect of the end of white domination and white power in the foreseeable future. Its program of reform does not end apartheid, but seeks to give it a less inhuman face.

The Commonwealth report goes on to observe that the Government continues to believe that it can contain the situation indefinitely by use of force. The report warns that:

Although the Government's confidence may be valid in the short term, but at great cost, it is plainly misplaced in the longer term. South Africa is predominantly a country of black people. To believe that they can be indefinitely suppressed is an act of self-delusion \* \* \*. For all the people of South Africa and of the subregion as a whole, the certain prospect is of an even sharper decline into violence and bloodshed with all its attendant human costs. A racial conflagration with frightening implications threatens. The uncoordinated violence of today could become in the not too distant future a major armed conflict spilling well beyond South Africa's borders \* \* \*.

Mr. Chairman, in its report, the Eminent Persons Group makes a careful and convincing case for new economic sanctions. Cautioning that "there may be no course available that can guarantee a significantly more peaceful solution," the group nevertheless concludes:

We are convinced that the South African Government is concerned about the adoption of effective economic measures against it. If it comes to the conclusion that it would always remain protected from such measures, the process of change in South Africa is unlikely to increase in momentum, and the descent into violence would be accelerated \* \* \*.

The questions in front of heads of government is in our view clear. It is not whether such measures will compel change; it is already the case that their absence and Pretoria's belief that they need not be feared, defers change. The Eminent Persons Group concludes its report with a question that we Americans must ask ourselves:

Is the Commonwealth to stand by and allow the cycle of violence to spiral? Or will it take concerted action of an effective kind? Such action may offer the last opportunity to avert what could be the worst bloodbath since the Second World War.

Mr. Chairman, the Anti-Apartheid Act of 1986 is our response to this question. By our passage of this bill, we will be affirming that the United States intends no longer to be an accomplice to apartheid. We will be affirming that we do not intend to stand mute to the violence of apartheid.

In passing the Anti-Apartheid Act of 1986, this House will be affirming that Americans, because of the weight of our own national experience with racial oppression, do understand the

enormous moral issues that are at stake in the struggle against apartheid.

And last, we will be affirming by our passage of this legislation our recognition that the United States has other important national interests in trying to end the escalating violence in South Africa and disassociating ourselves from the repressive Afrikaner regime, the same kind of national interests that led the United States at the 11th hour to distance itself from the failed and repressive Marcos regime in the Philippines. Just as we came to recognize that it was Mr. Marcos himself, notwithstanding his professions anti-communism, that was, by his repression and corruption, fueling the Communist insurgency in the Philippines, so we must understand that it is the apartheid regime itself that is an open invitation to communism in South Africa.

□ 1100

We must act now to end the constructive engagement policy toward South Africa that refuses in deeds as well as words, between justice and injustice, and we must move now to mobilize Western economic and diplomatic leverage on behalf of a transition to democratic rule. In doing so, we will be joining France, Canada, Australia, Norway, Sweden, and Denmark, all of who have recently strengthened their economic sanctions against South Africa.

In closing, I would like to respond briefly to some of the arguments that continue to be made by the administration and by other opponents of new U.S. economic sanctions.

Some claim that sanctions could backfire, heightening intransigence on both sides rather than strengthening voices of dialog and moderation. The truth is that limited Western sanctions and the threat of additional measures have already strengthened the forces for negotiated political change. White business leaders, Afrikan speaking as well as English speaking, have, for the first time, called for the abolition of apartheid and political negotiations with representative leaders of the black majority. Some leading Government officials have called for political action to restore international confidence, lest the economy of South Africa be destroyed. And despite the emergence of a neo-Nazi extremist white faction, public opinion polls have shown that right-wing parties continue to be supported by less than a fifth of the white electorate, and that twice as many supporters of the ruling National Party feel that the pace of reform is too slow. For democratic, nonviolent opponents of apartheid, like Bishop Tutu, Reverend Boesak, the South African Council of Churches, the Southern African Catholic Bishops Conference, economic sanctions are essential, precisely because they represent the only conceivable alternative to increasing

pressure for violent resistance from the black majority.

Others express concern that blacks will be hurt by tough economic sanctions. This paternalistic attitude must be reexamined. Representative black leaders themselves are telling us clearly that their people are willing to suffer any additional sacrifices occasioned by these sanctions to help avert the greater tragedy of a massive bloodbath and to help end an evil system that has endured for hundreds of years.

"Don't you worry," (about hurting blacks) United Democratic Front founder Alan Boesak told an audience on Capitol Hill just recently:

We will decide when we have suffered enough and then we will tell you so.

Some are concerned that by acting to undermine the apartheid system, the West could be creating the conditions for a Communist takeover of the country, due to the South African Communist Party's affiliation with the African National Congress [ANC]. In reality, it is further delay in ending apartheid which poses the greatest threat of increased Communist influence in South Africa and Soviet and Cuban intervention in the surrounding countries. The African National Congress today, in the words of Tom Lodge, one of South Africa's foremost experts on its internal politics, is essentially "a movement of pragmatists, not ideologues." The Eminent Persons Group itself reported that:

Among the many striking figures whom we met in the course of our work, Nelson Mandela and Oliver Tambo (the current President of the ANC) stand out. Their reasonableness, absence of rancor and readiness to find negotiated solutions which, while creating democratic structures would still give the whites a feeling of security and participation, impressed us deeply. If the Government finds itself unable to talk with men like Mandela and Tambo, then the future of South Africa is bleak indeed.

Put most simply, if we do not want those who are struggling for their freedom in South Africa or their independence in Namibia to turn to the Soviets for assistance, we had better not be ambiguous or ambivalent in placing the United States on the side of their struggle.

Some opponents of sanctions legislation have gone so far as to claim that South Africa is being unfairly singled out and is the victim of a double standard. Mr. Chairman, nothing could be further from the truth. If there is a double standard, South Africa has been its beneficiary, not its victim.

Just look at how we have responded to other situations of repression around the world and to other gross human rights abuses—Afghanistan, Poland, Nicaragua, Uganda, Cuba, Vietnam, Libya, and the list goes on and on. In every instance, sanctions have been applied, tough sanctions, including in the case of Libya with total disinvestment. And in every instance,



sanctions were applied with little, if any, controversy and on a bipartisan basis with bipartisan support, and unusually without the appointment of special Presidential commissions. Do you recall a commission on Libya or a commission on Afghanistan or a commission on Poland?

Mr. Chairman, it is time that we all ask ourselves one simple but enormously revealing question: How would the United States have responded in the past several years if the racial composition of the forces in South Africa had been reversed, and there was a black minority that was imposing the horrendous and dehumanizing system of apartheid on a white majority? Would we have engaged in a decades-long situation on the wisdom and morality and effectiveness of sanctions?

I think the answer is self-evident. We have indeed applied a very different standard to South Africa, and this is understood throughout the world, at great cost to America's moral authority and our political influence. That is why it is not only American values that are on the line as we consider our policy toward South Africa, it is also American interests that are at stake.

In conclusion, Mr. Chairman, I hope this House and the President will listen to the voices of two men who will have much to do with a future, post-apartheid South Africa. One is that of Nelson Mandela, the imprisoned leader of the most popular organization in South Africa, the banned African National Congress. At his trial in 1962, Mandela talked of "the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities." It is an ideal which I hope to live for and achieve," he said, "But if need be, an ideal for which I am prepared to die."

The other voice is that of last year's winner of the Nobel Peace Prize, Bishop Desmond Tutu. Speaking at Hunter College's commencement last month, Tutu cited evidence that more than 70 percent of blacks support economic sanctions against the Government and asked:

To whom is the international community willing to listen? To the victims and their spokesmen or to the perpetrators of apartheid and those who benefit from it?

Finally, Bishop Desmond Tutu set forth the basic rationale of the legislation we will be debating today:

There is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left, and it is a risk with a chance. President Reagan's policy of constructive engagement, and similar efforts to persuade white South Africans who support apartheid to change, have failed dismally. Let's try another strategy.

Mr. Chairman, that is what the Anti-Apartheid Act of 1986 is all about. It is time to try another strategy.

Mr. SILJANDER. Mr. Chairman, I am honored to yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

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

Mr. BROOMFIELD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I find the South African system of apartheid to be abhorrent and contemptible. It is worthy of strong condemnation by the people and government of the United States.

A few days ago, Secretary of State George Shultz made some remarks before a conference taking place here in Washington and I would like to quote from his speech. The Secretary commented that:

All Americans condemn South Africa's policy of apartheid—institutionalized racial discrimination. Apartheid is wrong. It robs the blacks of South Africa of their fundamental human rights; it drains the country of its human potential; and it threatens the security and economic prospects of an entire subcontinent . . . (A few lines later) *let me be categorical on this point. Western interests—moral, strategic, economic, and political—will suffer if the process of constructive, peaceful change fails to deliver the goods in South Africa.* (Emphasis added.) Stated another way: An immoral system does not serve our interests; it offends our moral principles; and we must continue to seek to end it.

If we all agree on these points, then we need only agree on the best approach to preserving American interests in South Africa. I regretfully conclude that enactment of H.R. 4868 in its present form would not serve this purpose and, indeed, it would be tragically counter to the interests of both the United States and nonwhite South Africans.

The Foreign Affairs Committee held no hearings on this complex and somewhat confused legislation. The committee did not hear the informed views of the administration, the business community, legal scholars, and other participants in the debate over United States policy toward South Africa. We need this information in order to make an informed judgment as to how to proceed on this measure. We are rushing headlong into consideration of this bill because we do not like apartheid.

Well, Mr. Chairman, for this Congress to show its disapproval of apartheid by passing a bill the implications of which are really not known to any of us makes no sense to me.

I am aware of widely differing interpretations of a number of the provisions of the bill. Other provisions appear to be drafted in such a way as to have unintended consequences. Still other elements of the bill seem to be unenforceable.

One of the few constructive provisions of the bill authorizes up to \$25 million in each fiscal year for assistance to South Africa. It earmarks \$4 million of these funds for refugee assistance and \$21 million for community development projects.

But, wait a minute. As drafted, this provision would seem to terminate the educational scholarship programs cur-

rently funded through the Foreign Assistance Act. These programs are designed to improve the quality of life for nonwhite South Africans and to prepare the country's future leaders for the time they will have control over their own affairs. There is a tremendous need for quality education in the nonwhite community in South Africa. It is shortsighted for the supporters of this legislation to bring these important programs to a crashing halt.

In closing, Mr. Chairman, let me again quote from the remarks of Secretary Shultz:

At this time of renewed American attention to South Africa, let us remember our goal: We seek the end of apartheid, racism, and repression. Hence, our actions should target apartheid policies and institutions and dissociate us from them. Our aim is not—I repeat not—to inflict random, indiscriminate damage on the South African people and their economy from abroad.

Mr. Chairman, finally I would like to submit a letter from Adm. John Poin-dexter, the President's material security adviser, setting forth the administrative's policy with regard to South Africa:

THE WHITE HOUSE,  
Washington.

HON. WILLIAM S. BROOMFIELD,  
Committee on Foreign Affairs, House of  
Representatives, Washington, DC.

DEAR MR. BROOMFIELD: I am writing you to share our thoughts on South Africa, a subject of increasing concern to all of us. I want to explain how we view the situation and what we are doing about it.

At the recent Tokyo Summit, our seven governments reviewed the role that the industrialized democracies should seek to play in promoting the peaceful emergence of a racially just society in South Africa. Current events reinforce the sense of the Summit that we have an obligation to work toward moving South Africa quickly away from apartheid and toward a more just political system.

Naturally, seven countries with unique histories, trading patterns and political dynamics will have differing views on any given issue. On the question of South Africa, however, we found significant consensus. All saw apartheid as the central issue and look to its early end. All see the situation in South Africa as a delicate one that requires careful handling of our individual relationships with that country.

All leaders at the Summit were encouraged by the work of the Commonwealth's Eminent Persons Group (EPG) and agreed that it should be given our collective support. That seven person group, led by former Nigerian President Obasanjo and former Australian Prime Minister Fraser, took on a tough situation and succeeded in moving the parties closer to the negotiating table. We are disturbed that they did not see fit to continue their efforts, but we are encouraged by the progress they made, particularly in forcing all parties to begin to think through the sorts of measures necessary to get negotiations started in South Africa.

It is vital that the foundation the EPG has laid be built on by others, especially the parties directly concerned. The South African Government, in particular, should feel challenged to disprove the EPG's judgments about its intentions. It needs to reaffirm in

actions, not just words, its commitment to ending apartheid and negotiating a new, non-racial basis for South African politics. That is the message the President has communicated to State President P.W. Botha.

The situation in South Africa is both volatile and fluid. The violence in townships all over South Africa reveals the tragic consequences of the divisive policy of apartheid. The South African Government is making some important changes, most recently in announcing the abolition of the onerous pass laws, reflecting its stated judgment that apartheid is outdated. Yet much more must be done. Over the coming months, there is some reason to hope that additional positive steps will be taken. Discussions in Natal on the formation of a non-racial form of government in that key South African province may come to a conclusion next month. The South African parliament will meet in special session in August to consider a wide range of legislative actions to repeal key elements of the legal basis for apartheid. Also in August, the National Party will meet in an extraordinary session to consider further changes and options for power-sharing among all South Africans.

It would be unrealistic to expect that these changes, no matter how revolutionary they are in the South African context, will be enough. It is most unlikely that a system steadily elaborated and deeply entrenched over the course of three centuries can be undone in months. Much more will remain to be done.

We believe, however, that the record shows that we in the United States, and our allies in the industrialized democracies, have encouraged progress toward the ending of apartheid by the careful application of pressure and by our continued involvement on behalf of reform—as governments, and through such private entities as corporations, various universities and churches. We need to continue our efforts, not break them off by withdrawing our economic presence from South Africa. The South African Government and informed South Africans clearly understand that we are expecting the end of apartheid and the establishment of a representative system of government. But to reach this goal we must be careful to avoid moves that polarize attitudes, heighten intransigence, and hamper dialogue between the South African Government and representatives of the currently disenfranchised black population.

Since the President's Executive Order of September 9, we have moved ahead aggressively in a number of areas to send political signals to the South African Government and to use our influence and our resources on behalf of human rights and peaceful political transformation. In this fiscal year and next, we plan to spend \$45 million in programs that have as their basic goal preparing South Africa for a post-apartheid future. We want to be involved, to make a difference, to help train black students, teachers, businessmen, labor leaders and others who will soon take their place, alongside white South Africans, in leading that country. Based on our recent and continuing exchanges with our key allies, it is clear that they share these goals. They, too, have no desire to see the West take actions that could weaken South Africa's economy and that of Southern Africa.

Secretary of State Shultz's Advisory Committee on South Africa, created by the Executive Order, is also hard at work. Many of its members have traveled to South Africa to study precisely how we can maximize our influence in bringing about needed changes in that country. They will present their report to the Secretary later this year.

We are conducting an active diplomacy to advance American goals in South and Southern Africa. The South African Government can be under no doubt about our views on the issues of apartheid and violence. Our own efforts to press U.S. goals forward are closely coordinated with our principal allies. Some of this activity is visible through our public statements. Much of it is not. You should know of our continuing determination to use all the influence at our disposal to create and pursue openings for accelerated change and negotiation.

The United States must continue to play an important role in promoting a peaceful and democratic future for South Africa through negotiation. This is an issue on which we Americans can speak with one voice. But the President must have the flexibility and the tactical discretion to pursue these goals if we are to succeed in producing the results we all want.

In this connection, we have grave misgivings and strong opposition to attempts to legislate punitive economic sanctions against South Africa. This will erode our capacity to promote negotiations in South Africa, and it is likely further to separate an already divided society. Americans are builders, not destroyers. We should help expand the middle ground, not strengthen the hands of extremists. Further sanctions would have precisely this latter result. Your support of our efforts is crucial to the promotion of peaceful change in South Africa.

Sincerely,

JOHN.

□ 1110

Mr. WOLPE. Mr. Chairman, I yield 9½ minutes to the distinguished gentleman from Pennsylvania, the chief, principal author of the legislation [Mr. GRAY].

(Mr. GRAY of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. GRAY of Pennsylvania. Mr. Chairman, today we consider a crucial issue. This is not a new issue. It is one that we have debated many times in this Congress, and we have held many hearings over the last few years. In 1985, this body took an unprecedented stand against apartheid, bipartisanly, I might add, when they approved my Anti-Apartheid Act of 1985 that called for sanctions on the apartheid regime of South Africa and a change in our policy of constructive engagement, which basically has amounted to "hear no evil, see no evil, speak no evil against apartheid." And now we are back again. Why? Because conditions have gotten worse. Last year, Mr. Chairman, when we debated my Anti-Apartheid Act for 1985, we were debating it in the midst of the loss of 70 lives per month. This year, over 130 lives per month are being lost. And while the defenders of apartheid keep telling us that reform has gone on, we constantly see a lack of reform, we constantly see no dismantlement of apartheid, we see further invasions of neighboring states like Botswana, Zambia, Zimbabwe, we see continuing oppression internally of the apartheid system.

But yet the defenders of apartheid say to us: There is reform. Look, the past laws are being repealed.

But they fail to tell you that the past laws will be replaced with a universal identity document, with fingerprints mandatory, as well as the race of the card holder placed on that universal document.

They also say: Well, there has been reform, because mixed marriages are now allowed.

Well, I was in South Africa in January. I talked with many of the leaders of the majority population who are oppressed, and not one of them in any of the conversations said to me that mixed marriages were at the top of their agenda or a major goal. And, thus, to point to that as a reform is absolutely ludicrous, particularly when the majority population is denied the right to vote for those who represent them in government, they are denied the right to work where they want to work, to have access to education, to live with their family and to be even citizens of the republic in which they were born.

Mr. Chairman, there has been no structural change in apartheid. The defenders of apartheid today will probably rise up and say: Sanctions do not work, they are ineffective. But yet they will not raise that same argument against the 20 nations in the world where we currently have sanctions, nations such as Afghanistan, Cuba, Iran, Nicaragua, Libya, North Korea—those we have total comprehensive sanctions.

They will not mention the fact that none of us thought that the sanctions against Poland would bring down the Jaruzelski government, but we wanted to demonstrate where we as a nation stood in the oppression of the Solidarity Movement. We also wanted to stop the economic fuel of oppression that is taking place in Iran. No, they will say to you sanctions do not work, they are ineffective, but they will not tell you why we have sanctions on 20 other nations in the world.

Today we have an opportunity to vote for H.R. 4868, a carefully crafted bill that goes far beyond last year's sanctions bill, that, while targeting precisely those sectors of the South African economy most dependent upon American involvement, and all we are trying to say in this legislation is that the American people from Peoria to Princeton, from Maine to New Mexico, from Pennsylvania to California, from Michigan all the way down to Florida, do not want their bank deposits being utilized to provide the economic fuel for apartheid. They do not want new investments, they do not want coal and steel being imported, by the way, taking their jobs, and at the same time providing economic fuel for apartheid.

And so what we have here is a piece of legislation carefully crafted, designed to maximize the impact of our economic involvement in South Africa by removing that economic fuel.



But wait a minute. It is not simply a bill that throws up its hands and has penalties. It is a bill that also has incentives. We say to the South Africans: If you begin to dismantle apartheid, if you free the thousands of political prisoners locked in your jails, if you begin to negotiate with the majority leadership there in South Africa, we say we will lift all of the sanctions.

So it is not simply penalties; it is also a group of incentives that urge them to move forward in a progressive manner.

Mr. Chairman, today you will hear other apologies for apartheid. You will hear someone get up today and say: We cannot impose sanctions because it will hurt the people we are trying to help.

Well, I call that the supplyside diplomacy school. It says the issue in South Africa is unemployment and the loss of jobs, but the people in South Africa are not going to funerals because of a lack of jobs but because of a loss of life, they are not standing in rallies because of the fact that they are losing employment, but because of a loss of justice. That is an utterly confusing issue, and what it does is, it distracts from the real issue.

The real issue is the human rights of the majority, not jobs.

I would also point out that, factually, the argument is based on the foundation of "I am willing to hold hostage 28 million human beings and deny them their human rights simply because there are 80,000"—that is right, 80,000—"employed by the American corporations there, less than 0.05 percent."

And so when you argue that, ladies and gentlemen, remember what you are really saying. You are saying, "I am willing to deny the rights of 28 million." What you are basically doing is that you are arguing that "I am willing to deny the human rights of 28 million in order to protect 80,000 jobs," when, in reality, this legislation will not affect any of those 80,000 jobs.

Someone today will rise on this floor and will say: "Look, if we impose sanctions, other nations will move into the vacuum."

This is what I call, "If you don't let me mug you now, someone else will do it later to you."

Is that what the American foreign policy wants to be based on? Do we want to say we must participate in apartheid because if we do not, some other nation will come and take over the marketplace? I do not think that is an argument that has credibility. In fact, we know when we take a stand other nations like Canada, Australia, the Commonwealth nations have joined us in the past, and I predict that today when we pass H.R. 4868 they will join us again.

And then there will be some who will come to the floor and who will say: Look, we have got to be worried

about the Communists. They will take over.

Well, let me tell you, my friends, if America does not rock Botha, if America keeps standing with apartheid, then what will happen is those people who are seeking their liberation and freedom will turn to another nation for the tools of their liberation, they will turn somewhere else, because we will be saying one thing while doing another.

So I say if you want to avoid a Communist takeover there, if you want to avoid the triumph of Marxist-Leninist doctrine, then, America, stand for what we believe, freedom and democracy for all people. As we lit a candle for those oppressed in Poland, let us strike a match for those oppressed in South Africa. As we speak out, and correctly so, for those oppressed in the Soviet Union, like Sakharov—and, thank God, Shcharansky is free—let us speak up for Nelson and Winnie Mandela and have one policy.

And then, finally, there will be some who will come here today and they will say: We cannot do anything because the Botha government is under seige. There are those from the far right that would overthrow the Botha government.

What is the debate between the Botha government and the far right? It is not a debate about dismantling apartheid. It is a debate about to what extent apartheid will be imposed.

I say to you today that America has an opportunity, we have an opportunity to send a message and to reduce the economic fuel for apartheid. I urge my colleagues, Republicans and Democrats, liberals, moderates, and conservatives, to stand up and say to the apartheid regime: We no longer will provide the economic fuel for your political engine, just as we have said it to 20 other nations in the world.

And when we do, we will not stand alone. When we let freedom ring, other nations will join us and ring freedom with us.

Mr. SILJANDER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I appreciate the gentleman from Pennsylvania, although I feel somewhat offended by his comment, and I am quite appalled that the gentleman from Pennsylvania would, even in a remote stretch of the imagination, imply that anyone against this particular bill, could be tagged as a "defender of apartheid." I was hoping this debate could be raised to an appropriate level. We all feel apartheid is an abomination, of incredible horror and violation of basic human rights. But to suggest that those of us who disagree with the approach of the gentleman from Pennsylvania, that that somehow makes us defenders of apartheid, is unfair and unwise and a very inappropriate accusation.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

□ 1125

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

Mr. Chairman, I want to echo my colleague's remarks and that is that I believe everybody in this Chamber is for freedom and democracy and against apartheid.

The question is not whether or not we are for apartheid but how do you end it and how do you end it in such a way so that that entire nation does not go back into the dark ages?

Many people are very concerned that if apartheid is attacked by these sanctions that the very economic fabric of that entire country will disintegrate, and if it disintegrates, there will be nothing to keep that society afloat.

My colleagues over there talked about us attacking sanctions from the standpoint that it might hurt the very people that we want to help. I submit to you that is a very valid argument. In the gold mines, for instance, there are 600,000 blacks who work. Each one of those people who work in the gold mines supports at least 5 other human beings so there are 3 million people who would be adversely impacted if we were to shut down the gold mines through economic sanctions world wide. If those people could not put food on the table, they would then be ripe for all kinds of suggestions by organizations like the ANC which my colleagues have held up as some kind of a pillar of democracy; that is, my colleagues on the other side of the aisle.

The ANC has 30 people in its executive committee. Nineteen of those people, and I have their names, are members of the Communist Party. We know at least 19 are Communist; we believe that more like 25 are Communist, and they have talked continually about revolution and destroying that entire society as it is presently constituted in putting a Communist society in its place.

My concern is that we do not play into the hands of the people who would take away the freedoms, long-term, of the people of all of southern Africa. Angola is Communist; Mozambique is Communist; Zimbabwe is Communist; the entire crescent above South Africa is Communist, and we are going to play right into their hands, in my opinion, if we impose economic sanctions that undermine that Government to such a degree that it totally collapses, and falls to the Communist elements of the ANC and other organizations over there.

The President, 9½ months ago, this administration, 9½ months ago imposed sanctions. Those sanctions, although they have not borne the kind of fruit that we want, have been a step in the right direction. The pass laws have been changed. That is a step in the right direction. Those pass laws have been in existence for many, many decades.

My concern is, Mr. Chairman, that we, in this body, do the responsible thing. The President of the United States imposed sanctions. He has put pressure, through constructive engagement and the sanctions that were imposed 9½ months ago, on the South African Government.

In addition to that, the internal pressure has been greatly intensified over the past few months. It is my feeling that if we work with the President, with the administration, that we will see some positive changes in South Africa.

Conversely, if we impose the kind of sanctions that my colleagues on the other side of the aisle are asking us to impose today, it is my feeling that chaos will evolve out of this; that the African National Congress and other Communist organizations will grow in strength and we are going to see a real bloodbath. Much worse than what we see right now. The benefactors of that will be the Communist Party and, of course, the Soviet Union.

Let me just end by saying this: We have a stake that goes beyond the ending of apartheid. Five minerals that are absolutely essential to the defense and the industry and economic health of this country come out of southern Africa. If southern Africa goes Communist, the only other place we can get those vital minerals are from the Soviet bloc, so we cannot allow that part of the world to go Communist.

I submit to you, my colleagues, that if this type of legislation is passed, and if these economic sanctions are imposed and that entire civilization and that entire governmental structure is destroyed, we are going to reap the whirlwind. The free societies of this world are going to be in big trouble if this happens.

Mr. WOLPE. Mr. Chairman, I reserve the balance of my time.

Mr. SILJANDER. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. LIVINGSTON. I thank the gentleman for yielding me this time.

Mr. Chairman, my voice is going and perhaps I might not even last those 4 minutes, but I come before this House with a great sense of concern for the country of South Africa and for what we are about to do here today. I do not think that there is anyone in the House that does not have his stomach turned at the thought of apartheid and the consequences of that policy as it has been carried out in South Africa over these many, many years of history.

Certainly it is impossible to look at the news today and say that conditions are truly improving. I share the sense of my colleagues who have brought this motion that something must be done. But I have to ask them:

Are we really doing the right thing with this bill?

Is it really the right thing that we do by coming here and saying, "You have not been living according to civilized standards or standards of the norm of democracy, and so therefore, we should pull the rug from under you. Therefore, we should disassociate ourselves with you because you have not been treating a majority of your people properly. We should not have anything to do with you."

Well, I see some nodding heads over there and I hear even a clap or two, but we really have not done that to the Soviet Union as they have trooped all of their millions of people to Siberia over the last century. We do not do it to the Soviet Union when they just eliminate people in Afghanistan through the process of systematic genocide.

We do not do it to our neighbors in our Latin American countries, specifically in Nicaragua, when they imprison people. A nation of only 3 million people, they have some 20 prisons, and are systematically putting anybody who speaks up against the government in prison, torturing them, and even executing them.

I suggest to the people that are offering this bill, in good faith, that perhaps we are not offering the right alternative. I do not stand here with the knowledge that I have the right alternative. I am genuinely concerned that as the turmoil builds in South Africa, you have people walking around in brown shirts, in some sort of neo-Nazi fashion, attempting to build their strength on the basis of hatred of black people so they can seize power and have a Fascist-type of government entrenched in South Africa.

On the other hand, I am concerned that the black community in South Africa is split, and that you have those people who are far on the left, militant in their view, who seek only to revolt to install revolution in that country of South Africa and to seize power of the country for the hard left.

□ 1135

Somewhere in the middle, unfortunately, the broad and the much quieter center of the nation, you have the peaceable folks who are trying to do what is right for all of their people, who are trying to work their way through the problems of South Africa, and who are frankly being systematically shoved aside by the more militant from both sides.

The Botha government has not been forthcoming. They have not done what we would have expected that they should have done to correct the problems, but let us be sure that when we do act, we do not make the problems that exist in South Africa far worse than they are today. That is the risk we run today, and it is a formidable one. Let's not destroy our friends in an effort to help them. I would advise my colleagues to go slowly, to

follow our President, and to vote no on this legislation. Let's look for a better alternative.

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] has 39 minutes remaining and the gentleman from Michigan [Mr. WOLPE] has 28 minutes remaining.

The Chair recognizes the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Chairman, I think that we can have concurrence that the white government, and it is the white government, of South Africa, has treated a majority of its population in a way that is unacceptable. We can also have agreement that there are blacks in South Africa who would turn that nation, because of their beliefs, into a Communist bastion.

Today we talk about craft in the way that legislation has been worded. I am going to suggest that the argument about the Botha government or about the ANC, and indeed about how well this legislation has been crafted, is irrelevant. I am going to say that there reaches a point and a time when this Nation, black and white, must be counted. It can no longer say that there is a technicality of a piece of legislation that is good or bad, but it must see that in a nation where systematically 24 million people are excluded, the only choice will be disaster unless we view a stand for freedom, and I believe that we must support this bill.

I believe from my visit in South Africa that that nation of flowers and wealth lacks joy and lacks a sense of its future. And I believe moreover that in the air was the smell of blood, and perhaps I say this as a woman, that mothers were going to be comforting children frightened and dying, and the color of who is killing that child becomes irrelevant.

We must stand up and be counted. The time is now to vote for this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, I reserve my time.

Mr. WOLPE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. LANTOS].

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

[Mr. LANTOS addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. SILJANDER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Chairman, I am one of those who has more than a passing interest in South Africa. I



have been there. I have struggled with the question of how we can be contributors to constructive change, and I must regrettably tell you that I am not at all convinced that the United States can contribute positively to change in South Africa; I do not think that it will happen.

I would like to suggest that we ought to then ask ourselves the question today of really what ought the role of American foreign policy be, and I would suggest that that role ought to be to promote America's interest, America's long-term interests around the world.

Anyone who has looked at the situation in South Africa ought to understand from that perspective that there will and there must be change; whether it comes this year, in 2 years, 5 years, or 10 years, sooner or later there will be change in South Africa, and I would suggest that it is in our interest to be on the side of the majority rule in South Africa. If that is the question, then I would suggest that it is also the policy of the United States to send a signal to the moderate black leaders and the moderate white leaders that we want to work with them, that we share their common goals.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

Mr. SILJANDER. Mr. Chairman, I yield 30 additional seconds to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, in that regard, then, I would like to conclude by suggesting one other thing, that the moral issue, I think, of promoting equal rights and human rights around the world is obvious to everyone. I would suggest, however, that if we are the advocates of freedom, as we profess to be in Afghanistan, Nicaragua, Angola, and elsewhere, and democracy, that we also be the advocates of democracy and freedom for all people in South Africa.

This bill does not require disinvestment. This bill is a realistic response to the situation in South Africa. I encourage all Members, regardless of party, to support it.

□ 1145

Mr. SILJANDER. Mr. Chairman, I yield myself as much time as I may consume.

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

Mr. SILJANDER. Mr. Chairman, there are two dominating issues I would say about this debate. The first one, which granted is less important than the overall concern of apartheid, is the way this bill has been handled. The Subcommittee on Africa has been holding hearings on apartheid, the implications of the system, and how America can best influence change in that country.

We have talked about the Dellums bill and held hearings on it. We held

hearings a year ago on other previous pieces of legislation, but there has never been 1 minute of hearings in our subcommittee dealing with this specific piece of legislation and its implications. It was then ramrodded immediately into the full committee, in which those have claimed that this bill has had more than appropriate hearings because we have talked about the issue of South Africa so often. Not more than 4 or 5 minutes after that comment, they were rushing for an amendment to change a major provision in the bill, which would have disallowed any company in South Africa, United States company, from even holding a checking account and paying bills.

Recognizing that this was a serious concern, they rushed to amend the bill and change it.

It was again ramrodded through the full committee onto the floor.

The argument again is, well, it has had appropriate hearings in the full and subcommittees; yet the gentleman from Michigan [Mr. WOLPE] has another amendment to change another major provision of the bill.

The implications of this bill are clearly uncertain. We have not had an opportunity to hear from all forces, all elements, to determine the full implications and the agendas of this particular issue.

It is quite obvious that one of the major motivations of the ramrodding of this legislation was not so much because it was imperative because of the deaths and the concerns in South Africa, but rather to coincide the debate with the 10th anniversary of the Soweto riots, seizing the political and media opportunities in a manipulative way. So I think that is an important issue that the membership of this body needs to understand.

#### POINT OF ORDER

Mr. DELLUMS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DELLUMS. Mr. Chairman, I would like to move that the gentleman's words be taken down on the grounds that the gentleman is challenging the motives of Members of Congress, and as this gentleman understands, it is inappropriate to challenge the motives of Members of Congress. One can challenge the political position asserted by Members of Congress, but I do not believe that it is within the purview or the prerogatives of any Member to challenge the motives. The gentleman has mischaracterized the motives of Members of Congress.

I have a much more strenuous effort that I wish to make, so I am not trying to defend the position of the committee, but certainly do not challenge the motives.

I would like to stress that, move that the gentleman's words be taken down. If this gentleman is inappropriate, I will be happy to sit down.

The CHAIRMAN. The Chair would make an inquiry of the gentleman: does he insist upon his demand?

Mr. DELLUMS. Yes, Mr. Chairman. I think one gentleman earlier said that this debate ought to move on a higher level. This gentleman wants to insist upon it.

The CHAIRMAN. The Chair, under the rules, will ask that the Clerk take down the words in question.

Mr. DELLUMS. Mr. Chairman, in order to allow the debate to proceed, I will withdraw my point of order. The gentleman from California has made his point.

I wish that this debate go forward on the merits of the issue, rather than on impugning the motives or integrity of any Member of Congress on either side of the aisle. I think I have made that point. It is not necessary to rule, and I withdraw it.

The CHAIRMAN. The gentleman from California withdraws his demand.

Mr. SILJANDER. Mr. Chairman, I object, if that is appropriate, because I would like to have a ruling.

Mr. DELLUMS. There was no unanimous-consent request made.

Mr. SILJANDER. Mr. Chairman, I have been challenged and I would like to have a ruling by the Chair.

The CHAIRMAN. The gentleman will suspend.

The Chair would observe that under the rules, unanimous consent is not required for the gentleman to withdraw his request. The gentleman's request is withdrawn.

The gentleman from Michigan [Mr. SILJANDER] is recognized.

The Chair would observe to all parties to the debate that the highest degree of decorum is required under the House rules and all Members are requested to observe that.

The distinguished gentleman from Michigan [Mr. SILJANDER] is recognized.

Mr. SILJANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I rise in support of the bill.

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

Mr. BLILEY. Mr. Chairman, I stand here today as a Representative to the Congress of the United States of America knowing that the action we are about to take is the only action left to us to try to insure peaceful change in the Republic of South Africa.

I have some misgivings about H.R. 4868. The minority views filed by 11 members of the Foreign Affairs Committee prove that this bill has been hastily written and that it includes language and provisions that may have impacts far beyond the intent of the sponsors of the legislation. I have no doubt that these discrepancies and shortcomings in the bill can and will be corrected long before H.R. 4868 becomes law.

I have no further misgivings over the intent and the need for this legislation. As an original cosponsor of the Anti-Apartheid Act of 1985 (H.R. 1460) I had already concluded last year that South Africa must be encouraged not only with a carrot but also with a stick to move quickly to change its immoral and unsupportable methods of dealing with its black citizens.

I was pleased when President Reagan removed the need for H.R. 1460 last year by imposing virtually all of its provisions by Executive order. That method put those measures into effect more quickly than the legislative process allows and put the weight of the American Presidency as well as the American Congress behind those actions. Now, however, 9 more months have passed and progress in South Africa seems to be struck between very slow and backward.

Last week the apartheid government of Prime Minister Botha imposed a new and nationwide state of emergency to preclude any observation of the 10th anniversary of the Soweto incidents of 1976. Instead of using this occasion to admit its past mistakes and to boldly move into the future of freedom and liberty for all, the forces of oppression clamped down on its citizens and threatened to gun them down in the streets if they did not stay in their shacks in the black ghettos. The government succeeded in its efforts to maintain peace and order and now they are claiming a triumph. This display of raw power and oppression was no triumph.

Mr. Chairman, the actions of the Government of South Africa over the past week only prove more conclusively than ever that there is a basic lack of understanding on the part of the Government of South Africa that is combined with an inflexible and bull-headed attitude which can only lead to disaster, revolution and massive bloodshed in that blessed but wicked land.

The United States has tried every conceivable way to talk to and to convince the South Africans that change must come or anarchy will crush all order and every chance for peace. We have tried arms embargoes. We have tried United Nations resolutions. We have tried quiet diplomacy. And we have tried public diplomacy. Little if any impression has been made. Lately the South African Government has altered its public statements to say that they admit that apartheid is wrong and that it must change. They say that they are moving in that direction and that some of the most onerous apartheid laws have been repealed or changed. These statements are woefully lacking in conviction and they are not backed up by the facts.

South Africa continues to attempt to do the least possible for its own people and keep the hounds of revolution and international public opinion at bay. This head-in-the-sand approach may not be surprising, but it is wrong and it is morally indefensible. By refusing to deal directly with its undeniable oppression of all of its non-white citizens and continuing with its policy of confrontation and "keeping the lid on" the government is not only doing no better than postponing the inevitable change; but it is also guaranteeing that the change will be violent and revolutionary when it does come.

I cannot sit in comfort in the United States and do nothing while the whole of southern Africa explodes in gunfire and blood. The only

beneficiary of such an explosion would be the forces of evil led by the Soviet Union which seek to insinuate themselves into any situation like this and eventually enslave the people who only wanted to be free. That is the result that I see from a continuance of current South African policy. That is the result that I see if the United States does not make every possible effort to make the South Africans understand the nature of their plight before it is too late.

Mr. Chairman, we must have a carrot and we must have a stick to avert disaster in southern Africa. We have the carrot in our treasury and in the generosity of our people who will be willing to help pay for change and evolution in South Africa. Now we must have the stick to make the South Africans wake up before it is too late. We have tried mild actions. The result that we have gotten is that last week when President Reagan called Prime Minister Botha to urge him to cancel the state of emergency, Mr. Botha was rude and belligerent. He displayed all of the reasonableness and flexibility of a man who knows that he is wrong, but who just cannot see his way clear to repent and rectify his past misdeeds. It is one thing to admit that apartheid is wrong—it is another thing to do the right thing and abolish apartheid. Mr. Botha and his government have done the first part—now they must do the second part.

I believe that H.R. 4868 and its measured and proportionate economic actions against South Africa is the legitimate next step to the actions that we took last year. This action is needed and it is reasonable. The minor disagreements that I have with the language can be fixed and the size of the problem of apartheid and the threat that it poses for all of the people of South Africa and for the future of America interests in that region make it imperative that we act before it is too late.

I will vote for H.R. 4868 and I urge all of my colleagues to do the same. We must send a message to the people and the Government of South Africa. We must send that message now and we must send it together.

Mr. SILJANDER. It is quite remarkable, Mr. Chairman, that moments ago on the floor in the well, the gentleman from Pennsylvania made a direct implication that anyone opposing this bill was, to quote, "defenders of apartheid."

What that says very clearly is that somehow those who oppose this bill somehow support the white racist regime in South Africa. I find that quite objectionable.

I did not play—and I will not yield—I did not play the political games that the gentleman from California has played by taking one's words down, and then knowing he would lose in the final analysis, then withdrawing his request. I wish we would have carried through on the decision by the Speaker to determine whether or not the words were appropriate or inappropriate.

So really, what it comes down to is not the issue of the horror of apartheid. I have not heard one speech on this floor in probably 40 hours of debate over the last several years, supporting the white racist regime. We

have differing philosophies of approach.

I visited South Africa. I visited the ghettos of Soweto and Crossroads. I was there and saw the horror of the young and old people.

We all are urging immediate changes in that racist system of apartheid in South Africa. There is a moral imperative to the United States that challenges us to utilize all the influence we can muster economically, politically, domestically, and internationally, use our prestige, our influence, to initiate change as quickly as humanly possible; but I would submit that cutting and running as this embargo bill would do is only yield our influence, our authority, our ability to control the situation, completely away.

It is not the tradition in America to cut and run, but rather to stay and fight. If our presence in South Africa, our economic presence there, if someone could convince me has contributed to the apartheid system in that country, I would support the measures of this bill; but quite the contrary has been the historic result.

The gentleman from Pennsylvania [Mr. GRAY] mentioned the Mixed Marriage Act and Immorality Act as irrelevant, and I agree. They are totally irrelevant. They are minuscule in the whole context of human rights and concerns for the oppressed black majority in South Africa.

The Group Areas Act, the Influx Control Act, the Pass Laws, Black Ownership of Land, these are also essentially irrelevant, but the important point is that the dogmatically inclined white government has finally changed. They finally budged from an immovable intransigent position, admitting essentially that apartheid is wrong and apartheid is immoral.

We indeed are a society of instantaneity. Each and every time we reach for the remote control of our television set or press for instant coffee in our microwave ovens, we realize how quick our society can engage itself in new technology; but cultures cannot change overnight. It is time to stop the killings in South Africa and time to begin talking.

Will sanctions in this embargo bill stop the killings in South Africa?

□ 1200

Will the sanctions in this bill cease the necklacing of innocent human beings, where a tire is placed around the neck, filled with gasoline and set afire? Would the sanctions bill have prevented the death of a 13-year-old girl buried alive, a black girl, because she was accused of being in cahoots with the white Government of South Africa?

I believe that a sanctions bill, quite contrary, would add fuel to the burning rage of the radical right and the radical left. They both sit poised in South Africa awaiting an excuse to initiate the radical behavior, the far



right, the neo-Nazis, gathering 20,000 strong at rallies. They sit waiting for sanctions to be passed by the U.S. Government so they can argue more intransigence, more military action and more deaths, and the radicals on the left waiting for economic sanctions to bring economic chaos to the culture and the society, are waiting for excuses to perpetuate more revolution and more violence.

Before last May of 1985, one-third of all the deaths were black on black. From May of last year to July of this year, 51 percent of all the deaths were black on black. In the last several weeks, 71-plus percent of the deaths have been black on black.

I fail to see that the signals that the U.S. Congress has been systematically sending over the last several months have contributed to any significant decline of violence and killing in South Africa. We are truly a great nation. We are a great and powerful country that can send very pointed signals all over the world. Ronald Reagan's Executive order calling for four sanctions, the Sullivan Principles and aiding blacks and entrepreneurial and scholarship activities, have sent a clear message. The hours and hours of debates on the floor of the Congress and in the subcommittees and the full committees have sent messages.

The gentlewoman from Illinois mentioned it is time that we send clear messages as a great nation, and indeed, the ink is hardly dry on the report from the President, and the commission that he appointed to analyze dismantling of apartheid has not as yet had an opportunity to even speak its first report.

We have sent messages, but the messages and signals we are sending about cutting and running have, in my opinion, only fueled the fires of unrest, will increase the violence and deaths in South Africa.

Is it not interesting that blacks in South Africa in 7 days, through boycotts and through general strikes, if they so chose, could completely paralyze the economy of South Africa. So if that is truly the goal, to paralyze and create chaos in the economy of South Africa, why are we asking the blacks in South Africa to do something that they are themselves unwilling to do?

My heart does ache for those fighting for the basic human rights, to live in peace and to live in fairness with principles and dignity. The gentleman from California [Mr. LANTOS] said that apartheid must be rejected, and he is right. Apartheid must be, without any question, unequivocally rejected. I agreed with essentially every word of his very eloquent statement.

What we disagree on, Mr. LANTOS and I, is how we approach that change. I argue peaceful transition is possible. Others would argue sanctions somehow, through increasing economic chaos, will be the vehicle. We disagree on the vehicle, but certainly

both of us agree the need to have apartheid totally abolished and freedom established for all people of South Africa.

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

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

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

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Michigan.

Mr. Chairman, I think the gentleman makes a very good point when he talks about the Executive order issued by President Reagan just 9 months ago. It has hardly had a chance to work. I think it is aimed in the right direction. This is aimed in the wrong direction.

The gentleman asked the fundamental question, and that is: Will this legislation help to bring about the changes in South Africa that all of us in the Chamber desire and want? I think the answer, as the gentleman has stated, is clearly no. I think the legislation will be harmful, not helpful to the process.

Mr. Chairman, I oppose H.R. 4868 because I believe it is a misconceived, poorly focused economic embargo ultimately aimed at the very people of South Africa the proponents say they want to help. If enacted, this bill would speed South Africa down the road of economic despair lessening the chances for peaceful and democratic change in that country. Like other Americans I strongly object to the policy of apartheid in South Africa. This inhuman, prejudicial system totally disregards man's inherent rights of freedom, liberty, and equality. I hope that South Africa will soon become a truly democratic nation based on majority rule and protection of minority rights. However, measures such as H.R. 4868 will not assist in the realization of this goal.

United States companies have been a vital instrument for change in South Africa. They have taken the lead in challenging the South African Government's discriminatory laws and practices in and out of the workplace while improving the standard of living for the blacks. As Sal Marzullo, the representative of the 199 Sullivan principles signatory companies, recently testified.

Our presence is better than our absence. Our presence allows us to shape and be participants in those dynamic forces present that must lead to the erosion and final elimination of apartheid.

Nine months ago, President Reagan issued an important Executive order that expressed America's conviction that apartheid must go and targeted specific elements of the South African Government. I think we should give the President's program a chance. Unlike H.R. 4868 the President's order

does not seek to destroy the South African economy or hurt those we are trying to help.

Our goal is to end apartheid and see peaceful, democratic change come to South Africa as soon as possible. However, sanctions and disinvestment measures like those H.R. 4868 seeks to enact will cripple the economy and add even a greater economic burden to its weakest members, namely the blacks we are trying to help. This, obviously, leads to greater frustration, anger, and violence. The radical, uncaring elements take control leading to further death, destruction, and tyranny. The last thing Africa needs is another desperately poor, authoritarian, anti-Western nation. The enactment of H.R. 4868 could steer South Africa in this undesirable direction.

I also object to this bill because of the way it was rushed through committee without hearings on its intended, and unintended, effects. There was no consideration for our own national security objectives or the impact this would have on our own economy. After closely examining the bill, I found many flaws and inconsistencies. My opposition to the immoral and inhuman apartheid system is total. However, an ill-considered embargo such as the one H.R. 4868 seeks to impose would impair the type of societal and political restructuring in South Africa that would peacefully bring about democracy. Instead of displaying crude partisanship and racing this legislation to the floor to coincide with the Soweto Week commemorative events in South Africa, I urge my colleagues to consider the plight of the disadvantaged black and colored South Africans and prevent another Soweto from occurring.

Again, I oppose H.R. 4868 and urge my colleagues to vote against it.

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

Mr. SILJANDER. I yield to the gentleman from Wisconsin.

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

Mr. ROTH. I thank the gentleman for yielding.

Mr. Chairman, the South African sanctions bill before this House today makes no distinction between those whom we are trying to help and those whom we are trying to pressure toward positive change.

And most explicitly, the bill before us forces Americans to abandon their efforts to improve the lives of black South Africans. It is Americans in South Africa that are in the forefront of those pressing for major institutional and political changes to eliminate the apartheid system. If we wish to change apartheid then we must stand behind these American who are making indicatives to change it. It is Americans who are working for the full and equal economic and political rights for all South Africans. Yet this

bill says: "Take the easy way out, come home, and give up."

These are just some of the actions that Americans working and living in South Africa have taken in recent months:

The American Chamber of Commerce in South Africa has publicly endorsed and is campaigning for a charter calling for the full civil rights of all South Africans. Americans are doing that. With this bill, we would have no leverage at all.

American companies, among the first to integrate blacks and whites in the workplace, have embraced a political advertising campaign aimed at South African governmental reform on apartheid. Some companies are even considering organizing civil disobedience campaigns on behalf of their nonwhite workers.

American companies—such as Control Data, Hewlett Packard, Johnson & Johnson, Fluor, Burroughs, and many others—have contributed generous grants to renovate and build school classrooms, provide books and libraries, sports equipment, tuition and training for teachers, and the like.

IBM recently shipped \$30 million worth of "Writing to Read" computers to teach black South African children how to read.

American companies have openly criticized police actions that have led to increased violence. They have openly advocated the integration of cities.

But this bill would have us virtually terminate our corporate involvement in South Africa. Yet most of the American firms operating in South Africa are Sullivan code participants, playing an active part in dismantling unequal and unjust educational and working conditions. For example:

Since 1980, the average annual pay increase for blacks working for American companies has been 20 percent. That pay increase is 25 percent greater than salary raises for whites working at the same companies.

American companies have funded over 1,000 scholarships each year for black South Africans.

Over one-fifth of all supervisory and management jobs in American companies in South Africa are held by blacks.

U.S. companies have voluntarily spent more than \$158 million for health, education, community development, training, housing, and black entrepreneurship.

I urge my colleagues to oppose H.R. 4846, which, if enacted, would institute an economic embargo against the Republic of South Africa, force the withdrawal of American companies operating in South Africa, and lessen the chances for peaceful and democratic change in that country. As Karen House of the Wall Street Journal observed:

It is easier to sit in America and argue the moral justification for applying economic pressure against South Africa than it is to walk through Soweto and see the mounting practical effects.

Americans stand firm and united against the policy of apartheid in South Africa. The apartheid system is abhorrent to the sensitivities of all people who believe in man's inherent right to freedom of choice and equality of opportunity. But we in this country are way behind in the debate. The question in South Africa is no longer whether or not apartheid will be retained as a policy. Clearly, it will not. The policy dilemmas now facing South Africans center around how to transform South Africa's society in a peaceful and nonthreatening manner.

I believe that forcing gradual disinvestment and an export embargo against South Africa will not contribute to dismantling apartheid, but only delays progress toward a more just society.

The trade and investment ramifications of H.R. 4868 are widespread and go far beyond the boundaries of United States-South African trade and economic ties. The bill prohibits United States companies from extending any forms of credit, including trade credits, to any companies located in South Africa—regardless of national ownership.

Trade between countries is typically handled on a letter-of-credit basis or company-to-company short-term extensions of credit. Such credits would be prohibited under this legislation. Consequently, exports of all products, including agriculture, are effectively cut off between the United States and South Africa. So for those of you who believe trade is an important issue back home, by voting for this bill, you can claim credit for adding \$1.2 billion to the trade deficit.

And what do we export to South Africa? Heavy machinery, computers, engineering services, machine tools, aircraft, corn, rice, and many other products.

Further, United States companies are prohibited under this legislation from extending any form of credit, including trade credits, to any companies located in the United States or anywhere else in the world if South African citizens own or have controlling stocks in such companies. The definition of controlling stock can be 25 percent ownership. So the companies in your district will now have to research the stock composition of the companies they do business with. They will be required to do so for all of their operations here in the United States as well as abroad.

To comply with this bill, no company can extend credit cards to South African nationals. Therefore, any American department store, gasoline company, or local bank which offers credit cards to its customers will now have to revise their application forms to add nationality as a condition for obtaining a credit card.

As United States persons are prohibited from directly or indirectly investing in South Africa, under this legislation all United States citizens buying

stock in any American or foreign company—for example CBS, IBM, Citicorp, Coca Cola, Ford, General Motors, Xerox, Westinghouse—which holds investments in South Africa could be prosecuted.

The provisions concerning the total disinvestment of the computer industry are equally ill-conceived. The provision requires the total disinvestment of the United States computer industry in South Africa and a total prohibition of exports of United States computers, software, or computer technology to South Africa. Products containing United States computers or United States computer technology could not be sold in South Africa.

This bill unfairly singles out one industry for total disinvestment and total ban on exports.

In earlier years, some claimed that computers enabled the South African Government to enforce apartheid. The President's Executive order therefore specifically prohibited the export of computers to South Africa's apartheid-enforcing governmental agencies. Clearly, the authors of this provision are no longer targeting apartheid, but are declaring economic warfare on South Africa.

However, United States is not sole supplier of computers to South Africa. According to recent figures from the Department of Commerce, the United States supplied less than one-third of South Africa's computers last year, 30 percent.

Although the provision is effective only if conditions are not met, the result will be an immediate disinvestment of United States computer industry and distributors will immediately switch to Japanese and European vendors.

Obviously, any foreign company now selling a product to South Africa which is either a computer or contains a United States computer—like a videogame, medical equipment, you name it—will shift its supply source to a non-United States supplier. So what we are talking about is very clear. Any foreign company which includes South Africa as an export market and which presently incorporates United States computers, computer parts, or computer technology in its production line, will be forced to shift its supply source to non-United States suppliers.

The provision would equally require the disinvestment of any U.S.-owned retail or department stores selling computers.

The provision makes absolutely no exceptions for humanitarian, educational, religious, or vocational purposes. Thus, for example, any medical or safety equipment containing United States computer technology could not be exported to South Africa. Similarly, United States computers used to educate or train black South Africans would be prohibited.

The bottom line is that this provision does not achieve the objective of



prohibiting computers from entering the South African economy. Nor does it serve as an incentive for the South African Government to negotiate. It only severely damages an important U.S. industry.

This bill is the equivalent of putting a bull in a china shop. It is indiscriminant in its rage. And as it plunders ahead, delicate efforts will be smashed. Goring American companies and their workers may give some in this body a sense of satisfaction. But not this Member.

United States companies have been an vital instrument for change in South Africa. I stand behind the efforts of Americans and American companies that are working to bring about a just society in South Africa.

This bill will not do anything to change the intend affairs in South Africa—all this bill will do is increase our deficits and shoot American business in the foot.

□ 1210

Mr. SILJANDER. Mr. Chairman, reclaiming my time, I appreciate the gentleman's eloquent comments, but our time, I am informed by the timekeeper, is running out.

Mr. Chairman, I yield 3 minutes and 30 seconds to the gentleman from Illinois [Mr. CRANE].

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

Harkening back to an earlier comment the gentleman made, let us make sure that we all understand that no one is challenging anyone's integrity or motives in this body. We all know that honest men can disagree.

For example, we had hearings last Tuesday, all day long, on repealing most-favored-nation treatment for the Government of Romania. We had 8½ hours of testimony to the effect that the Ceausescu government is guilty of beating and murdering clergy, that the Ceausescu government is guilty simultaneously of bulldozing churches, of engaging in atrocities and promoting terrorism, and yet some of our colleagues feel that by maintaining most-favored-nation treatment for the Romanian Government, it gives us the opportunity, hopefully, to have some impact on that Government to mitigate and soften the atrocities that we heard testimony on.

I think the same is true here. No one is for apartheid, but I think we have got to set the record straight on some very important points. I, too, have had the privilege of traveling in South Africa and visiting and talking to black leadership, to Indian leadership, other members of the so-called colored community over there, and I heard exactly what the gentleman from Michigan has already commented on, that it would be the most unwise course of action conceivable for American companies and American involvement to depart from South Africa.

It is a mitigating influence. It has produced constructive changes. The

192 companies that have subscribed to the Sullivan principles have already put \$140 million into South Africa for the benefit of black employees, improving their education, guaranteeing them favorable housing, helping to build strong communities.

As Secretary of Commerce Baldrige has stated, this legislation is a blunt instrument. It does not distinguish between those whom we want to help and those whom we are trying to pressure into change.

For example, it would engage in sanctions against black-owned companies in South Africa. There is no distinction made. Why would anyone want to beat up on black-owned companies in South Africa? In addition to that, we should listen to Mr. Akers, the president of IBM who stated:

We believe the right thing to do is to remain and to redouble our efforts to advance social equality. Pressure on apartheid will be increased by more corporate involvement, not less.

Anyone that wants to challenge Mr. Akers' commitment, I think, has to recognize that there is a black-owned computer firm that is working with IBM in South Africa.

Further, Mr. Chairman, there are endless quotes from affected parties. For example: Magosuthu Gatsha Buthelezi, chief of the KwaZulu and president of Inkatha, August 1985:

The actual implementation of the disinvestment campaign would be useless unless it hurt the economy and if it hurt the economy, Blacks would suffer more than whites. The disinvestment campaign is not only detrimental to the interests of Black South Africans, but ultimately detrimental to the interests of Blacks in the whole of the subcontinent.

Lucy Mvubelo, president of the National Union of Clothing Workers, one of the largest black unions. March 31, 1985, Richmond Times-Dispatch:

Those in our country who urge a boycott of South African goods and the disinvestment of Western capital are simply a small fringe of revolutionaries. They realize that the basic conditions from which the revolution can rise do not exist, thus the world must create it. Who will suffer? Clearly, the greatest hardship would fall on my people, the black people. They will be the first to lose their jobs. They will be left to die of starvation. They will be the first to be killed in a revolution.

John Nkadimeng, general secretary of the South African Congress of Trade Unions, Rand Daily Mail, March 1, 1985:

Economic sanctions against South Africa would only worsen the economic position of South African Blacks.

Trade Union Council of South Africa—multiracial and largest trade union federation:

TUCSA believes that any action of this sort (disinvestment) will hurt those it is supposed to help. TUCSA does not believe that most black South Africans support a policy which must lead to fewer jobs and opportunities for advancement. They want equal opportunities in a free and expanding economy not unemployment and poverty.

Again, as I said, it would be profoundly injurious.

Finally, there was a poll conducted in March 1986 of blacks in urban areas on the question: Should the outside world apply an economic boycott; namely, sanctions against South Africa?

Sixty-seven point seven percent said "no." When told, if you were to lose your job as a result of those sanctions, then the opposition went up to 74 percent.

I urge my colleagues to reject this clumsily crafted, self-defeating legislation.

The CHAIRMAN pro tempore (Mr. HEFNER). The Chair will inform the gentleman from Michigan [Mr. SILJANDER] that he has 11 minutes remaining, and the other gentleman from Michigan [Mr. WOLPE] has 24 minutes remaining.

Mr. SILJANDER. Mr. Chairman, I reserve the balance of my time.

Mr. WOLPE. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, the Anti-Apartheid Act of 1986 remains the most important and critical bill to come before this body. If passed by my colleagues, this bill will enable the United States to stand on its ideals of freedom and reject the evils of slavery and discrimination. The sanctions implemented by this bill support peaceful and democratic change.

Critics of sanctions have stated that such measures are unnecessary. They compare South Africa with the United States and claim that justice will come there as it did here during the 1960's. There is absolutely no similarity. In South Africa, a tiny minority is oppressing the vast majority of the population. They are holding them down with whips and chains and torture. The oppressed have no rights; they have no lawful means of effecting change. They are not just second-class citizens in their own country, they are virtually serfs—legally bound to the squalor of ghetto. The United States must take a stand against this oppression. America cannot even appear to side with apartheid and still hold true her traditions and ideals. The time for action is now.

The blacks of South Africa have been subjugated since Europeans first landed on their shores. Once the Afrikaner regime took power, they were subjected to the institutionalized racism of apartheid. Now we must understand the true nature of apartheid; it is important that we know its true meaning. It is not only that blacks cannot eat in the same restaurant as whites, or live in the same community, or use the same restrooms. It is all that, but it is far more too. Apartheid is the attempt to systematically destroy blacks as a people, to rip out their humanity, their honor, and their dignity. It is a systematic effort to divide them and dehumanize them, to maintain them as a docile labor force for Afrikaners. That is the true nature of apartheid; a

system with roots in the Dark Ages or Nazi Germany, but it is a system doomed to fail.

No matter how hard the apartheid regime tries, it cannot crush the dignity of a people or their yearning for freedom. First, there was Sharpeville in early 1960's, where blacks stood up to their oppressors and were met by bullets and death. That should have been a warning to Pretoria. Reforms could have begun then and today South Africa might be at peace. Instead, the apartheid regime instituted a policy of brutal repression. At Soweto, 10 years ago last Monday, police fired on a unarmed group of black demonstrators. This proved the spark needed to ignite the tensions generated by oppression. Aroused by the brutality of Soweto, blacks throughout South Africa took to the streets. In the townships and universities, they marched and in every case, the police cut them down. Hundreds and hundreds died.

Again, the Government had a chance to change. The events of Soweto should have demonstrated to Pretoria that their system was doomed, but still they clung to their old policies. They did so because they were sure that they could beat, and shoot, and torture at will with no sanctions from the rest of the world. So far, they have been right, at least in respect to the United States. Americans still invest in South African businesses and still buy their goods.

President Reagan says that the United States can bring about change through a policy of quiet diplomacy. He says that sanctions are not needed. Well, he has tried his quiet diplomacy and what has been the effect? Where is the change in South Africa? Sure, there have been a few facades of reform, designed to fool us into thinking that Pretoria is acting in good faith, but where is the substance? At this time, people are being arrested and held without charge, peaceful demonstrations are being repressed, and reports from the townships are being censored. Is this the kind of change that quiet diplomacy brings? New laws are being considered which will give South African security forces vast new powers of repression. Under the new laws, blacks can be arrested without reason, detained incommunicado, interrogated without warrant, and imprisoned for up to 6 months without charge. Property can be searched and seized without cause and the police will have virtually unlimited power to use lethal force. Is this the change of quiet diplomacy?

The time for America to act is now. The apartheid regime cannot last. Change will come to South Africa one way or another. History is rolling over the apartheid regime. Their business leaders, their intellectuals, even some Afrikaners are turning away from the policies of the past. It is time for the United States to demonstrate that it stands on the side of freedom and democracy.

A recent report to the Commonwealth nations states that without international action, particularly by the United States, South Africa could soon be confronted with "the worst bloodbath since the Second World War." Pretoria must understand that Washington can no longer ignore oppression. African nations must know that America truly stands for freedom. Sanctions will make this statement; they will shake Pretoria awake to the fact that they stand as international outcasts.

I fear for South Africa, not just for the black South Africans, but for all the people of that

nation. Time is running out. Recently Rev. Allan Boesak spoke here. During his talk he was asked what he thought would happen in South Africa if reforms were not instituted soon. His answer was that it would turn into another Beirut, that his country was on the verge of a bloodbath. No one, black or white, can benefit from this fate. Change is coming; it can be peaceful or violent. The Anti-Apartheid Act is a vehicle for peaceful change. The challenge before us is simple. Are you for brutal system or apartheid or are you against it? If you abhor it, then stand up and be counted. Vote for H.R. 4868!

Mr. WOLPE. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. BURTON].

(Mrs. BURTON of California asked and was given permission to revise and extend her remarks.)

Mrs. BURTON of California. Mr. Chairman, apartheid is a blot upon the conscience of mankind. Its repressive nature serves to remind us daily of man's inhumanity to man.

As in the case of all repressive systems its beneficiaries have little desire to change voluntarily a society that has provided them with so much totalitarian control.

The sad fact of the matter is that our policy of constructive engagement has been a failure.

Mr. Speaker, it is clear that the views of this administration have not worked and cannot work. The "slap on the wrist" sanctions imposed by the Reagan administration last September only underscore their futility. For that reason it is imperative that our country make a moral and economic statement.

I urge passage of H.R. 4868 to help insure that justice and freedom will come to South Africa.

□ 1220

Mr. WOLPE. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. Wise].

Mr. WISE. Mr. Chairman, I rise in support of this bill to impose sanctions on South Africa. The time to act is now. In South Africa, 84 percent of the people are forbidden to vote; there is total deprivation of civil liberties; a blatantly racist government; invasions of surrounding nations.

This bill must pass so that the land of the free sends a clear message to the world and to the land of apartheid.

I had originally intended to offer an amendment on the subject of petroleum and those companies that do export and oil business with and for South Africa. Three American oil companies supply over 40 percent of South Africa's oil; two foreign companies that bid on federally owned oil and gas leases in the United States add another 30 percent.

While I feel that my language providing for an embargo on petroleum products would be an effective amendment to the Anti-Apartheid Act, I can understand the need to forge a bipartisan consensus on this issue. It is im-

portant to send a loud-and-clear signal to those in power in South Africa that we in the United States will not tolerate the continuing suppression of basic human rights. Will my friend from Michigan yield to a brief colloquy?

Mr. WOLPE. I would be pleased to respond to the gentleman.

I am certainly aware of the gentleman's interest in this issue and I agree with him that we do want to have as much unanimity on this bill as possible.

Mr. WISE. In this light, I would ask my friend if he can give me some assurances that should the Government of South Africa fail to make the kind of progress we are all talking about here today, that the subject of my amendment will be a high priority of the gentleman's subcommittee in its future deliberations?

Mr. WOLPE. Let me say that I certainly do appreciate the gentleman's interest in achieving a consensus on this really vital issue, and I can assure my friend that the subcommittee will closely monitor the issue of oil shipments to South Africa and will consider adding it to a future list of sanctions.

Mr. WISE. I thank the gentleman for his consideration.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

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

Mr. FAZIO. Mr. Chairman, I rise today in support of H.R. 4868, the Anti-Apartheid Act of 1986.

Last year, we debated this same issue of whether or not to impose economic sanctions on the white minority ruled Government of South Africa. However, before Congress passed the final conference report on the legislation, the Senate deferred to the President and allowed him to impose his own limited economic sanctions.

We are back here today debating this issue again not only because the limited sanctions were ineffective in addressing the injustices of apartheid, but because the increased tension resulting from the continued racist policies of the white minority Government against the black majority has become increasingly alarming. In fact, over the past year, since President Reagan's limited sanctions were imposed, we have seen hundreds more killed and tens of thousands more arrested. Further, last Thursday the Government imposed a national state of emergency whereby the security forces have been able to detain or arrest individuals without legitimate reason. Since the state of emergency was imposed, the Government has acknowledged that 42 people have died, bringing the total slain in 21 months of turmoil in excess of 1,650 with more than 36,000 individuals arrested. We are on the verge of holocaust in South Africa.

Despite the severity of the situation, the Reagan administration continues to refuse to address the basic human rights of the majority of South Africans and deal up front on the apartheid issue with the white minority Gov-



ernment. The administration has rejected the strong economic sanctions which must be imposed if we are to resolve this conflict without further violence. Instead, "constructive engagement" has been the Reagan administration policy response and a failed policy at that. The administration's policies, including the limited sanctions imposed last year, have been merely cosmetic and do not address the real issue, the issue of dismantling apartheid. The President refuses to responsibly assist in resolving this crisis and instead, continues to turn his back on the South African majority.

Even now, as the crisis worsens, the Reagan administration refuses to take a firm stand against apartheid. In light of the worsening violence in South Africa, the administration requested the South African Government to restrain itself. This request was arrogantly rejected by South African President Peter W. Botha. However, despite this refusal, the administration continues to oppose strong economic sanctions. Again, the administration is prepared to make gestures but refuses to confront the repressive Botha regime.

H.R. 4868 is necessary if we are to responsibly deal with apartheid in South Africa. This bill will impose economic sanctions on the Government in an attempt to convince the Government to reverse its racially discriminatory policies. The legislation's prohibition on new loans or extensions of credit to South Africa is extremely important because of the amount of money borrowed by the South African Government. For example, as of March 1985, outstanding United States bank loans to South Africa totaled \$4.2 billion, with the majority of these loans given to the Government.

Other provisions include: barring any new direct or indirect investment in South Africa; prohibiting deposits in banks located in South Africa and banks outside of the country but are operated or controlled by South African nationals; prohibiting the importation of South African uranium, coal, and steel into the United States; barring United States firms from mining and exporting natural resources from the South African-controlled territory of Namibia; prohibiting the use of United States technology, training or services for the exploration or research and development of new energy sources in South Africa; denying landing rights to South African aircraft; and, requiring the withdrawal of all United States investments in South Africa computer businesses and prohibiting the export of computers to South Africa after 1 year.

These sanctions could be terminated if the President reports to Congress that the South African Government has dismantled apartheid or has freed all political prisoners, including Nelson Mandela, and has begun good faith negotiations with representative black leaders.

H.R. 4868 also authorizes \$25 million for community development and refugee assistance for South Africans and Namibians disadvantaged by the apartheid system and directs the President to negotiate with other countries to adopt restrictions similar to the ones included in H.R. 4868. This last provision would require the President to submit to Congress an annual report on the status of these negotiations, the extent to which these other nations have adopted similar restrictions, and whether other foreign nationals have taken actions to diminish the impact of United States sanctions against South Africa.

I strongly believe that H.R. 4868 and new economic sanctions are needed to pressure the South African Government to begin negotiations with representative black leaders toward a nonviolent political settlement. Thus far, Government reforms have not changed the basic nature of the apartheid system and no real effort has been made to negotiate a peaceful settlement.

Furthermore, despite claims to the contrary, these sanctions will not hurt the repressed black majority of South Africa. In fact, Bishop Desmond Tutu, among other black leaders, has appealed to Western nations to impose these sanctions and has stated that more than 70 percent of the blacks support such sanctions. Further, other leaders assert that the long-term benefits of these sanctions far outweigh any short-term economic costs.

Let us use the occasion of the 10th anniversary of the Soweto uprising as a reminder that little has been accomplished in South Africa. Each day the death toll rises and we hear of more unjustified imprisonments. It is time that we send a clear signal to the people and Government of South Africa that the United States will not idly sit by and allow the continuance of the apartheid system in South Africa. Now is the time to cease the impression, created through the Reagan administration's policies, that the United States is not concerned about the unrest and violence in South Africa. We must act now and we must act decisively by supporting H.R. 4868.

Mr. WOLPE. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Chairman, this is a very strong and positive piece of legislation. Let me mention one thing that I do not think has been brought out that I deeply resent, and that is the disrespectful and snide attitude of the South African Government toward our President, who has stood behind them, although wrongly in my judgment.

Mr. Botha has been disrespectful in his comments back to the Secretary of State and the President in terms of responding to U.S. calls for reform. He has told us to take a hike in so many words.

I feel this bill is important because it now includes provisions that are very important to the Southwest and the mining areas of the United States. Besides the fact that this bill is making a strong statement on the issue of apartheid, the bill also bans the importation of coal, uranium, and steel.

Last year, I attempted to offer an amendment to last year's antiapartheid bill with having the import of minerals and it was defeated. The objective at that time was to give a period of time when improvements might be made in South Africa, the South African Government would be more responsive.

Things have gotten worse all around. The present bill now reflects this strong initiative, which is very important to the many States that have lost coal, uranium, and steel jobs. It is a

bill that also protects jobs at the same time that it makes a very strong statement on apartheid.

So I would like to commend the Committee on Foreign Affairs for including this provision which is vitally important.

We are making a statement that we are against apartheid; that we are tired of waiting; but at the same time we are telling American workers that we stand behind them.

Mr. Chairman, timing of the consideration of this new antiapartheid bill is significant and crucial:

First, it coincides with the 10th anniversary of the Soweto uprising in which 600 people were killed.

Second, the situation in South Africa is deteriorating rapidly—over the past 2 years, 1,500 people have been killed in South Africa because of apartheid, and close to 38,000 have been arrested.

Third, recent declaration of a state of emergency by the Government of South Africa will only serve to further enrage the black population—this state of emergency gives the military and police virtually unlimited powers to arrest and jail citizens without charge.

Fourth, follows release of the Commonwealth eminent persons group's report on South Africa—the report indicates that the West has only a very short period of time left in which to prevent all out racial war in South Africa.

This legislation is important because it bans the importation of South African uranium, coal, and steel into the United States.

The United States is South Africa's largest export market—buying approximately 15 percent of all South African exports.

Coal: Despite the fact that our country has among the largest coal deposits in the world, we continue to increase our coal imports from South Africa—the leading importer of coal to the United States. Since 1980, coal imports from South Africa have more than doubled to over \$27 million. This is at a time when 60,000 American coal miners are out of work.

Uranium: Our uranium imports from South Africa and Namibia have increased 350 percent since 1981—at a time when the number of domestic uranium mines has dropped from 362 to a mere handful, and over 85 percent of our miners have lost their jobs. Since 1981, New Mexico alone has lost about 11,500 mining jobs—the largest decline was in the uranium ores subsector. The State's two remaining conventional uranium producers were forced to close their mines and mills in 1985, laying off hundreds of workers.

In 1985, South Africa exported 192 million dollars' worth of uranium, 117 million dollars' worth of steel and 44 million dollars' worth of coal into the United States.

These statistics and lost jobs are not just indicators of the problems caused by foreign trade to industries in the United States. South Africa has been so successful at its exploitation of its mineral resources because it also relies on exploitation of its population—conditions for black miners reflect the adverse circumstances experienced by other blacks in South Africa. The labor conditions for black miners in South Africa and Namibia are frankly deplorable.

Black miners have virtually no job security—they must contract for a limited number of months, and then reap- ply for their jobs.

Black miners are not allowed to live with their families; white miners are.

Black miners are prohibited by law from holding skilled labor positions; these slots are reserved for whites only.

Black miners must pay for their health insurance; white miners receive free insurance.

Black miners receive one-fifth of the wages of white miners—their low wage has artificially depressed the world price of uranium and coal, making U.S. coal and uranium less competitive.

The crisis in South Africa is worsening day by day—every day our news sources indicate that the South African Government is increasing its repressive measures—political gatherings have been forbidden, press coverage has been prohibited, and the South African police have been given free reign to arrest and detain without charge.

Since last year, when the House passed an antiapartheid bill, the administration's policy, "constructive engagement," toward South Africa has clearly made no improvements in the situation there. Nowhere else in the world is the administration turning such a blind eye toward censorship, repression, and the implementation of a police state.

The Commonwealth eminent person's group report has indicated that unless South Africa's largest Western trading partners, investors and creditors move quickly, the inevitable result in South Africa will be the emergence of a radical black government, that "will destroy Western interests absolutely," and will likely owe its allegiance to the Soviet Union.

The Commonwealth group also has reported back, after extensive discussions with all sides involved in South Africa, that the Pretoria government "is not interested in negotiating." Their conclusion: that sanctions are the only alternative for concerned Western governments.

Congress has tried being patient, it has tried allowing the President to implement "constructive engagement" measures—the end result is that South Africa is now experiencing upheaval and violent turmoil which will likely result in a bloodbath. We do not even have a clear picture of just how bad

things are there—the press is forbidden to cover events.

Elsewhere in the world, particularly Nicaragua, the administration is pursuing the overthrow of a government which is not as repressive as the South African Government. Since the administration is not willing to take active steps to force South Africa to democratize, to allow equal participation in all facets of life for all members of the society, Congress has no choice now but to once again pursue the course of sanctions.

Sanctions are essential—and they are the only avenue left for the United States to pursue—must act, and act immediately, in order to salvage the region.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Foreign Affairs, Mr. FASCELL.

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

Mr. FASCELL. Mr. Chairman, I rise in strong support of this legislation. It is timely, it is effective, it is a measured response.

Mr. Chairman, I rise in support of H.R. 4868, the Anti-Apartheid Act of 1986. First let me commend the chief sponsors of the bill, for their leadership and efforts over the past several years in helping shape this legislation. The bill which the committee brings before the House today has been carefully developed after many days of hearings on the issue of United States-South Africa relations. Legislation on this issue passed the House of Representatives during the 98th Congress and during the 1st session of the 99th Congress. Neither bill has been enacted into law.

During the 1st session of the 99th Congress, after extensive debate on this issue, restrictions on United States-South African relations were incorporated into the bill, H.R. 1460, which passed the House of Representatives and the other body. The House subsequently approved the conference report which is pending in the other body.

Mr. Chairman, during the period that has elapsed since the House last considered this matter the situation in South Africa has worsened. The situation is tragically illustrated by the continuing loss of life and violent confrontation which appears to have become a daily occurrence in that country. There is, today, in South Africa a state of emergency throughout the country. Peaceful protests by blacks have been banned, and the press is almost totally restrained from reporting on developments there. I believe that there can be no doubt that the conditions in South Africa are a consequence of the system of apartheid which maintains 23 million blacks, the overwhelming majority in that country, as outcasts in their own land. The bill which we have before us today is intended to manifest in the strongest terms U.S. opposition to that system. It is intended to associate the United States with those antiapartheid forces working for peaceful change in their strife-torn country.

Mr. Chairman, it is important that the House leave no doubt as to the position of the United States on this important moral issue. H.R. 4868 is the most appropriate vehicle at

this time for the House to do so. I hope and believe that it will assist in bringing peaceful change to that troubled land. I urge all Members to vote in favor of this legislation.

Mr. WOLPE. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from Ohio [Ms. OAKAR].

(Ms. OAKAR asked and was given permission to revise and extend her remarks.)

Ms. OAKAR. Mr. Chairman, the time is now for action against the reprehensible situation that is daily escalating in South Africa. I would like to briefly address the portion of the bill that deals with the area of banking.

As a member of the Committee on Banking, I find it reprehensible that the American banks have loans outstanding of \$3.4 billion as of September 1985. At the time of the suspension of U.S. credit by the President, the United States held approximately 20 percent of South Africa's bank debt, and we all know that that is critical to the economy of South Africa.

We might say, "Well, the President's Executive order bans these bank loans to the public sector." The fact of it is, it bans loans to the public sector, but it does not reach the private South African borrowers who relend to the significant public sector in that country.

For example, the South African Nedbank's American office borrowed short term money from United States banks and relend it, medium term, to government, South African-controlled corporations.

So we know it is a charade; and 3 of our top 10 banks in the United States have offices, very substantial offices, in South Africa. I think that portion of the bill is very, very important; and it plugs up a loophole that was in the President's sanction.

The other item which is significant is that the total direct United States investment is \$1.8 billion as of 1984, and indirect investment is \$6.4 billion. Think of what it would be like if these banks would lend this amount to their own people, the American people, instead of to the reprehensible situation in South Africa.

The other area which the bill addresses that I think is significant is that the bill bars the importation of South African uranium, coal, and steel. Now, I will tell you something. Here we are talking about our trade deficit—we should do that anyway. If we do that, it will create, according to a study by the Library of Congress, 4,800 new jobs in those various industries would be created. So let's stop supporting this evil government and start addressing the needs of our own American people.

Mr. WOLPE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, as we debate this legislation, South Africa hovers on the brink of a cataclysmic confrontation between the races, which could have profoundly destabi-



lizing consequences, not only for that country but for the entire region and indeed for the entire world.

In the words of the old Negro spiritual, "God gave Noah the rainbow sign, no more water the fire next time." The fire next time is fast upon South Africa, and the question we have to answer today is how our own country can best contribute to quenching that fire.

What are our interests in South Africa? Our interests are in preventing massive bloodshed. Our interests are in preventing a descent into a long nightmare of violence and devastation. Our interests are in preventing the radicalization of the black majority in that country and the emergence of a new government which would be hostile to our interests.

I think it is abundantly clear that all of the Members of this House, on both sides of the aisle, are fundamentally opposed to the apartheid system. I take my friends at their word.

So the issue that we face today is not whether we are for or against apartheid, but how most effectively to eliminate it.

Five years ago, the Reagan administration said it had an answer to that question. It was based on the policy of constructive engagement.

□ 1230

It was premised on the theory that by developing a closer and more cooperative relationship with the Pretoria regime, that we could somehow coax and cajole them into abolishing the apartheid system. I would submit that 5 years later the verdict is in: The policy of constructive engagement has failed.

It is a monument to moral myopia and to wishful thinking.

Clearly the time has come for another approach, one that I would characterize as constructive enagement. I think it is very clear that the whites in South Africa lead a very good life based largely on the exploitation of the blacks. And in the absence of increasing international pressure and intensification of internal resistance, what incentive would they have to change? Our interests in South Africa clearly require the abolition of apartheid. It is, after all, apartheid which is not only the greatest cause of, but the greatest incentive for, violence. It is, after all, apartheid which constitutes the greatest recruiting agent for communism in southern Africa. And it is, after all, apartheid which most significantly jeopardizes fundamental American interests in southern Africa. We hear from our friends on the other side of the aisle that sanctions are historically ineffectual. Yet I did not hear them opposing the far more stringent sanctions that President Reagan imposed against Nicaragua or the comprehensive sanctions which he imposed against Libya. If the administration believes and if our friends on the other side of the aisle believe that

economic sanctions against Nicaragua and Libya can modify or alter the policies of those governments, why should not economic sanctions contribute to a modification of the policy of the Government of South Africa? And from a purely moral point of view, if we are going to stand up against repression in Central America and against terrorism in the Middle East, how can we justify remaining silent and standing still against racism and aggression in southern Africa?

Let me be very candid with you: There is no guarantee that the imposition of sanctions will result in the abolition of apartheid. But there is a guarantee that our failure to impose sanctions will result in the continuation of apartheid.

The only hope to bring about the abolition of this hateful system of institutionalized racial discrimination is by increasing the international pressure against the Government of that country in combination with increased and intensified internal resistance. And I believe that, if we are prepared to take that step, that the Commonwealth countries and the countries of the European Community will be prepared to join with us.

Alan Paton, in his moving and memorable novel which he wrote over three decades ago, "Cry the Beloved Country," wrote that "my great fear is that by the time the whites turn to loving, the blacks will have turned to hating."

One of the most remarkable things about South Africa today is that in spite of all of the suffering, in spite of all of the discrimination, in spite of all the repression, the black people of that country remain willing to enter into a compact with the white minority that has oppressed them on the basis of a truly nonracial system of government in that country, and I fear that, unless we enact this legislation, it may be too late and that the blacks who are now prepared to love, will turn to hate, and everything that has been built up will be destroyed.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] has 11½ minutes remaining and the gentleman from Michigan [Mr. SILJANDER] has 11 minutes remaining.

Mr. SILJANDER. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. SHUSTER. I thank the Chairman.

Mr. Chairman, I rise not only to oppose apartheid but to also oppose the double standard which I believe this legislation applies to South Africa when compared to other regressive governments around the world. Specifically with regard to the transportation sanctions in this legislation, this legislation revokes all the landing rights for South African Air Lines in clear violation of our international

treaty agreements. In fact, it imposes sanctions more severe than those which we imposed against the Soviet Union in Poland and indeed which we have virtually none against Cuba today.

If a fellow on a block beats his wife, we condemn that; but if on the same block there are other men who not only beat their wives but starve their children, too, and we simply say nothing about that, then it raises fundamental questions about our fairness.

Indeed, Amnesty International tells us that there are widespread human rights violations throughout Africa, throughout the world indeed, particularly in Communist countries, including widespread torture. They published a book entitled "Torture in the Eighties," which tells us that in 23 African countries, mostly Marxist governments, there is widespread torture and violation of human rights. And yet where is our even-handed treatment over these violations? Where is our moral outrage? Where is our legislation to inflict sanctions against these other countries?

I respectfully suggest that we are applying a double standard here. I oppose apartheid, but I also oppose this legislation because it selectively applies our moral outrage against a non-Communist country while we virtually close our eyes to similar or worse violations of human rights practiced by Marxist states not only in Africa but around the world.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

(Mr. LEACH of Iowa asked and was given permission to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Chairman, my chosen political party, the Republican Party, was founded a little more than a century ago to end apartheid-like conditions in the United States. All we ask of this Republican administration is that it advance a foreign policy consistent with the views of the first Republican administration, that we put the Republican Party on the right side of its heritage, our foreign policy on the right side of history.

Strategically some have implied today that our Government should not stand up for abstract moral points because moral posturing in this instance tends to undercut our national security. Actually, the problem in South Africa is the reverse; failure to stand up for moral principles jeopardizes United States national interests. After all, ending apartheid is the most important foreign policy issue to the rest of sub-Saharan Africa and these countries, and their natural resources, are in total more important than those of South Africa.

In addition, can there be any doubt that sometime in the not-too-distant future there will be majority rule in South Africa? My guess is that it will be in this century, perhaps in this

decade. If South Africa is as important to our national security as some proclaim, the question American industrialists and national security realists must ask is whether we can afford to be perceived in the 21st century as the one major country in the world which walked to the grave with the black glove of white supremacy. It is a moral issue, though, which must be our dominant concern. Ending apartheid in this century is as great a moral imperative as ending slavery was in the last.

After 5 years of pursuing a policy of so-called constructive engagement and even more years of benign persuasion, the case of business as usual today implies prejudice as usual tomorrow.

It is now 27 years since the first call for sanctions against South Africa was issued by former African National Congress president and Nobel Peace Prize winner, Albert Luthuli. It is more than 23 years since the U.S. General Assembly first adopted sanctions against South Africa. It is time now to act.

To be true to our heritage we do not have the luxury of ducking this issue; its meaning is too great, its result too important.

**Mr. WOLPE.** Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. BARNES].

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

**Mr. BARNES.** Mr. Chairman, we are moving today with our most forceful attack to date against apartheid in South Africa. And I am confident that, this year, the Congress will enact what will be an historic, but long overdue, indictment of this Government-sponsored institutionalized racist terror in South Africa.

Reinhold Niebuhr once wrote:

Justice makes democracy possible, but injustice makes democracy necessary.

The only legitimate position for the United States to take in our relationship with South Africa is in favor of majority rule with minority rights.

Last September, President Reagan said:

America's view of apartheid is simple and straightforward. We believe it is wrong. We condemn it. And we are united in hoping for the day when apartheid is no more.

But "hoping" won't make apartheid magically disappear, nor will it quell the rising and powerful forces of change in South Africa.

This administration's South Africa policy represents a betrayal of fundamental American values of justice and freedom. President Reagan believes that "quiet diplomacy" and "constructive engagement" can help bring about peaceful change. But even his tough words have fallen on deaf ears in Pretoria. The Commonwealth's Eminent Persons Group recently said of the Pretoria Government:

The government believes it can contain the situation indefinitely by use of force. South Africa is predominantly a country of black people. To believe that they can be in-

definitely suppressed is an act of self-delusion.

Some in this Chamber seem to believe that we really have a choice in the matter, that somehow our decisions here today will increase the pain and suffering of those on the firing line in South Africa.

I don't know how many times I have heard over and over again from the conservatives and administration supporters who say, but if we cut off bank loans, the blacks will suffer; if we stop corporate investment, nonwhites will be hurt the most; if we cut off the sale of computer goods and technology, then we are cutting off the future of the millions of oppressed people in South Africa.

How many times do we have to hear this chant from those who seem to know nothing of the genuine value of liberty, from those who would rather take the safe road than the high road.

As Bishop Tutu has said:

For goodness sake, let people not use us as an alibi for not doing the things they know they ought to do. We are suffering now, and this kind of suffering seems to be going to go on and on. If additional suffering is going to put a terminus to our suffering, then we will accept it.

The Congress has accepted this challenge.

Our legislation last year on South Africa was one of those rare instances when a bipartisan Congress soundly repudiated the President, and took the leadership on a moral issue into its own hands. This year, we will run with it.

In addition to last year's House bill provisions prohibiting no new investment or loans, the bill before us, H.R. 4868, includes the conditional disinvestment of American companies from the South African computer industry, including a mandatory ban on computer exports; a ban on coal, uranium, and steel imports from South Africa; no contributions to new energy sources for South Africa; and, a ban on landing rights for South African aircraft. In addition, the bill would ban exploration, extraction, processing, and trade in natural resources from Namibia.

Anyone who complains here today that our bill is too strong, that its passage is premature, that its approach is harmful to those fighting for freedom, those should stop, and think again, about the facts.

The long, sad human tragedy of South Africa has become a bloody war against the people, with over 1,600 people killed in the last 20 months. Twice as many people die today in South Africa as did just 3 months ago.

We should remember today that it was exactly 22 years ago this month that Nelson Mandela was sentenced to life imprisonment for fighting for the liberation of the South African people.

We should remember that just a few weeks ago, South African military forces launched commando raids against three of its neighbors in southern Africa.

Only last week the South African Government banned all commemorations of the 1976 Soweto uprisings, which millions quietly remembered yesterday by staying away from their jobs and virtually bringing South Africa's major cities to a standstill.

Determined to crush all opposition, the apartheid regime has reimposed the state of emergency, ready once again to unleash its reign of terror against the majority.

These new measures, which ban all unauthorized political gatherings, give police sweeping powers to make arrests and warrantless searches and detain persons indefinitely without charge, and put stringent new restrictions on local and foreign press coverage. These new restrictions come just 3 months after Botha lifted the first state of emergency imposed on three of the country's major urban areas. And the new rules are considerably more sweeping because they apply to the entire country and because they give broader powers than those authorized last year.

And, just yesterday, the South African Government placed further restrictions on the press, prohibiting live televised transmissions by foreign journalists.

In Bishop Tutu's words:

This is the kind of system that those who invest in apartheid are purchasing.

We know how great our purchasing power has been. In 1983 South African exports to the United States accounted for 15 percent of total South African exports, making the United States South Africa's No. 1 export market. Furthermore, imports from the United States represented about 19 percent of total South African imports, and the United States was South Africa's No. 1 supplier. Moreover, U.S. direct investments account for 70 percent of the computer industry, half of the petroleum sector, and about one-third of the automobile industry.

We are about to impose strong sanctions, not because we expect our actions to bring down apartheid, but because the United States must stop undergirding this oppressive system. As my colleague BILL GRAY said just a few days ago to the South African Ambassador to the United Nations:

We're not trying to knock you to your knees. We're trying to knock a little sense into your heads.

Some here today will say that there has been progress. They will point to the allowance of mixed marriages, the "abolition" of the pass laws—which are being replaced with new identity cards which, although universal, are coded by race—and other petty examples.

But what about the Group Areas Act, which has been the buttress of the pass laws and is the backbone of the racist system of segregation?

What about the violence, the killings, the cross-border raids?



A recent New York Times editorial on the raids, concluded as follows:

What drives the normally cautious Mr. Botha to such desperate acts? Even his paternalistic gestures toward blacks seem to have stirred a revolt on his right in the ruling National Party. Seeking to prove toughness, he has implied panic and division in his ranks. Instead of reconciling anxious whites to inescapable change, his Government persists in pretending that South Africa's problems at home and already painful economic losses abroad can be chased with a nightstick.

Don't point to the so-called progress of a government which clearly does not want it. The so-called reforms are paraded in front of us and masquerade as progress.

But nothing has changed. The pass-book may be "gone," but when your skin is black you are marked for life.

As Bishop Tutu has said:

Apartheid cannot be reformed. We can't keep on having people tinkering with peripheral issues when the basic problem is political power.

That is exactly the point.

The promise of freedom is not the measure of freedom.

Change is never comfortable, and in South Africa, it does not come without great costs. Recently, members of the Commonwealth study group warned that Pretoria's "obstinacy and intransigence" will result in the "worst bloodbath since the Second World War," that "the cost in lives can be counted in millions."

Either we seize the moment to put full pressure on the Botha regime to negotiate seriously for an end to apartheid, or we linger with the waning forces of injustice and witness unprecedented violence and bloodshed. We should be ashamed that it has taken us this long to come to terms with our moral obligations.

Rev. Allan Boesak, one of the founders of the United Democratic Front, said recently when he visited the United States:

They have tried for every single day of the past two years—with the most incredible violence—to stop this tide of resistance. It is not possible and they cannot do it.

That is why we are here today. That is why we are proposing more bold measures. This is a time when a bipartisan Congress is prepared to enact these tough sanctions.

Enactment of this bill will send a message to Pretoria that there is a real price to pay for apartheid. We must take full advantage of this critical opportunity. This time we can force the Reagan administration out of the way, and impose sanctions, a choice which Bishop Tutu has characterized as "the last nonviolent option left" to avoid Armageddon in South Africa.

I remember several years ago, Bishop Tutu said to members of the Foreign Affairs Committee:

... we are talking about a moral issue. You are either for or against apartheid, and not by rhetoric. You are either in favor of evil or you are in favor of good. You are

either on the side of the oppressed or on the side of the oppressor. You cannot be neutral. Apartheid is evil, is immoral, is un-Christian, without remainder.

America is a great country, with great traditions of freedom and equality. I hope this great country will be true to its history and its traditions, and will unequivocally and clearly take its stand on the side of right and justice in South Africa. . . . Many lives will be saved, many blacks will be won for democracy in South Africa if the United States is true to her real self. . . .

We shall be free, and we will remember who helped us to become free.

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] has 7 minutes remaining, and the gentleman from Michigan [Mr. WOLPE] has 6½ minutes remaining.

As the gentlemen know, by custom the manager of the bill generally has the last word.

Mr. SILJANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. RUDD].

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

Mr. RUDD. Mr. Chairman, I rise in opposition to this resolution, and I urge a vote on this legislation. Continued interference from the United States can only destroy the balance of power in South Africa, ending a bloody civil war with the outcome assuring a substandard economy, poverty and slavery for those people. It is reported that about 80 tribes and subtribes make up the black population of South Africa and that there is little hope of agreement among them on most subjects except that the majority of black South Africans oppose the current unrest and believe that more can be gained through internal debate and negotiations.

A recent opinion poll conducted by the Human Sciences Research Council indicates that 75 percent of Black South Africans believe that nothing can be gained from the current unrest situation, without reasonable debate and negotiation. Both political extremes in South Africa are radical forces that oppose peaceful negotiations. Extremist whites want to restore apartheid by force. Extremist blacks refused the Government's offer to negotiate a new constitution and are conducting terror against blacks who support dialog by a negotiation and inadvertently or not, are being aided and abetted by interference by people in the United States who are intervening in the affairs of South Africa.

The Government of South Africa has promised an enactment of a law within the next 4 months which would lead directly toward a new antiapartheid situation. The bill creates a forum in which both blacks and whites will work for a new constitution assuring black political participation and sharing of power. Success cannot be achieved overnight.

Americans who press for sanctions are asking for violence and discourage those Americans with a clearer understanding of what is going on, including American businesses, from helping to bring about a discontinuance of apartheid. To oppose the Government of South Africa is in truth opposition to the United States and our people. Let us remember that 20 percent of the chrome we use, 9 percent of the manganese and 64 percent of our platinum imports come from South

Africa. These and other precious metals are vital to our industries and to our continued economic and scientific advancement on land, sea and in space.

No positive end can come from U.S. interference into the affairs of a sister nation. Rather than interfere, we should allow South Africa to solve its own economic and racial problems as we have and are continuing to solve our own, without foreign interference.

Mr. SILJANDER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, first of all, let me say I have been somewhat disappointed in the tone of the debate from some on the other side who suggested earlier in the debate that there were people on this side who would oppose this bill who, therefore, would support apartheid. Let me make it very clear, there are a lot of us who are antiapartheid, who have been willing at times to take political risks in order to make that kind of statement, who think this is a bad bill and think it is wrong to bring this kind of bill to the floor.

Let me also express disappointment that a few minutes ago I heard someone back here put an economic context into this bill. One of the Members who spoke here a little while ago suggested there were 4,800 jobs in this country that were going to be saved as a result of this bill. Well, if we are going to do that, then let us also remember that 25,000 people are going to lose their jobs as a result of this bill; \$1.2 billion in export trade that we are going to lose is 25,000 Americans who are not going to work as a result of this bill. They pay a real penalty for this. Finally, let me say to some of my colleagues on my side of the aisle that there is a good deal of moral posturing going on and that is fine, we ought to morally posture from time to time in the legislative body. But we do not posture this way when it comes to the Soviet Union. It seems to me that this bill is more than moral posturing, this bill has some real outright sanctions that can have some devastating consequences.

Mr. SILJANDER. I yield 4 minutes to the gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Chairman, I think it is useful as we pass this bill today by an overwhelming vote, as I am sure it will—I will not support it but I can count, and it is going to pass easily—that we put the subject of human rights and relationships between races and groups, ethnic groups, in some sort of context.

□ 1245

I like to think of Bishop Tutu, a spiritual leader of Africa who has the ability and the privilege of going in and out of his country at will, and I

contrast him to Andrei Sakharov, who is unable to even leave the town of Gorki. I think it is useful to put that in perspective.

There was a headline in Monday's Washington Post, "Millions Strike in South Africa." I hope I live to see the day that I will see the same newspaper have a headline, "Millions Strike in Leningrad." I do not think I will see that in my lifetime.

Apartheid, evil and obscene apartheid, has many forms. There is the evil, obscene apartheid of South Africa where people are judged by the color of their skin and by their race. There is religious apartheid, evil and obscene, of the Soviet Union, which judges people by their religion. There is a political apartheid in Ethiopia, where people, if they are from Eritrea of Tigre, know what the politics of hunger is like.

One anomaly in this bill is the denial of landing rights to any South African aircraft. Have we forgotten KAL-007 where one of our colleagues was shot down? I think we withdrew the landing rights for Aeroflot. Ladies and gentlemen, in case you have not noticed, Aeroflot is back.

Have we forgotten Afghanistan, where one of our sanctions was a grain embargo on the Soviet Union? We found that pinched, so we said Aeroflot cannot land. Well, Aeroflot is back, ladies and gentlemen. I think we ought to remember that.

This bill is premised on the assumption that we are going to coerce the white minority Government of South Africa into adopting our solution for their almost intractable racial problem of 15 percent white population and 85 percent black, a very difficult problem. But arrogantly insist we have the solution over here.

This bill runs in exactly the wrong direction. One way to solve, in my opinion, the problems of racial discrimination in South Africa is through more corporate investments accompanied by strict application of the Sullivan principles. This will effect the transition. As South Africa becomes more industrialized, its black population will become more urbanized, where the walls of apartheid can no longer stand.

Millions of blacks came to South Africa for a job, and now we are going to pour the legislative gasoline of poverty and joblessness on a land already in flames.

In a way, this is a strike-breakers bill, because you cannot strike if you have no job. And there will be a lot of these people who now have the power to strike who will not have a job. Jobless, hungry people roaming the streets is a recipe for bloody riots, and do not think that is not on some people's agenda, bloody riots, because that is the way their solution will work out.

This is not a solution, ladies and gentlemen; this is scorched earth. Firmness, patience and understanding are

called for, not coercion, which will cause the white minority Government to tighten its grip on the black majority, with tragic consequences.

Mr. WOLPE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. ROEMER], an original cosponsor of this legislation.

Mr. ROEMER. Mr. Chairman, I rise today in support of H.R. 4868, the Anti-Apartheid Act of 1986.

We all know what is happening in South Africa today. Political gatherings are banned, press coverage is prohibited, the police hold iron-fisted powers, the jails are full, death counts are climbing. Those warnings about "the worst bloodbath since the Second World War" are getting louder and louder.

So what should we, what should America do? Do we avert our eyes? Do we ignore the cries of pain? Do we let South Africa burn?

Or should we follow the moderate, but serious, steps outlined in H.R. 4868?

Elie Wiesel gave us the answers to these questions when he spoke in this city just 2 years ago. He said, "I have learned the danger of indifference, the crime of indifference." Mr. Wiesel said, "For the opposite of love, I have learned, is not hate but indifference."

In the case of South Africa, I say we cannot afford to be indifferent, because indifference means more violence, more death in South Africa. Because indifference means that South Africa will bleed to death. Because indifference means a victory for all those forces opposed to American values and opposed to American interests.

I do not think this body will embrace indifference. I believe we will pass this legislation. I know it is not perfect, and I know there are no guarantees, but there is a greater risk in no action. I think that we will send most of all a mighty message to all those struggling for freedom in South Africa. One thing this bill will do for sure is send a message, and it says this:

Take hope, America will not be indifferent.

Take hope, America will not be a silent witness.

Take hope, America will pass this test.

Take hope, you do not stand alone.

Take hope, America stands with you.

Mr. WOLPE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

(Mr. LEHMAN of California asked and was given permission to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Chairman, in July, this country will celebrate 210 years of freedom and independence amid festivities honoring the restoration of the Statue of Liberty, a symbol of great freedom for the thousands of individuals who came to this country to find a richer, more fruitful life. Today in South Africa, over 22 million black Africans are not free. They are living under a violent

system of discrimination and brutality that is socially repugnant and morally reprehensible.

Today we are speaking about establish economic sanctions against a form of government that pretends to be part of Western society which prohibiting the press from reporting in full the numerous incidents of civil unrest which are leaving many blacks dead, wounded, and in prison. It is time to end any financial collaboration with a government that forbids free and peaceful assembly, the right to a voice in government, and the freedom to choose where to live and work, solely on the basis of your race.

I ask my colleagues to put their support behind a bill which tells the Government of Pretoria that, even with censorship of the press, we are aware of the continued brutality occurring daily in South Africa. We are telling them that we do not condone it; more importantly, we are telling them that we will not abet it.

As we speak, South Africa is under its seventh day of a nationwide state of emergency. Forty-two people have already died since the Government imposed the strict restrictions June 12 in anticipation of hostilities surrounding the 10th anniversary of the 1976 uprising.

In approving this bill, H.R. 4868, will not end the violence in South Africa or dismantle apartheid. What we will be doing is removing the financial benefits that the Government of South Africa has enjoyed from enforcing apartheid. We will end any U.S. loans or extensions of credit to that Government and prohibit further U.S. investments or deposits in that country. We will prohibit the use of U.S. technology for research or development in new energy resources. We will seek to pressure the Government of South Africa to move away from the system of apartheid or suffer severe economic consequences.

Does anyone really believe that after all these years, the Government of South Africa is going to change its ways without this kind of pressure? Our failure to act decisively now will result in the violent upheaval we all abhor.

Today we can take the first constructive step to achieve change in South Africa. Let us do it.

□ 1255

Mr. SILJANDER. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank my distinguished colleague. I thought it would be 2 minutes, so I will have to briefly, at the close of this debate, say in 30 seconds what is on my heart, and then elaborate during the amendment process.

What is a jambok? A jambok is a form of a whip. A similar type was used in Hitler's concentration camps. A similar type of beating is used in



every repressive government around the world. South Africa does it openly, in the street, and it conjures up the hateful images of dogs and water hoses and Bull Connors in this country in our recent past.

I want to just, in closing this debate, say that I am going to vote against H.R. 4868 because I believe the White House does make a good case that this is not a perfect piece of legislation. There will be no dishonorable votes in this House. I respect everything that everybody is trying to do on the other side. In 5 seconds I want to put the Government of South Africa on notice. The first act, when I came back to this Congress in January, before we were sworn in, was to sign a letter presented to me by conservatives, putting the Government of South Africa on notice. So through the written record tomorrow and through the audio and visual means today, I tell the Government of South Africa: Do not cling to some threads that conservatives in the Government of the United States are going to be patient forever with your brutal oppressive defense of apartheid. I am not one of those threads. Time is running out. I honor those who are trying to put heavy pressure on you today. I just cannot join it because I think it has some shortfalls and might have some opposite effect of what they intend on that side.

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] has 30 seconds remaining to close debate.

Mr. SILJANDER. Mr. Chairman, I yield that 30 seconds to myself.

Mr. Chairman, the issue is death, the issue truly is human rights. The issue is freedom. As South Africa burns, as the deaths continue, as children go hungry, as rights are swept away, and as oppression continues, what should our response as a great and free nation be?

I believe, Mr. Chairman, without question, our response should be and must be to stay and fight, not to cut and run.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] is recognized for 2½ minutes to close debate on his side.

Mr. WOLPE. Mr. Chairman, in my closing moments, I want to respond, just briefly, to the suggestion that has been made by some of the opponents of the legislation that focus on procedural and technical issues.

In the absence of any kind of compelling substantive case, it has been suggested that there was not adequate consideration of this subject in the committee process itself. In fact, it was asserted at one point that no hearings had even been held on this legislation. That is simply false. The Subcommittee on Africa and the Subcommittee on International and Economic Policy have held three hearings on developments in South Africa, on legislative options for sanctions. H.R. 4868, the legislation before us at this point, is the direct result of those hearings. All

of the sanctions in this bill were discussed at length during the hearings in the subsequent subcommittee and full committee markups. Some, in fact, were actually passed by the House of Representatives last year.

Mr. Chairman, since this legislation was crafted, the situation has deteriorated further in South Africa. Under the state of emergency declared less than 1 week ago by the South African Government, the military and police have been given free rein to arrest, to search without warrants, to detain without charge, and, in practice, to torture and kill with impunity.

There is also a press blackout in South Africa so that what is happening in that country will be hidden from the view of the international community.

We need to respond as strongly as possible to these actions which threaten an imminent bloodbath. The legislation before us represents the absolute minimum response our Government must make to what we are seeing unfolding in South Africa. This legislation should not be necessary. We ought to have the administration seizing the initiative, taking advantage of the extraordinarily excellent rapport that has been developed by the Commonwealth group of nations that have tried as hard as they can to move the conflict from the streets to the negotiating table. Their failure must convey an important message to us as well. These people who were doing everything they could to avoid a widening of the confrontation have now concluded that absent strong international pressure and the application of economic sanctions, we will see only more bloodshed, increased radicalization and violence and prolongation of this terrible struggle.

We need now to make absolutely clear to the Afrikaner Government that the system of apartheid cannot be sustained indefinitely without growing economic costs and international isolation.

It is the only hope we have of shortening the timeframe of the struggle and ending the killing.

Mrs. LLOYD. Mr. Chairman, I rise to lend my support to H.R. 4868, the present legislation aimed at the disassociation of the United States from the repressive system of apartheid. History will record whether the United States stood on the side of democracy and majority rule or whether it stood in the way.

This bill provides the Congress with two opportunities: to send a message to our people, the South African Government, the South African people, and the world community that we are sincere in our opposition to the inhumane system of apartheid; and to take an active role, using whatever influence at our disposal, to help bring an end to the egregious injustices in that country. The administration's policy of "constructive engagement" has, in fact, provided no constructive progress in 6 years. The South African Government has claimed that it is dedicated to reform, but the few reforms they have enacted have not

changed the basic nature of the apartheid system.

In recent months violence and government repression have reached new levels in South Africa. The government has prohibited almost all public dissent, closed opposition newspapers, and banned TV and other press coverage of unrest and police actions. In the last 20 months over 1,500 people have been killed and 36,000 arrested. It is distressing to know that these numbers rise every day.

The economic sanctions involved with this bill are needed to pressure the South African Government to begin negotiations with black leaders toward the goal of a nonviolent political settlement. The United States professes to be opposed to apartheid, but it is time to put some force behind those words.

Mr. COYNE. Mr. Chairman, I rise in support of H.R. 4868, the Anti-Apartheid Act of 1986.

This bill is in response to the intransigence of the South African Government and its refusal to work toward the elimination of the morally reprehensible policy of apartheid as practiced by that government.

H.R. 4868 is in effect a statement of prohibitions and sanctions to be imposed by the Government of the United States. It is our response to the South African Government's policy of apartheid.

This legislation prohibits any new loans to South Africa; bans any new investment in South Africa; and prohibits the importation of South African uranium, coal, and steel into the United States. The bill also bans the use of United States technology to explore, research or develop new energy sources in South Africa.

This bill would also prohibit the take off and landing in the United States of any aircraft owned by the South African Government or by South African nationals.

H.R. 4868 would also ban the mining of natural resources by U.S. firms in Namibia.

The bill also imposes a ban on United States investment in South African computer businesses and also bans the export of computers to South Africa. This provision becomes effective in 1 year.

This legislation authorizes \$25 million for community development and refugee assistance programs for those who have suffered from South Africa's policy of apartheid.

The bill directs the President to enter negotiations with other countries to achieve actions by other governments comparable to what is contained in H.R. 4868.

The bill further directs the President to report to Congress by June 1988 on whether the South African Government has met either of the following conditions: the freeing of Nelson Mandela and other political prisoners or the dismantling of the system of apartheid. If the President makes a determination that either of these conditions has not been met, then he is required to include in his report recommendations as to whether disinvestment should then be required.

Why sanctions? Bishop Desmond Tutu states that: "There is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left \* \* \*."

One only has to read the report on South Africa by the Commonwealth Mission, known as the Eminent Persons Group, to realize how imminent chaos is.

The commission first poses the question "What can major states do to help avert an otherwise inevitable disaster?"

The commission states that it is convinced that the Government of South Africa is concerned about the adoption of effective economic measures against it. The commission continues: "The question in front of heads of government is in our view clear. It is not whether such measures will compel change; it is already the case that their absence and Pretoria's belief that they need not be feared, [which] defers change."

Effective actions, the commission warns us " \* \* \* may offer the last opportunity to avert what could be the worst blood bath since the Second World War."

This from a commission whose members, to my knowledge, are not known for hyperbole.

Bishop Tutu, I think, gives us a sobering reminder of what indeed our cause of action should be and why we should indeed act.

The Bishop said: "There is no room for neutrality. When you say you are neutral in a situation of injustice and oppression, you have decided to support the unjust status quo. Are you on the side of injustice? Are you on the side of oppression or liberation? Are you on the side of death or life? Are you on the side of goodness or of evil?"

Mr. Chairman, I urge an aye vote on this legislation.

Mr. GLICKMAN. Mr. Chairman, I am a co-sponsor of this legislation, and proudly so. What this legislation seeks to do is consistent with everything that this Nation of ours stands for; it seeks to implement a foreign policy reflecting our values and the fundamental principles which we as a nation support. It used legitimate means to bring pressure to bear on behalf of long overdue reforms in South Africa. It is pressure which should have been applied long ago, and we should wait no longer.

There is no need for me to repeat what has been said before about the policies which have been permitted to continue in South Africa. I find their system of apartheid morally repugnant, and I am confident that an overwhelming majority of Americans agree that it is an abhorrent system which we should not be supporting economically or otherwise.

Over the last several months, there has been talk of "reforms" coming out of South Africa, but recent events can leave no doubt in anyone's mind that, without strong pressure from the world community, what they calling "reforms" will be superficial at best. And superficial reforms are not enough. We are talking about basic human rights, in fact, about people—who make up a majority in their own country—being able to pursue their lives and express their views without fear of physical retribution, imprisonment or even violent loss of life.

Some say we should not undermine the South African Government with which we have been long been allied. I say we can no longer associate ourselves with a regime which has clearly rejected our most basic beliefs in the treatment of its own people. The momentum for reform is mounting and will succeed in South Africa; it is in our best interest to help to shape that reform so that what follows apartheid will not be violence and will not be a government pursuing policies contrary to our own, but instead will be a freedom-loving democracy that shares our values.

I hope today that this House, which has long been a bastion of strength for freedom, equity, and justice, will vote overwhelmingly in support of this legislation. There should be no doubt in any corner of this world where we stand when it comes to apartheid. We stand four square against it and will do everything we reasonably can to see that this cruel concept of governance is brought to an end.

Mr. BOLAND. Mr. Chairman, I strongly support H.R. 4868, the Anti-Apartheid Act of 1986, and urge its adoption by the House.

The world knows, Mr. Chairman, that the situation in South Africa is not good, and that the prospects for reconciling the government and the people are not bright. The world knows, even though the government has imposed a degree of press censorship more commonly associated with a Marxist state than a nation pledged to democracy, that the accumulated grievances of apartheid have brought South Africa to the brink of a destructive civil war. It may be too late to avert the catastrophe that civil war would produce, but the question is, will the United States try?

We do not have a great deal of leverage with the Government of South Africa, aside from our economic relationships. Last year, we approved some economic sanctions and some were imposed by the President. Regrettably, they have failed to make clear to the political leaders of South Africa the position of the United States on the policy of apartheid; that it must end and that it must end now. As the level of repression rise in South Africa, and the level of violence rises in tandem with it, we must do more to ally our country with those South Africans who are striving for freedom. H.R. 4868 offers an opportunity for us to do what we can, and should, do.

In my judgment, to continue to follow the delusory policy of constructive engagement is to guarantee that if the bloodbath comes in South Africa, the United States will be rightly criticized for having failed to do everything that was in its power to prevent it. We must not let that happen. As limited as our influence might be, we must not fail to use it. As a nation built on democratic principles which guarantee the rights of all, it is our moral responsibility to come down squarely on the side of those principles wherever their advancement is sought. H.R. 4868 may not end apartheid, but that is no reason to oppose it. Passage of this bill will send a concrete signal to both the oppressors and the oppressed in South Africa that the United States desires no further association with apartheid. A sound and effective foreign policy is built on just those kinds of signals and they are of undeniable value. Failing to pass H.R. 4868 would send precisely the wrong signal, and encourage the forces of repression in South Africa. Our choice is then clear. Let's pass this bill.

Mr. FORD of Tennessee. Mr. Chairman, I rise in support of H.R. 4868, the Anti-Apartheid Act of 1986.

On January 31 of this year, President Botha addressed the opening of South Africa's Parliament by declaring that "Apartheid is an outdated concept which South Africa has outgrown."

The past has shown President Botha to be totally unresponsive to his nation's black majority. However, in the name of fairness, we should still put this remark to the test.

Specifically:

While much has been said in the months since the January address, have blacks been included in the South African Parliament?

In the months since the January address, the Government has established what is essentially martial law. Has apartheid been liberalized, or instead is it being protected and strengthened by that regime?

While there has been a great deal of talk out of Pretoria, has any significant reform been made to bring its majority into the mainstream of society?

We in America know better.

The comments coming out of the foreign ministry over the past few months have been strictly for public relations purposes in both the United States and Western Europe.

These comments were issued to stem the rising tide of divestiture and to ensure confidence in the Botha government.

Today, the House has an opportunity to put that government on notice. The Congress must act swiftly to disrupt the circle of segregation in South Africa.

Last year, we passed a bill to push the Botha government to reform its social and political policies.

At that time, we knew that the next course of action from this body would be a total disinvestment of U.S. interests.

That is precisely what the Delums substitute does.

Simply put, the substitute prohibits any United States person or corporation from investing in, importing from, and exporting to South Africa.

Importantly, the substitute would require the immediate withdrawal or disinvestment of all United States assets currently in South Africa.

Mr. Chairman, we have never considered such a comprehensive action against South Africa before.

However, never before have we been faced with this type of situation. Today's South Africa is running a course to one of the bloodiest civil wars in history, where hundreds of thousands of lives will be lost.

Mr. Chairman, after sifting through all the rhetoric coming out of Pretoria, one thing is clear:

There is no reason for apartheid to continue 1 day longer. It is an outdated and repressive policy.

I, therefore, urge my colleagues to support the efforts of the gentleman from California. Our actions today must be felt by the leaders of that nation.

Mr. GUNDERSON. Mr. Chairman, as a member of Congress who has had more than just a passing interest in South Africa, I appreciate this opportunity to offer a few thoughts on the legislation now before us, from a bit of a different perspective.

Having previously visited South Africa, I have struggled with the important question of how the United States might be a constructive influence toward change in that country. And regrettably, I am close to the point of conceding that the United States, or any other country for that matter, is not going to be able to contribute to constructive and peaceful change. I suspect the elements within South Africa are moving to extreme positions. Moderate elements within both the black and white communities are becoming lost in the noise, violence, and bloodshed.



I would, however, suggest that we look at the legislation now before us from a realistic perspective. In doing so, we will quickly recognize that reality of the sanctions imposed in this legislation will not be major in any sense of the word.

The legislation bans new loans and credit to the Government of South Africa. It bans new investment within South Africa. And it bans new energy technology. My response is "so what?" Do we really think Americans are about to invest their money in a country with the unstable economic and political climate which exists today in South Africa? I think not.

The legislation also bans imports of uranium, coal, and steel. These actions are worthy of consideration from not only a foreign policy, but also a trade perspective.

A third trade element of the legislation is the divestiture of the computer industry that will be required unless Nelson Mandela and other political prisoners are freed, and apartheid is totally dismantled within 12 months. While a year may be too short a period to achieve a total dismantling of apartheid, I have always supported the concept of conditional investment. We must send the message to South Africa that if they wish to continue to do business with the United States, certain conditions must be met within a limited period of time.

I would like to suggest to my colleagues and to all Americans, that as we consider this legislation we ask ourselves a couple of much more basic questions. What is really the purpose of America's foreign policy? I would suggest that the sole purpose, or at least the major purpose, is to promote America's interests abroad. If we are to promote our long-term interest in a region, then we must ask the next question, which is how do we implement such a policy in relation to South Africa.

I do not know of any Americans, and few South Africans who do not suggest that it is only a matter of time before South Africa will be controlled economically and politically by the black majority. Whether it happens in 2 years, 5 years, or in a decade, it is clear to us all that it will happen.

I would suggest that at a minimum, our own selfish interests are served in taking some actions which signify to the merging and legitimate black majority population that we stand with them in their efforts to obtain justice. In taking such action, we are also sending a signal to both the black and white moderate leaders, that we support their efforts at peaceful change and negotiation. Let's not send the signal to the 24 million blacks in South Africa that their only alternative is violence, revolution, and affiliation with Communist countries.

Finally, there exists an important moral issue in the debate before us today. Everyone of us believes in the promotion of human and equal rights at home and around the world. That is stated by others here today in eloquent words and needs no expansion from me. But I would also suggest to my Republican colleagues, that under President Reagan our party has prided itself on the promotion of democracy around the world. We do so in Afghanistan. We do so in Nicaragua. We do so in Angola. We do so in Poland. If our goal is to promote democracy and freedom throughout the world, how can we stand by and allow the 85 percent of the population in South Africa to be denied their similar rights to freedom and majority rule?

For these reasons, I believe that the legislation before us today is neither extreme or ill-timed. It is a proper and restrained response by which we can best promote America's interests and the interests of the South African majority. The leader of the free world is being watched today. I hope we act wisely.

Mr. EDWARDS of California. Mr. Chairman, today the House of Representatives has an opportunity to reassert the role of the United States as a moral force in world affairs. By our action today we can assure that America speaks up for freedom, for equality, and for justice in South Africa.

I urge my colleagues not to let this opportunity slip away. Let us approve H.R. 4868, the Anti-Apartheid Act of 1986, and send a message to Pretoria that the United States will no longer conduct business as usual with South Africa so long as the repugnant policy of apartheid continues.

It saddens me that despite the continued repression of blacks in South Africa, despite the increasing curbs on freedom of the press and other civil liberties, indeed despite increasing signs that South Africa is on the very brink of civil war, the Reagan administration continues to pursue a policy of constructive engagement with the South African Government. Most Americans now recognize that constructive engagement has been a failure.

It embarrasses me, frankly, that the United States—which should be a world leader in condemning oppression—lags behind the world community in condemning the tyranny of the South African Government. Unless we act now, Mr. Chairman, to institute the needed economic sanctions provided by the bill we are debating today and to lend the prestige and the power of the United States to the effort to end apartheid, we will bear no small measure of the blame for the bloodbath which is almost inevitable to occur in South Africa.

Let's speak out for democracy. Let's make our message loud and clear—the United States stands for freedom not enslavement. Let's pass this bill.

Mr. GARCIA. Mr. Chairman, this legislation, imposing sanctions on the Government of South Africa, will certainly not bring down that Government. It will nonetheless, place the United States on the right side of this issues. We cannot do business with the South African Government as long as it practices apartheid.

Nadine Gordimer, the distinguished South African author, wrote recently of her country, "If you are in search of clarity within yourself as well as—professionally—in others, where better to test yourself and them than in the thickest murk of South Africa?"

That is what this is, a test of our ability to take responsibility for our actions. If we ignore apartheid or try to sidestep it by pointing to half measures of improvements by the Botha government—measures that are supposed to signal the beginning of the end of apartheid—then we are in reality nothing more than participants in its perpetuation. Constructive engagement is a charade, it is, to paraphrase Shakespeare, an act full of sound and fury, signifying nothing.

Joseph Lelyveld, a New York Times correspondent, writes in his new book on South Africa that apartheid is "A statement about reality amounting to a denial of that reality." The reality that he is referring to is that South Africa is a nation of blacks, not whites. Apartheid cannot change reality, and if we intend to

continue to deal with South Africa, then we had better begin to establish a relationship with that nation's majority community. That is the very practical side of opposing apartheid, of supporting this bill.

But on a more philosophical note, both Lelyveld and Gordimer point out that terms such as constructive engagement are really only a reflection of the double talk offered by the Botha government. And it is through such double talk that the South African Government intends to put South African blacks in a permanent holding pattern while offering up the illusion that apartheid is being dismantled. Yet, in the last 21 months, 1,650 people have died in South Africa as a result of the Botha government's policies.

Apartheid is not being dismantled, and it will not be dismantled until the heart of the matter is addressed. This is more than a disagreement among races; it is a power struggle. It is a question of who will run South Africa. It is a question of how long the majority community can continue to be suppressed, or worse, ignored. It is a question of how long the majority community will be denied rightful access to the reins of government and a measure of control over their own destiny. The moderates in South Africa are quickly falling away. If there is to be any compromise, any hope of working things out in South Africa, the time to act is now. We can help wake up the Botha government to that reality by passing this bill.

Gordimer believes that sanctions will work. For the moment, I am willing to believe that they can make a difference. It is certainly the least we can do to make certain that the United States is not murky, but clear in its opposition to apartheid.

As Bishop Desmond Tutu said:

There is no room for neutrality. When you say you are neutral in a situation of injustice and oppression, you have decided to support the unjust status quo. Are you on the side of oppression or liberation? Are you on the side of death or life? Are you on the side of goodness or evil?

Clearly, our decision here today will indicate which side we are on, which path we intend to pursue. This Nation has always professed a belief in democracy and equality. We must now put that belief to the test by expressing our unequivocal support for H.R. 4868. We can do no less. In reality, there is no choice. The choice has been made by the Botha government. We are left with little alternative.

There is no place for slavery in the modern world. Those who practice it in any form—as does the Government of South Africa—must be condemned, must be shunned. I urge my colleagues to vote for this historic and most important legislation.

Mr. HOWARD. Mr. Chairman, I rise in support of the Anti-Apartheid Act of 1986. This legislation is an important and necessary step in bringing about the abolition of the apartheid regime in South Africa. The Committee on Public Works and Transportation has jurisdiction over the section prohibiting South African aircraft from landing in the United States, and I am pleased that the legislation on the floor today contains this provision.

This is an important provision because air travel is a major means of commerce internationally, and if we intend to have an impact on the regime of apartheid, a sanction against convenient air travel from South Africa to the United States is crucial. Air travel is also a

highly visible and symbolic means of commerce, so the significance of the sanction goes far beyond the economic value of the air service.

Again, it is most important that we send a strong message to the people and Government of South Africa that apartheid is abhorrent and unacceptable to the American people and that we expect changes in their policies.

Again, I rise in support of this legislation and urge its passage.

Mr. TALLON. Mr. Chairman, we convene once again to debate United States action toward South Africa. Last year, both the House and the Senate overwhelmingly passed legislation imposing economic sanctions against South Africa. Yet the administration derailed this effort by ordering limited economic measures and quiet diplomacy. So we talk but we do not act. And with each year of American inaction, conditions in South Africa worsen.

Violence and Government repression have reached new levels in South Africa. The white minority government has declared a state of emergency giving the police and the military virtually unlimited powers to arrest and jail citizens without charge. The Government has prohibited almost all public dissent, closed opposition newspapers, and banned TV and other press coverage of unrest and police actions. In the first 24 hours of what amounts to martial law, South African police arrested approximately 2,000 opponents of apartheid.

The gravity and desperation of the situation has been confirmed by a report issued by the British Commonwealth Commission which called on the United States and other Western nations to impose strong economic sanctions against South Africa. Without international economic pressure, the commission concluded, South Africa would experience the worst bloodbath since the Second World War.

The incidents of violence, injustice, and inhumanity on the part of the South African Government can, and will, continue so long as South Africa is ruled by an apartheid government which maintains repressive, white minority rule at the expense of a black majority. We cannot give such a system our political or economic support.

We have today the opportunity to participate in our Government's first real step toward actively responding to the deplorable situation in South Africa. H.R. 4868 imposes numerous economic sanctions against South Africa, including a ban on new United States loans and investments, prohibiting the import of South Africa uranium, coal, and steel, and requiring the withdrawal of all United States computer-related investments in South Africa.

These economic sanctions will clearly indicate to the South African Government and the world that South African governance by threat or repression will no longer be tolerated. Through this legislation, we can move to the construction of justice, freedom and hope in South Africa.

Black South Africans seek what most Americans take for granted—liberty, responsive institutions of authority, majority rule and protection of minority rights. To continue supporting a government which denies the most basic of human rights to the largest racial group in its country is to deny the very principles on which our Nation was founded.

The South African Government has clearly indicated that it will not initiate substantive

reform without pressure. It is up to us to forge justice, freedom and ultimately peace in South Africa through support of H.R. 4868. It is a decision that we can no longer ignore or postpone. Bishop Tutu of South Africa has said, "you are either for or against apartheid. You are either on the side of the oppressed or on the side of the oppressor." The issue is clear; I urge all my colleagues to join me in acting on behalf of the oppressed.

Mr. AUCCOIN. Mr. Chairman, there is no question that the White House has a consistent policy toward South Africa. It consistently refuses to impose strong economic sanctions against the Botha government. It consistently ignores pleas for action by moderate black leaders such as Bishop Desmond Tutu. And it consistently uses the fiction of quiet diplomacy as an excuse for inaction.

As the White House fiddles, South Africa burns. More than 1,000 black South Africans have died violently in the past 21 months. Thousands more have been arrested or displaced. The Botha government has carried out military attacks on neighboring states and imposed a sweeping state of emergency at home.

The cries for change in South Africa are deafening, yet the White House does not hear. Violence by the white minority government is widespread, yet the White House does not see. The threat of civil war is rushing closer to reality, yet the White House will not act.

Those of us committed to human rights in South Africa have reached the end of our patience. By passing the Anti-Apartheid Act today, we can announce, loud and clear, that the vast majority of Americans oppose the inhumane system of apartheid.

The legislation calls for a ban on new loans and investment in South Africa, United States landing rights for South African aircraft, assistance in the development of new energy sources in South Africa and export of South African coal and uranium to this country.

If, within a year, the South African Government does not take steps to ensure equal status for the black majority in South Africa and to free Nelson Mandela, the act mandates the disinvestment of United States computer companies in South Africa.

Computers are the technological armor protecting the 20th century police state. Electronic bookkeeping allows South Africa's white minority to control the living conditions, working conditions and travel of the black majority. And U.S. computers are the Botha government's tool of choice, accounting for 70 percent of total computer sales in South Africa. Stopping the sale and production of U.S. computers in South Africa will make it harder to keep the machinery of apartheid running.

Economic sanctions by the United States will not, of themselves, topple the Botha government. They will not bring about a dramatic improvement in the condition of blacks in South Africa. But they are a step toward the dismantling of apartheid—and a step away from the Botha government.

Nearly 90 percent of foreign investment in South Africa comes from Great Britain, the United States, West Germany, France, and Switzerland. By aggressively working with these other governments, the United States could wield tremendous influence over the future course of events in South Africa. But,

again yesterday, President Reagan ruled out any chance that he will act.

I simply don't understand the reasons for this coy policy. In the past, the Reagan administration has been anything but shy about using strong economic sanctions to achieve foreign policy goals. Just ask any citizen of Poland, Nicaragua, or Libya. And the administration hasn't been shy about taking unpopular foreign policy stands without the support of our allies.

But now that we have a chance to work with other nations to form a coordinated policy on South Africa, the White House refuses to budge. Our intransigence stands in stark contrast to actions of other Western nations. Culminating a 6 month effort to bring about peaceful change in South Africa, the Commonwealth Nation's Eminent Persons group last week recommended strong economic sanctions against South Africa. Israel is taking tentative steps away from the Botha government. A United Nations Commission met in Geneva earlier this week to discuss the possibility of sanctions.

Current United States policy can only be construed, by those struggling for their rights, as complicity with South Africa's white minority. By remaining a partner in repression, we weaken our chance to prevent bloodshed in the short term, and to play a part in the long-term development of southern Africa. Is this to be America's legacy?

The United States was founded on the principles of tolerance, freedom, and respect for the individual. When we have held to these ideals, we have achieved our brightest successes—such as the shift toward democracy in Haiti and the Philippines. We should hold ourselves to no less a standard in South Africa.

I urge my colleagues to vote for this vital bill and help put an end to the immoral policy of apartheid.

Mr. BRUCE. Mr. Chairman, I rise today in support of H.R. 4868, the Anti-Apartheid Act of 1986. The continuing denial of rights of South Africans by the South African Government and the lack of good faith negotiations by that government to end apartheid have demanded further action.

It is fitting that the House of Representatives consider this legislation this week as the world mourns the over 600 who died in the Soweto uprising just a decade ago. Pretoria has long promised reform. It is clear, however, with last week's declared state of emergency, the increased violence against the black majority and the severe restrictions placed on the media, that the foundations of apartheid are as strong as ever. It is also clear that the racist form of apartheid cannot be reformed—it must be ended.

Mr. Chairman, as we debate the crisis in South Africa today and this chamber's response to that crisis, I must ask strong consideration be given to the substitute offered by the gentleman from California. Mr. DELLUMS' substitute measure would prohibit any U.S. person or corporation from investing in, importing from, or exporting to South Africa. Equally important, the substitute bill would require the immediate disinvestment of all United States assets currently in South Africa. I support this measure and the sanctions it imposes because the situation in South Africa is rapidly worsening. As a Nation whose princi-



ples are based on a firm belief of justice and liberty, the United States should not wait any longer—we must make our statement clear and we must make it now.

In the words of Coretta Scott King, "Injustice anywhere is a threat to justice everywhere." Through our own struggle, we have the right to vote, the right to be educated, the right to live where we want to live, the right to a fair trial, the right to speak as we believe, the right to a free press, the right to assemble—could we want less for the people of South Africa?

South Africa has reached a critical turning point and the United States has a chance to make a difference in the establishment of a new South African democracy that would represent all its people equally. There is still time for a true democracy to rise from the crisis that now exists in South Africa. We need to take a firm stand immediately to show the people of South Africa, as well as the rest of the world, that the United States will not contribute economic support to a government that does not recognize the human rights and dignity of its citizens.

Mr. DURBIN. Mr. Chairman, we have an opportunity today to take a strong stand against apartheid, the most oppressive and outrageous system of government in the world. I urge my colleagues to join me in sending a strong, clear message to Pretoria to let Mr. Botha and his government know that we in America support freedom, not oppression.

During the past 2 years more than 1,600 blacks have been killed protesting the oppression of apartheid. Pretoria would have us believe that these protests are the result of insurrection by a small band of trouble makers. However, the message from black leaders such as Nobel Prize winner, Bishop Desmond Tutu and Rev. Allan Boesak is clear. The message they convey does not indicate that opposition to apartheid is isolated to a small group of individuals, but that the desire for freedom within the black community has grown stronger than fear of Pretoria's gun.

In April, I received a newsletter published by the South African Government in which, President Botha expressed his interest in negotiating with black leaders. He suggested that if we Americans knew of his sincere efforts to negotiate change, we would work to encourage these actions. Mr. Botha is right about Americans' desire for change in South Africa. In fact, I supported antiapartheid legislation last year in hopes that our actions would help encourage negotiations.

There is little evidence, however, that the South African Government has moved to improve the condition of black life in South Africa. The government continues to detain blacks for political reasons—an estimated 36,000 men, women, and children were jailed in 1985. Over 2,000 children under the age of 16 were detained, more than 200 were killed and many others brutally tortured. In the black townships, thousands of children no longer go to school, fathers and sons disappear into police vans or are shot in the dark streets. If these actions represent evidence of dialogue with the black community, apparently Mr. Botha's definition of negotiation is quite different from my definition of negotiation.

I believe we must overlook the economic advantages of our ties with South Africa and focus on our moral obligation to justice and freedom. The issue is not tribalism or infight-

ing, as President Reagan suggests, but a strong commitment of black South Africans to freedom. As an American, I am empathetic to their goal, and realize that our current policies are ineffective as a tool to influence change in apartheid. I believe passage of H.R. 4868 will send a clear, tangible sign to Pretoria that America will no longer support the oppression and injustice of the black people in South Africa.

Mr. FOGLIETTA. Mr. Chairman, I rise in support of H.R. 4868, the Anti-Apartheid Act. It is my hope that this legislation will do a great deal to encourage the Government of South Africa to negotiate with the leaders of the black majority.

This past Monday marked the 10 anniversary of the Soweto uprisings. The world's eye was once again upon South Africa and we witnessed a country in the throes of civil unrest. Eight people died and the press continued to be denied their freedom of access. The declared state of emergency has separated the people of South Africa into two armed racial camps. The unyielding policy of apartheid has produced this tragic condition.

I have long supported efforts to dismantle the racial policies of South Africa. The use of economic sanctions is a constructive vehicle to pressure the Botha government into action. H.R. 4868 sends a clear message of American intentions: we will not support a government that violates basic human rights. The situation in South Africa grows more desperate each day. A reported 1,650 people have died in the last 21 months of turmoil and I am afraid we have not seen the end of all the bloodshed and violence. As a leading South African columnist noted "South Africa has crossed the line that separates authoritarianism from totalitarian societies."

Let us as Members of Congress remind the oppressed blacks of South Africa that we are committed to the establishment of basic human freedoms. Although this legislation may not immediately resolve the crisis in South Africa, it will remind the Botha government that we will not idly stand by and watch his army deny the majority of South Africa's people their right of self government.

Mr. SHUMWAY. Mr. Chairman, I rise today in opposition to the Anti-Apartheid Act of 1986.

The growing violence and the recent state of emergency in South Africa clearly demonstrate the urgent need for reform. The institutionalized racism of apartheid is contrary to the fundamental values of our society, including the equality and inherent rights of all individuals reflected in our Constitution. The question we must decide today is how the United States can most effectively contribute to peaceful and democratic change in South Africa.

While the international community expresses its moral indignation over the injustice of apartheid, it is up to the people of South Africa to redefine their internal system of government to provide for the participation of all South Africans. The need for sweeping change is complicated by the continuing recession and staggering unemployment. Increasing economic pressures in South Africa will result in greater instability as financial hardship increases, rather than promoting an atmosphere conducive to internal dialog and peaceful reform.

These economic sanctions will victimize the very people we are trying to help. Black South Africans will bear the burden of these measures as their jobs are cut in response to disinvestment and the decline in exports. The International Labor Organization estimates that 2 million black South Africans were unemployed in 1985. Recent estimates published in the Wall Street Journal indicate that the current unemployment rate for blacks is close to 30 percent, with this figure climbing to 50 percent in depressed areas such as Port Elizabeth, and a quarter of a million blacks entering the job market each year.

We will not achieve our goals by decreasing economic opportunity and removing U.S. companies which promote social and economic reform under the Sullivan principles. These principles include desegregation in the workplace, fair employment practices, and equal pay, as well as training, education, health care, and decent housing for blacks.

The Sullivan principles have been endorsed by 161 United States companies which have direct investment in South Africa. These firms represent 89 percent of the work force of United States companies in South Africa. In 1984, the communications task force of the Sullivan signatory companies announced that 99 percent of the companies reported desegregation and 100 percent reported equal pay for equal work. Black wages increased by an average of more than 20 percent per year from 1980-83.

The companies adhering to the Sullivan principles contribute millions of dollars each year to improve the quality of life for nonwhite South Africans. In 1983, U.S. companies contributed over \$6 million to education and training programs for 13,000 black employees, nearly \$3 million to similar programs for 22,000 black nonemployees, \$4.2 million to encourage black entrepreneurship, \$1.6 million for housing programs, and \$1.3 million to improve health care and related programs. By 1983 over 20 percent of the supervisory and management positions were held by blacks. These companies are undermining the foundations of apartheid and providing a model for peaceful reform.

Given the opportunities and the programs provided by United States companies, it is not surprising that the majority of black South Africans oppose disinvestment. Recent polls indicate that over 70 percent of blacks in urban areas oppose disinvestment. The black national African Chamber of Commerce and industry has expressed its opposition to disinvestment as inhibiting economic growth, "which is a powerful catalyst in the process of peaceful social and political reform in the country." In the past 2 years, 46 United States companies have abandoned their activities in South Africa. So far this year 13 companies have withdrawn their investments from South Africa.

As a result of the ban on U.S. exports of computers or computer technology, there would be no further sales of computers used for medical or educational purposes. IBM recently shipped \$30 million of their "Writing to Read" educational system to South Africa for use in black primary and secondary schools. This transactions would be illegal under the bill we are considering today. In addition, this legislation signals the end of the first black-

owned computer company, Power Computer Services which distributes IBM products.

By prohibiting extensions of credit for sales to any South African company, this legislation will virtually terminate our trading relations with South Africa. Recently South Africa attempted to purchase 300,000 tons of United States hard red winter wheat valued at \$40 million to be used primarily to feed Mozambican refugees in South Africa. After being informed that current United States policy precluded the sale, South Africa arranged to purchase wheat from Canada. Refusing to sell wheat to feed refugees in South Africa will not hasten political reform. Indeed this transaction demonstrates the ineffectiveness of economic sanctions when South Africa can purchase similar items from other countries.

For these reasons, I believe economic sanctions will increase the hardship of blacks in South Africa without contributing to the peaceful dismantling of apartheid.

Furthermore, I believe it is premature to impose additional economic restrictions at this time. Less than a year ago the administration imposed economic sanctions against the South African Government. The State Department's Advisory Committee on South Africa is currently reviewing the situation to recommend additional ways in which the United States can encourage reform in South Africa. At the very least, it seems reasonable to first evaluate the effectiveness of the existing sanctions and the recommendations of the Advisory Committee before we take steps which will decrease U.S. influence by diminishing our economic relations.

Mrs. SCHNEIDER. Mr. Chairman, I rise in support of H.R. 4868, which places economic sanctions on South Africa. This legislation is not complicated, and merely strengthens existing sanctions through provisions that:

- Bans new investment in South Africa;
- Bans new loans to the South African public and private sectors;
- Prohibits United States involvement in South African energy development;
- Bans the import of South African coal, steel, and uranium;
- Denies landing rights of South African aircraft;

Allocates \$21 million for community development programs and \$4 million for refugee education; and

Requires American computer companies to withdraw from South Africa and ban the sale of computer hardware and software after one year if the government has not freed Nelson Mandela and other political prisoners and entered into good faith negotiations to establish a new political system.

The question before us is simple. Should the United States encourage further business dealings with a country whose government is based on the racist policies of apartheid? I am certain that there is not one Member of this body who has a single positive thing to say about the systematic denial of rights to the black majority of South Africa.

A more complicated question is whether the most effective way to bring about a democratic rule in South Africa is through the imposition of economic sanctions. We have taken a number of steps to show our displeasure with the South African Government. We have attempted encouragement and cajolery, threats and limited sanctions, all the while looking for a solid sign from the Government of South

Africa that there is a plan to dismantle apartheid. What we have seen instead is the smallest of gestures of appeasement and the total failure to address the core of the problem.

The arguments today have consistently pointed out the immorality of apartheid. Some have argued that compared to other forms of repression, practiced by other governments, apartheid is merely one of a number of government sponsored forms of repression in the world today. I feel that it is important to point out that we must demand adherence to higher moral standards from those we seek to call our friends than those we see as our adversaries.

Do we wish to say to the world, and particularly to the nations of Africa, that we abhor apartheid, but that we are willing to see it continued indefinitely because we fear the result of majority rule, that we fear democracy? Can we ever hope to serve as a model for nations seeking justice if we fail to take action against apartheid?

In every endeavor there is a time for patience and a time for action. When faced with the clear-cut immorality of apartheid, patience is no virtue. Will the sanctions contained in H.R. 4868 hasten the end of apartheid? We cannot know. But the action proposed today provides a positive response to the oppressed in Africa who cry out for a sign of our awareness of their plight. I say that the time for patience has long passed and I ask my colleagues to join me in supporting the imposition of economic sanctions against South Africa.

Mr. LEVINE of California. Mr. Chairman, I rise in strong support of H.R. 4868, the Anti-Apartheid Act of 1986, which calls for economic sanctions against the Government of South Africa.

Mr. Chairman, the U.S. Congress today is presented with an extraordinary and historic opportunity. We can help shape the course of events in a country in which the principles of morality and justice, of freedom and democracy, are routinely denied the vast majority of its people. That country, consequently, continues to edge ever closer to catastrophe.

The present situation in South Africa is horrifying. In the year since Congress last acted on South African sanctions, government repression and widespread civil unrest and radicalization have dramatically increased. In the last 20 months, over 1,500 people have been killed and over 36,000 arrested in anti-apartheid protests. In just the last 3 months, the daily death rate has almost doubled. The South African Government's unyielding stance toward any opposition was illuminated in the recent and brutal raids against Zambia, Botswana, and Zimbabwe, supposed strongholds of the African National Congress.

Just 2 days ago, Mr. Chairman, saw the 10th anniversary of the Soweto uprising. The South African Government, in anticipation of major demonstrations marking that anniversary, implemented the most stringent and far-reaching security measures seen this side of the Iron Curtain. It imposed a nationwide state of emergency which effectively gave the security forces sweeping powers beyond the control of the courts. They can arrest people without warrant; they can conduct searches without a search warrant; and they can shoot on sight. It is estimated that 2,000 people were arrested in the first 24 hours under the new emergency laws. The new decree makes it an

offense to utter what are called subversive remarks, including the call for sanctions and any criticism of the government. All unauthorized political gatherings are banned. And press coverage of any confrontation between blacks and whites—as well as of anyone considered an opponent of the government—has virtually been eliminated. Let all those who apologize for apartheid look no further than these police-state tactics to understand the odious nature of the Pretoria regime.

The government in Pretoria yesterday called its actions successful because only 42 people were killed in clashes with the security forces. Undoubtedly the violence could have been much worse. But it is a sad and sorry commentary on that regime that it requires such brutally repressive measures to control its citizenry, and that the deaths of 42 innocents is considered a success. Even though press coverage of the Soweto anniversary and of the events of the last week has been so severely restricted, we can easily conjure up images of what occurred: South African police rushing defenseless demonstrators, attacking them with clubs, dogs, hoses; arbitrary arrests; and random shooting into crowds. We have seen it all before.

Mr. Chairman, 20 years ago, these same images seared the conscience of America. Blacks who wanted nothing more than to be treated as equals with their white countrymen were beaten for merely demonstrating for that goal. These civil rights struggles of the sixties energized an entire Nation to provide its fellow black Americans with those basic rights guaranteed in the Constitution and enshrined in principles of justice, freedom, and equality. As we watch the situation in South Africa today, we must keep that struggle in mind, for it is equally incumbent upon us to take a stand against the repugnant system of apartheid, which allows a minority of 4.5 million whites to deny 22 million South African blacks their fundamental human rights: the right to vote; the right to live where they choose; the right to be treated as a full citizen in the land of their birth.

The bill we are debating, H.R. 4868, represents the best hope of turning South Africa away from bloodshed and towards a nonviolent political settlement in that troubled country. It builds upon the action this body took last year by:

Prohibiting new loans and investment to South Africa;

Barring the importation of South African uranium, coal, and steel;

Prohibiting the use of U.S. technology or services to develop new energy sources in that country;

Denying landing rights to South African aircraft;

Barring United States firms from mining and exporting natural resources from Namibia; and

Requiring the withdrawal of all United States investments in South African computer businesses and prohibits the export of computers to that country after 1 year.

The sanctions imposed by the bill could be terminated if the President reports to Congress that the South African Government has dismantled apartheid or has freed all political prisoners, including Nelson Mandela, and has begun good faith negotiations with representative black leaders.



I also lend my support to the Dellums amendment in the nature of a substitute to H.R. 4868, which is similar to H.R. 997 as introduced by Representative DELLUMS last year.

The Dellums substitute goes further than H.R. 4868. It calls for immediate divestment by United States firms in South Africa and Namibia, suspends all trade between the United States and South Africa except for strategic minerals, cancels landing rights for South African aircraft, permanently bans Krugerrand imports, and bars tax credits and deductions for income and profits received from South Africa.

Either version would make the United States a force for constructive change in South Africa, rather than for the failed policy of constructive engagement. It would move us away from a policy where we have merely helped perpetuate the status quo. It puts us squarely on the side of those South Africans committed to justice and peaceful change, of the British Commonwealth, and of other nations trying to force political negotiations now.

In the past year nearly all the most respected and moderate voices in South Africa—such as Bishop Desmond Tutu, the South African Council of Churches, and the United Democratic Front [UDF]—have appealed to Western countries to impose new economic sanctions to pressure Pretoria before it is too late. Contrary to the critics of this legislation, these sanctions will not hurt blacks in South Africa. In fact, it is the blacks themselves who are calling most strongly for sanctions. Bishop Desmond Tutu wrote in Monday's New York Times that over 70 percent of South African blacks support sanctions. As he so eloquently stated, "We are suffering already. To end it, we will support sanctions, even if we have to take on additional suffering."

Those who say we should take more moderate steps than sanctions ignore the fact that our policy of constructive engagement has been an abysmal failure, and has merely emboldened the South African regime to crack down further on internal dissent and to ignore black leaders' call for negotiations. Some argue that sanctions will merely increase the resistance of Pretoria to change. But if there is no pressure from the outside, what incentives are there to change? Indeed, one can certainly respond that whatever progress has been made in South Africa stemmed only from the South African Government's fear of economic isolation. As the influential Afrikaner editor, Willem de Klerk, recently wrote: "The West has the power to do us considerable damage and if our economy is affected we will become increasingly politically defenseless. . . . It is simply not a paying proposition to defy the West with stupidities."

Critics argue that the South African Government has already taken positive steps toward dismantling apartheid. While we should certainly applaud the abolition of the hated pass laws, we have seen no inclination on the part of Pretoria to deal with the major issues of continued white political domination and enduring segregation of residence such as homelands. In fact, I would say that the program of reform is not designed to end apartheid but to give it a more human face.

Finally, is it not hypocritical to support sanctions in Libya, Nicaragua, Poland, while shying away from such action against South Africa? We are at a critical juncture. A British Commonwealth commission seeking to bring about

peaceful negotiations in South Africa—the eminent persons group—recently wrote that strong international economic pressure was the only way to prevent an all-out race war in South Africa that could result in the worst bloodbath since the Second World War. Can we afford to wait any longer to act?

In conclusion, Mr. Chairman, the political case for sanctions against South Africa now is compelling. The moral case for such action is overpowering. American interests and American values are at stake. The South African Government must realize that no amount of force can control the aspirations of millions to be free. We must do all that we can to ensure that black South Africans are free, free from tyranny and free from fear, and that they are free to determine their own destiny. This bill will set forces in motion which will assist that process. I urge my colleagues to support it.

Mr. GILMAN. Mr. Chairman, I rise in support of the legislation as reported by the Committee on Foreign Affairs. Earlier, in the consideration of this bill, I doubted whether applying additional sanctions would be a proper course of action.

Based on the recent behavior of the South African Government, however, which has brutally suppressed its internal opposition and given other indications that its commitment to the eventual dismantlement of apartheid is weakening, I feel that the House should proceed to pass the committee-reported legislation to impose prohibitions on new investment in South Africa, to end sales of computers to South Africa, and to ban purchases of certain goods from South Africa.

Mr. KILDEE. Mr. Chairman, as a cosponsor of this legislation, and as a cosponsor of H.R. 1460 which the House passed last year, I rise in strong support of H.R. 4868, the Anti-Apartheid Act of 1986.

The policy of apartheid in South Africa has resulted in unbelievably cruel, repressive, and inhumane acts by the South African Government against the overwhelming majority of the South African people. Such State-perpetrated activity is in direct conflict with the ideals of self determination and personal freedom which we Americans hold dear. Those in our Government who support sanctions against the South African Government do so because we feel we should not even indirectly condone the abhorrent domestic policies of that government. But aside from the morality of supporting change in South Africa, a laissez-faire policy toward South Africa is also unwise on practical grounds. Eventually apartheid will collapse. If we are perceived to be on the wrong side we will have little or no influence with the new majority government in that country. The consequences of that would be grave.

Last week, the Government of South Africa imposed its most oppressive measures ever against the black majority of South Africa, resulting in the imprisonment of thousands of citizens without formal charges, the banning of all forms of public dissent, the closing of newspapers, and the barring of the international press from coverage of political and social events. At this period of transition in the history of South Africa, we must do everything we can to promote the peaceful transition to freedom for all the citizens of that nation. If we can provide peace and justice by exerting economic pressure, then we should undertake

economic steps towards bringing about change there.

Government repression and violence have reached new heights in South Africa. The white minority government has declared a "state of emergency" which gives the police and the military virtually unlimited powers to arrest and jail citizens without formal charge. Sources of opposition to the oppressive government have been forcibly closed or violently eliminated. Within 24 hours of the government's declaration of an "emergency state," more than 2,000 opponents were arrested, and hundreds of blacks have been killed by security forces. Most unfortunate of all, the misguided Government of South Africa appears to be headed in the wrong direction.

Mr. Chairman, H.R. 4868 is based on the premise that foreign governments are not automatically entitled to close economic and cultural ties with the U.S. Government, and that we should reserve such ties for nations that adhere to at least a minimum respect for human rights and individual dignity. All of us oppose totalitarianism of the left and the right. The apartheid of South Africa and the gulags of the Soviet Union are both offensive to human dignity. We must balance the substance of all these offenses with the hope of actually achieving some remedy through a particular strategy or policy.

As we examine our strategy in dealing with apartheid, the question we must ask is what can we do here in the United States that will communicate the position of this country to the people and Government of South Africa. How can we back up our words with action?

Mr. Chairman, I believe that without international pressure of some sort, there is little hope that the Government of South Africa will act responsibly and seek to peacefully resolve the crisis that it now faces.

H.R. 4868 will accomplish two purposes. First, it will provide the Pretoria government with a tangible example of the opinion of the people of this Nation. Second, it will unite the voice of America to that of other countries to persuade the South African Government to enter into meaningful negotiations with representative leaders of the black majority.

It is noteworthy that almost every individual that South African blacks recognize as a leader is calling for new punitive economic sanctions to force political negotiations. Even multiracial groups—the South African Council of Churches, and most recently the Southern African Catholic Bishops Conference—are also appealing for increased economic sanctions.

Enactment of this bill will place the United States on the same side with those South Africans and international forces that are committed to justice and peaceful change. Nearly all of the moderate voices in South Africa have appealed to Western countries to impose new economic sanctions to apply pressure on the Pretoria government while there is still time to negotiate. The black population in South Africa is calling out for new economic sanctions. They insist the long-term benefits of sanctions far outweigh any limited economic costs.

For 6 years now, the administration's policy of constructive engagement has provided little if any progress. The oppression and violence of the South African Government has in fact increased under this construction. Obviously,

some other measures are necessary. This bill's sanctions will have a tangible impact on the South African regime, and will give credibility to America's moral condemnation of apartheid. I strongly urge my colleagues to give their support to this important, and tangible piece of legislation.

Mr. BIAGGI. Mr. Chairman, as a cosponsor of the pending legislation, I rise in strong support and make and urgent plea that the House today pass the Anti-Apartheid Act of 1986. I can think of no greater political and moral evil in the world today than apartheid, and can think of few more compelling issues for us to act on than to impose pressure to end apartheid in South Africa.

This is not a new undertaking on the part of the House of Representatives. We have already been registered on this issue when we passed H.R. 1460. We have already gone on record in support of the need to impose meaningful and direct economic sanctions on the Botha regime in South Africa for the purpose of putting appropriate pressure on his government to end this policy.

The bill before us today would impose broad and sweeping sanctions on South Africa. It would prohibit new loans and investments; bar the importation of South African uranium coal and steel; prohibit the use of United States technology or services to develop new energy sources in that country; deny landing rights to South African aircraft; and bar United States firms from mining and exporting natural resources from the South African controlled territory of Namibia.

The legislation does provide for a termination of the sanctions if the President certifies to Congress that South Africa has taken steps to dismantle apartheid, or has freed all political prisoners and has begun good faith negotiations with representative black leaders.

I challenge those who would contend that these measures are too strong, too punitive. Let us consider the system they are directed against, apartheid—government sanctioned discrimination of all types against the black majority in South Africa. These are sanctions aimed at advancing a nonviolent political solution to the problems in South Africa. Are we going to argue that economic sanctions are more punitive than the repressive state of emergency imposed by the Botha regime? Of course not. In fact, if those who are troubled by sanctions are so concerned, they should examine the relationship that exists or that could exist between sanctions and an end to apartheid, and they might change their mind.

Our action today also emanates from frustration over the administration's approach for dealing with South Africa—a policy commonly referred to as constructive engagement. What has it accomplished over these past 6 years? Have they put a stop to the institutional violence in South Africa? No. Has constructive engagement put an end to the government's crackdown on political dissent in South Africa? No. Has constructive engagement resulted in an improvement in the desperate economic conditions confronting blacks in South Africa the answer again is no.

Then why continue the policy? Constructive engagement is a paper tiger. It involves rhetorical opposition to apartheid. It does not involve meaningful activity that could actually lead to its abolition.

To the oft-stated argument by the administration that sanctions will affect the same

blacks in South Africa that we are trying to help, I must strongly disagree. Many leaders in the black community in South Africa, including Bishop Desmond Tutu, support the kinds of sanctions proposed in this legislation. They recognize that the long-range goal of sanctions—pressure to affect change and an end to apartheid—far outweigh any short-term economic problems that may develop.

The situation involving South Africa takes on special and immediate urgency due to the increased tensions which mark the 10th anniversary of the Soweto uprising. This event, much like the bloody march at Newry in Northern Ireland, is considered a catalyst in the escalation of government control over the people. The Soweto uprising signalled a raising of the world consciousness about South Africa and apartheid. The 10th anniversary observance should remind the world that there is much more that must be done if we are to, in fact, eliminate apartheid.

I believe there is a universal sense in this Nation that we share a moral indignation over apartheid. Yet, the question is how do we translate this into meaningful action. How do we transform our current policy in South Africa from being one of constructive engagement to one which will actually affect change? It is time that we took the lead and established the moral standard rather than avoid the issue.

If it is a question of approach, let us err on the side of action. The time for caution has come and gone in South Africa. While the United States fiddles, the Botha regime flourishes and with that comes a strengthening of apartheid. Let us return to the approach advanced so courageously by President Carter. Using his doctrine of human rights, he embarked on a policy which included tighter restrictions on United States exports, to South Africa as well as imposing an embargo on the sale of goods and technical data to its military and police. It also banned the sale of computers. Simply put, it backed up a policy with action. That is what we must do today and that is, in fact, what we will do today if we pass H.R. 4868.

I urge passage. The consequences of our inaction are being felt each and every day in the violence and discrimination which is a part of daily life in South Africa today.

Mr. LUNDINE. Mr. Chairman, I rise today in support of H.R. 4868, the Anti-Apartheid Act of 1986.

All of us are opposed to the terrible and immoral system of apartheid that hangs over South Africa. I do not believe that there is any question that the American people, United States Government, or even the myriad of American corporations presently conducting business in South Africa would like to see apartheid ended and a fair and representative system of government put in place.

Mr. Chairman, today the House is considering legislation which will, I believe, go a long way toward pressuring the government in Pretoria to end apartheid. This legislation also makes clear that America will not endorse or condone a system of repression such as that which exists in South Africa today. Last year, both the House and Senate voted overwhelmingly to pass legislation which imposed economic sanctions against South Africa. I was a cosponsor of last year's legislation, and I am a cosponsor of H.R. 4868.

Last year, although both Houses of Congress voted to impose economic sanctions on

South Africa, the Reagan administration chose instead to put in place very limited economic measures against that country and to stand by its policy of "constructive engagement." Under the most tragic of circumstances, it has become clear that the administration's policies toward South Africa have not succeeded in either ending apartheid or increasing stability in the area.

The situation in South Africa is now critical. Recently, a British Commonwealth Commission called on the United States and other Western nations to impose strong economic sanctions against that country. This prestigious Commonwealth group stated that without international economic pressure there is little hope that the South African Government will act responsibly to resolve this acute crisis. The group concluded that unless some action is taken soon by the Western nations, an all-out war in South Africa is virtually inevitable.

As the crisis in South Africa deepens, arguments against economic sanctions become increasingly meaningless. The economy of South Africa will only deteriorate if the present state of social unrest continues to exist.

Mr. Chairman, I recognize that many American companies that do business in South Africa have been at the forefront of social progress in that country. Many corporations have introduced improvements in working conditions for black employees and have instituted more equitable promotion policies. These reforms, however do not change the fact that the overwhelming majority of black South Africans support economic sanctions, even if such sanctions mean that they themselves will suffer in the short term.

Our Government has imposed economic sanctions against other countries. We have applied them to Poland and to Nicaragua, and most recently to Libya. In my opinion, the moral and practical arguments for imposing sanctions against South Africa are as strong, indeed stronger than the arguments for imposing sanctions in any of these cases.

In an article which appeared recently in the New York Times, South African Bishop Desmond Tutu wrote:

There is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left, and it is a risk with a chance.

I hope my colleagues will join me in supporting the legislation before us today, and once again make the will of Congress known on this important moral issue.

Mr. RODINO. Mr. Chairman, I rise as an original cosponsor of H.R. 4868, the Anti-Apartheid Act of 1986, to express my deeply felt belief in the necessity of this legislation and the urgency with which we must act on it.

I am dismayed to realize that just over a year ago, on May 21, 1985, I spoke similar words in support of H.R. 1460, and Anti-Apartheid Act of 1985, which contained many provisions now incorporated in H.R. 4868. As we all know, last year both the House and Senate gave overwhelming support to economic sanctions against South Africa, but final congressional action by the Senate on the conference report was forestalled by the President's last-minute action ordering very limited economic measures.

It is more evident than ever, one year later, that the administration's policy of constructive engagement is a total failure. It really consti-



tutes a constructive avoidance of actions necessary to peacefully bring about majority rule in South Africa. The situation in South Africa is tragic. Under the state of emergency proclaimed by President P.W. Botha's regime, over 2,000 black political and trade union organizers have been imprisoned, people are being killed, and the pattern of repression and brutality has intensified. The incredible press restrictions, designed to prevent the rest of the world from learning the sad facts of life there today, are a stark admission of the Botha government's refusal to work toward abolition of apartheid and of its contempt for democratic values.

The bill prohibits loans or credits to the South African Government and its entities and bans new investment, direct or indirect, in South Africa. Banks owned or controlled by South African laws or nationals would be prohibited from establishing branches or agencies in the United States. It also prohibits contributions of technology or technological information, training or services of any kind to the development of new energy sources for South Africa; bans the importation into the United States of South African uranium, coal and steel; prohibits landing rights for South African aircraft in the United States; and bans exploration, extraction, processing, or trade of natural resources from Namibia.

Under the bill there is a ban on investments in South African computer businesses and on computer exports to South Africa after 1 year, unless apartheid is dismantled or Nelson Mandela and all political prisoners are released and the South African Government negotiates in good faith with representative leaders of the black majority. Failure to meet either of these two conditions within a year would require disinvestment of all United States interests in South African computer businesses and an end to export of any computers or computer technology to South Africa.

The bill provides up to \$25 million in aid for South Africa, including \$4 million for refugee education assistance and \$21 million for community development projects selected and controlled by disadvantaged South Africans.

The message we convey in H.R. 4868 is clear: Americans no longer intend to subsidize apartheid, and we are willing to apply the type of pressure that will encourage political negotiations to achieve a just system by peaceful means. We must act before it is too late, while the nonviolent movement remains viable. As Bishop Desmond Tutu said recently, "There is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left, and it is a risk with a chance."

Mr. Chairman, the foundation of American democracy is based on a moral principle deeply ingrained in our Nation—that everyone is equal before the law. It is this principle that separates a nation of laws from a lawless nation. Today this principle is subverted in South Africa, with brutal force and repression being used to perpetuate the system of injustice and lack of freedom that is apartheid.

Mr. Chairman, I believe that our Nation has only one course of action: to end our appalling silence and inaction and demonstrate our moral convictions with legislation that can have an impact. Every day that we delay, the situation in South Africa grows worse. Now is the time to act. I urge the passage of H.R. 4868.

Mr. RAHALL. Mr. Chairman, I rise in strong support of H.R. 4868, the Anti-Apartheid Act of 1986, and especially its provision to ban the importation of South African coal into the United States.

In recent years, we have witnessed a growing amount of foreign coal entering the United States. This imported coal has an unfair advantage over domestically produced coal primarily due to the lack of adequate health, safety, and environmental standards in the exporting countries. South Africa, which since 1980 has exported over 4.5 million tons of coal to the United States, is a prime example of this situation.

Using what constitutes as slave labor, South African coal miners are forced to mine coal deep underground with virtually no protection for their health and safety. Employers in South Africa are not concerned with safety as witnessed by the fact that more than 600 people die in their mines every year.

As we all know, South Africa engages in constitutional racial discrimination and its official government policies toward black workers are the very antithesis of accepted practices in this country. As the president of the United Mine Workers of America, Richard Trumka, recently noted: "Our citizens enjoy the benefits of a society dedicated to justice, equality, and compassion. The black miners of South Africa reap a bitter harvest of discrimination and abuse."

Mr. Chairman, the United States should not be supporting the racist Government of South Africa by importing its coal. Those who argue that South African coal is cheaper are placing a shamefully low price on human freedom. I urge my colleagues to support this bill.

The CHAIRMAN. All time of the Committee on Foreign Affairs has expired.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI], the chairman of the Committee on Ways and Means, for 7½ minutes, and recognizes the distinguished gentleman from Illinois [Mr. CRANE] for 7½ minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. ROSTENKOWSKI. Mr. Chairman, H.R. 4868 introduced on May 21, 1986, was jointly referred to the Committee on Ways and Means as well as three other committees of the House. The only provisions of direct jurisdictional interest to the committee, however, are the prohibition on imports of coal, uranium ore and oxide, and steel from South Africa in section 3 of the bill and the ban on imports of natural resources from Namibia in sections 3 and 7 of the bill.

On June 11, the Committee on Ways and Means ordered H.R. 4868 favorably reported by voice vote with one amendment. This amendment is made in order under the rule as a substitute for the text of section 3 of the bill. It amends the headnotes to the tariff schedules of the United States to implement in a more effective manner the import prohibitions on South

Africa proposed in the original bill and the additional restrictions on Namibia proposed by the Committee on Foreign Affairs. The purpose of the amendment is to specify the particular products to be covered by the import prohibitions in the tariff schedules in order to ensure proper administration by the U.S. Customs Service at ports of entry. This treatment is consistent with normal legislative practice, rather than delegating the authority to the President to designate product coverage through regulations, as provided in the introduced bill. The amendment would also provide the normal 15-day notice period to the trade before the import prohibitions take effect.

The Committee on Ways and Means believes that an import prohibition on the particular products covered should be included in the bill as a form of economic pressure on the South African government to dismantle the apartheid system. Trade in the particular products chosen are important to the South African economy, but this prohibition will not have an adverse effect on the United States.

The committee considered and reported the import prohibition only on certain specified products, as proposed in the original bill, in a time frame to comply with the leadership's schedule for early consideration of the bill. The committee did not have time to consider the implications of a much broader total ban on imports from South Africa, which may affect U.S. producers who depend upon certain raw materials in short supply in the United States. Therefore, I will oppose amendments which prohibit all imports from South Africa.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Ohio [Mr. GRADISON], a member of the Trade Subcommittee of the Committee on Ways and Means.

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

Mr. GRADISON. Mr. Chairman, I rise, as an original cosponsor, in support of H.R. 4868, the Anti-Apartheid Act of 1986. The continued violation of fundamental human rights and dignity that occurs daily in South Africa has commanded the attention of the American people. Just over 1 year ago, the House acted favorably on a bill to impose certain limited economic sanctions against South Africa. Many of the sanctions proposed in Congress were incorporated in the President's Executive orders of September 9 and October 1, 1985.

As a result, among other sanctions, the United States prohibited new bank loans to the South African Government, barred the export of computers and related equipment for use by the South African military and police, and banned the importation of Kruger-

rands into the United States. The legislation currently under consideration strengthens these measures by prohibiting new American investment in South Africa, and ending the importation of South African coal, uranium, and steel into the United States. If certain basic steps toward dialog and internal political reconciliation are not undertaken within a specified timeframe, the bill provides for additional sanctions.

During the debate in the last session of Congress, several Members noted that certain positive changes, albeit incremental, had taken place on the South African landscape. Those reforms, however, did not address the central issues involved in the evolution of South Africa toward a more open, just, and democratic society.

Ironically, what could have been labeled as minimal progress has been lost entirely in a spiraling cycle of violence over the last 2 years. In February of this year, the South African Government lifted the state of emergency it imposed in July 1985 in response to riots in the Eastern Cape townships. The most recent unrest in Crossroads, leading to the reimposition of a state of emergency, is emblematic of the indiscriminate violence that threatens to engulf moderate opinion in South Africa.

In the last 21 months, over 1,600 people have died in the escalating civil conflict. Within the last year alone, over 36,000 South Africans have been arrested and detained on grounds of involvement in antiapartheid activities. Sporadic raids by Pretoria on its neighbors have done little for the security of the region.

Against the background of these events, the House is considering strengthening American economic sanctions. Much of the debate today has focused on the effectiveness of economic sanctions in dealing with the South African problem and whether or not the imposition of added restrictions harms the average South African more than can be justified.

Economic sanctions are a policy option that has been exercised by the United States against a number of nations whose foreign policy or internal behavior we have sought to influence. Various economic restrictions have been imposed, for example, on the Soviet Union, Cuba, Iran, and Chile. In response to its role in international terrorism, the United States has imposed sanctions against Libya which require total divestment by American firms from that country. In addition, the United States maintains economic restrictions on Nicaragua in the face of wide international criticism.

It is a disingenuous argument to assert that further American sanctions against South Africa ought not be tried because they are liable to harm the people. The issue for the House is whether the restrictions in this bill will promote the chance of peaceful change in South Africa. It is my belief

that further economic restrictions undertaken by the United States would be a significant addition to the recent moves along these lines by several of our allies, including France, Canada, Australia, and Denmark. Multilateral sanctions will obviously be more effective than unilateral action. The restrictions in this bill represent an opportunity for the United States to reassert its leadership on this question.

We have reached a critical juncture. For over 25 years, the potential for a destructive civil conflict has been brewing in South Africa. Absent significant change initiated by the South African Government to end the system of apartheid, South Africa, and perhaps the entire region, may be plunged into prolonged strife that can only diminish further the viability of an open and democratic society.

"Constructive engagement" was a policy that had to be tried, but has yielded few tangible results. A tightening of economic restrictions, short of total divestment, by the United States will serve as an incentive for South Africa to modify gradually, and eventually change, its social and political system to the benefit of all South Africans. The alternatives for South Africa leave no other choice.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MILLER].

(Mr. MILLER of Washington asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Washington. I thank the gentleman for yielding time to me.

Mr. Chairman, as one of the original cosponsors of the Anti-Apartheid Act of 1986, I strongly urge my colleagues to pass this legislation now.

Apartheid is an evil and repugnant system that oppresses the most basic human rights. But South Africa is not the only evil and repugnant political system in the world. Why, I am asked by colleague and constituent alike, why are we singling out South Africa. This is a question that deserves an answer.

First as Americans, we are painfully aware of the damage and havoc caused by entrenched and institutional racism. And when the oppressed group is the overwhelming majority rather than a minority, the potential for bloody chaos increases exponentially.

But not only apartheid is morally wrong, it is strategically stupid. So self-interest compels us to seek a swift end to apartheid in South Africa. We know that the white minority regime cannot win its struggle to maintain its position of privilege. But the regime's implacable opposition to real change, its refusal to negotiate seriously with responsible black leaders and its increased repression of peaceful demonstrations is squeezing out the democratic center in the opposition. Under these circumstances, at best we can expect an all out civil war, at worst a

Communist-dominated revolution. We must act now to avert this scenario. We must apply pressure so that the South African Government accepts the inevitable and begins serious negotiations with the opposition.

With this pressure however, we are not singling out South Africa. The limited economic sanctions imposed by this bill are consistent with current American foreign policy as it relates to some 20 countries in the world. In fact, we have imposed total economic and political sanctions against five of these nations—Nicaragua, Libya, North Korea, Cuba, and Afghanistan. So we are not breaking any new ground here. And we do not impose these limited sanctions hastily. Only after decades of failed diplomatic initiatives of failed persuasions, are we finally imposing a foreign policy tool that is consistent with our position as leader of the free world. We can only hope that it is not too little too late.

Finally, this is not only an antiapartheid bill, it is a prodemocracy bill. Provisions in this legislation will distance us from the hated system of apartheid, while allaying more closely with South Africans who are promoting peaceful democratic change. By building on my original amendment to the 1986 Foreign Assistance Act, this bill provides funds to nongovernmental community based groups who are working for a peaceful transition to a democratic government. It also provides funds for educational scholarships and vocational training for black South Africans.

Time is running out in South Africa. Unless the parties start serious negotiations now to end apartheid, the day will come when we are faced with a horrible choice between a racist police state and a Communist-dominated revolutionary regime. That would be bad for us and worse for South Africans. Today there is another choice: Peaceful democratic change and we should support all efforts to bring about such change.

Mr. CRANE. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, in this debate, as I indicated earlier, we are not in disagreement over the repugnance of the policy of apartheid, rather it is a question of how we arrive at our mutual goals and how we do it in a selective way that is calculated to guarantee that we bring about the desired result. I am opposed to this legislation because I do not think it is calculated to achieve to desired benefits. I think there are unintended consequences of this legislation that ought to be considered.

Amongst other things, there are two independent countries that have never been a part of South Africa, Lesotho and Swaziland, that are, nevertheless, quite dependent upon the South African economy, and their economies would be injured almost proportionate to the degree of economic injury that



we would be imposing on South Africa if this legislation were to pass.

In addition to that, I am puzzled, frankly, Mr. Chairman, over the inclusion of Namibia. Namibia has a transitional government in place right now, and that Namibian Government has abolished apartheid. There is no apartheid in Namibia. In addition to that, they have moved toward reconciling the entire country, and they have labored to remove any vestiges of discrimination. They have also recognized the six major political parties.

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Namibia exports to the United States as well. At the very least, Namibia should have been excluded if we were attempting to direct our wrath against that one government which is guilty of practicing apartheid. Beyond that, there are trade considerations too that we ought to bear in mind.

First of all, this is a unilaterally protectionist action that we have taken here and it is illegal according to the General Agreement and Trade and Tariffs. There is also a very real possibility that it will invite retaliation on the part of South Africa. The retaliation I am talking about is in the exportation of strategic minerals to the United States.

There are a vast number of strategic minerals that we are dependent upon for our national security that are currently imported from South Africa and if denied access to those metals our only other source would be the Soviet Union. Remember, we did that in the case of Rhodesia some years ago to our own disadvantage.

I would urge, therefore, Mr. Chairman, that Members reject this bill however well-intentioned the legislation may be.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. I thank the gentleman for yielding me this time.

Mr. Chairman, I have listened to the debate here from the beginning. It has been said that economic sanctions will hurt blacks in South Africa. Blacks in South Africa answered that argument with their overwhelming support of the nationwide strike.

It has been said that blacks in South Africa are divided. The divide and conquer method was tried by the British rules of India in the 19th century with tragic results.

It has been said that economic sanctions will not work. That would be true only if Western nations are divided.

It has been said, I heard Mr. Botha say on television this morning, that the turmoil in South Africa was the result of a Communist plot. I doubt if millions of oppressed blacks in South Africa have ever heard of the Communist Party of South Africa.

The ultimate test of commitment is conduct. Constructive engagement has become destructive default. It is time

for sanctions, not inaction. There has been much talk in Washington about standing tall. Thus far, the U.S. Government has come across much more as a moral pigmy.

I ask this question to those on the other side of the aisle: Why should the party of Lincoln have to be dragged into activism on this issue? That was too often true in the civil rights struggle in the 1950's and 1960's in the United States. It should not be true now of civil rights across the seas in South Africa or anywhere else.

Mr. CRANE. Mr. Chairman, I yield such time as he may consume to the gentlemen from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding me this time.

Mr. President, the previous gentleman in the well indicated that the Communist threat might be a red herring because the people, most of them over there, have never even heard of the Communist Party. I might remind the gentleman that in every country that has gone Communist, it has been a very small clique of Communist radicals that have led the revolution and put that country into the Communist column.

This includes the Soviet Union. As part of the Bolshevik Revolution in 1917, there were very small numbers of Communists, but they were able to grasp control of that country and of course we now see that hundreds of millions of people are under the heel of Communists. So the same thing could very easily happen in South Africa.

I would like to just go back to a couple of points that were made previously by my colleague from Illinois. A number of leaders in South Africa oppose the economic sanctions, and I would like to read a couple of quotes.

Mr. Buthelezi, chief of the Zulus, said:

The actual implementation of the disinvestment campaign would be useless unless it hurt the economy, and if it hurt the economy, blacks would suffer more than the whites. The disinvestment campaign is not only detrimental to the interests of black South Africans, but ultimately detrimental to the interests of blacks in the whole of the subcontinent.

Mr. Lucy Mvubelo, president of the National Union of Clothing Workers, one of the largest black unions, on March 31, 1985, said this:

Those in our country who urge a boycott of South African goods and the disinvestment of Western capital are simply a small fringe of revolutionaries. They realize that the basic conditions from which the revolution can rise do not exist, thus the world must create it. Who will suffer? Clearly, the greatest hardship would fall on my people, the black people. They will be the first to lose their jobs. They will be left to die of starvation. They will be the first to be killed in the revolution.

Now then, you say, "Let us go directly to the people." A poll was taken. A poll was taken in March 1986, a poll of

blacks in urban areas in South Africa; 67.7 percent—over two-thirds—were opposed to these economic sanctions that some Members want to impose today. When they asked the question, as my colleague from Illinois mentioned a while ago, "If you were to lose your job, would you change your opinion?" that percentage went up to 73.8 percent. Almost three out of every four blacks were opposed to these economic sanctions.

My colleagues, I think we need to re-evaluate our position. We are all against apartheid, but this is not the way to end it.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL].

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

Mr. FRENZEL. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the bill. The Congress and the American people, in word and deed, should make it clear that apartheid is antithetical to American values. Apartheid is an unjust and inhumane system. Indeed, there has been no argument raised in the House in defense of apartheid in my memory.

However, the question posed by H.R. 4868 is not whether apartheid is good or bad. The question is whether the economic sanctions imposed under this legislation are an effective and proper way to accelerate the demise of apartheid peacefully and to the benefit of all the people of South Africa.

Although the majority of the House appear to believe that the further harsh sanctions contained in H.R. 4868 is good policy, I regret that I do not agree. Such sanctions likely will not lead to the ending of apartheid, but may very well destroy South Africa's economy, leaving the field open to both black and white extremists.

Secretary Shultz, in a letter to the Congress, date June 10, said, "We do not believe it should be our purpose to harm the South African economy; nor do we believe that such action will hasten the end of apartheid." The Secretary went on to express concern that proposals such as H.R. 4868 actually will have the opposite effect than intended. I am afraid that I must agree. Such actions are likely to harden positions and promote violence while we are seeking moderation.

We must take on the uncomfortable responsibility of considering H.R. 4868 with a cool head so we don't hurt those who we most want to help.

For example, under H.R. 4868, a black education program, the Writing to Read Program, will be prohibited from using IBM computers. The bill's ban on investment in South Africa would prevent black businesses from securing a U.S. partner and adequate financing to get off the ground.

Along with these unwise sanctions, H.R. 4868 includes provisions which would harm U.S. businesses unnecessarily. This bill would prevent U.S. semiconductor and computer firms from selling to anyone who might resell to South Africa. It would punish unwary U.S. investors who happen to buy stock in any U.S.

company with an economic relationship with South Africa. The import ban, which is effectively on all South African products, would foist severe supply restrictions on unsuspecting U.S. firms. We will hear from these companies only after H.R. 4868 is passed.

We can disagree about past practices, but U.S. businesses in South Africa currently are powerful influences to end apartheid. Integration of U.S.-owned workplaces is taken for granted and our companies are moving into extensive advertising campaigns and actions of civil disobedience aimed at pressuring the South African Government into dramatic reforms. We could work to put these folks out of business as this bill would do and extricate ourselves from the situation. Giving up our tools of positive influence may make us feel better in the short run but it paves the way for a bloody conflict.

Our ability to exert pressure for change is desperately needed. I urge my colleagues to defeat H.R. 4868.

The CHAIRMAN. All time of the Committee on Ways and Means has expired.

Under the rule, the gentleman from Rhode Island [Mr. ST GERMAIN] will be recognized for 7½ minutes and the gentleman from Ohio [Mr. WYLIE] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Rhode Island [Mr. ST GERMAIN].

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

Mr. ST GERMAIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, America's strength around the world rests on its moral leadership. It is derived not from our arsenal of weapons, but from the world's belief that we, as a people, stand for human dignity and that we will use our leadership to oppose those who stifle human rights.

This week, the House of Representatives will take up H.R. 4868, legislation which would place broad economic sanctions on South Africa—sanctions designed to force that government to enter meaningful negotiations leading to a sharing of political and economic power with that nation's black majority.

Last week, the Banking, Finance and Urban Affairs Committee, along with three other House Committees, gave its endorsement to the legislation.

Mr. Chairman, this week's vote on H.R. 4868 will be an opportunity for this House to renew and reaffirm America's moral leadership.

H.R. 4868, the Anti-Apartheid Act of 1986, stands in sharp contrast to the timid policy of the Reagan administration, a policy clearly based more on wishful thinking than on the harsh realities of South Africa.

The administration's insistence on quiet diplomacy—the so-called constructive engagement—creates no real pressure for change in South Africa. For that repressive regime, quiet diplomacy translates into “business as usual.”

Cruel repressive regimes down through history have existed because other nations and other peoples turned the other cheek in the face of evil.

If we repeat that mistake in South Africa, we must share in the responsibility for the bloodbath that appears likely if change does not come about through pressure on the Pretoria government.

In 1972, the then South African Prime Minister, John Vorster, boldly stated:

Each trade agreement, each bank loan, each new investment is another brick in the wall of our continued existence.

H.R. 4868 would make certain that we do not add new bricks to the wall protecting apartheid.

Mr. Chairman, some oppose the sanctions on the grounds that they would work economic hardships on the blacks in South Africa. But the evidence coming out of South Africa suggests the black majority is more than willing to accept this risk if it means a chance of pushing back apartheid.

Bishop Desmond Tutu, writing in the New York Times this past Sunday, describes the consensus among the black majority as saying:

We are suffering already. To end it, we will support sanctions even if we have to take on additional suffering.

Bishop Tutu went on to say:

I would be more impressed with those who made no bones about the reason they remain in South Africa and said, honestly, “We are concerned for our profits,” instead of the baloney that the businesses are there for our benefit. We don't want you there. Please do us a favor: get out and come back when we have a democratic and just South Africa.

There are others, Mr. Chairman, who say economic sanctions don't work; that they will not have great impact on the Pretoria government. Such arguments ignore both the realities of the South African economy and the impact of world opinion.

Those who denigrate the moral and economic forces unleashed by H.R. 4868 should be reminded of Robert Kennedy's speech in Capetown, South Africa, in 1965:

It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends a tiny ripple of hope, and crossing each other from a million different centres of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Mr. Chairman, the Banking, Finance and Urban Affairs Committee has a long record of supporting efforts to apply economic pressure on South Africa.

As far back as 1978—before sanctions were headline news—the Banking Committee included language in the Export-Import Bank Act prohibiting the Bank from granting credits or guarantees for any export which would help the South African Govern-

ment maintain apartheid. The committee further required that assistance for exports to South African purchasers be granted only to those who had subscribed to the “Sullivan principles” designed to end segregation and inequality among the Nation's work force.

In 1983, the committee insisted that legislation authorizing new U.S. contributions to the International Monetary Fund include language that would require the representative to the IMF to oppose assistance to any country practicing apartheid. In addition, in 1983 and again in 1985, the committee endorsed other efforts to enact anti-apartheid legislation.

Mr. Chairman, I hope this latest effort—H.R. 4868—is overwhelmingly approved in the House this week. Our colleague from Pennsylvania, the Honorable BILL GRAY, is to be commended for introducing and pushing this legislation. The Gray bill sends a clear message to South Africa and the world. It mobilizes America's greatest strength, moral leadership in the arena of human rights.

Mr. WYLIE. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. WYLIE. Mr. Chairman, I rise once again to state my opposition to the practice of apartheid in South Africa. There is no room in the world today for officially sanctioned racial discrimination. Unfortunately, as we reach the 10th anniversary of the Soweto riots, violence in that country continues.

My position against apartheid is clear. On December 4, 1984, I joined 34 of my Republican colleagues in signing a letter to South Africa's Ambassador in Washington expressing our grave concern about mounting violence in South Africa and the pernicious effect of apartheid on our bilateral relations.

Last year in this Chamber I voiced my support for this current legislation's predecessor, H.R. 1460, introduced by the gentleman from Pennsylvania [Mr. GRAY]. I affirmed that the time had come to do more than just talk about injustice—the time had arrived to take action.

I was privileged to be a conferee on that bill and was pleased when the House approved the conference report by the overwhelming vote of 380 to 48. Then on September 9, 1985, President Reagan issued an Executive order on South Africa. As far as the provisions under the Banking Committee's jurisdiction are concerned, President Reagan's action closely paralleled provisions in the conference report adopted by the House.

Mr. Chairman, I thought there was great merit in both the conference report and the Executive order last year which included exceptions for education, housing, or health loans and gave the Treasury Secretary dis-



cretion to approve loans to improve the welfare or expand opportunities to nonwhite South Africans. These limited humanitarian exceptions make a great deal of sense to me.

If there were a famine or natural disaster in South Africa, under this legislation banks could not make loans or issue letters of credit to send food, medical, or other emergency supplies to meet the needs of all the people of South Africa. I seriously wonder what is wrong with allowing trade and financing to continue to aid the people of South Africa? I think the bill misses the point that we can and should distinguish between what we do to help people and what we should not do in support of repressive governments. For these reasons I must say that President Reagan's Executive order of last year is superior to the bill before us today as far as those provisions which fall within the Banking Committee's jurisdiction are concerned.

In closing, I want to state again my strong opposition to the apartheid policies of the Government in South Africa. It is their policies which have provoked the demonstrations and the tragic bloodshed in that country. It is all too clear that the pace of reform in South Africa has not lived up to the expectations of either the people of that country or the world community. The Government there obviously has not lived up to the expectations of the U.S. Government.

The people of this Nation should be aware that Congress and the President already have acted to ban bank loans to the Government of South Africa. Congress and the President have acted to strike a new American gold coin symbolizing liberty and freedom at the same time that we banned the importation of the Krugerrand. As Secretary Shultz stated last week, "Apartheid is a doomed system, and it is fully appropriate that we use our influence to help speed its demise."

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Mr. Chairman, I reserve the balance of my time.

Mr. MITCHELL. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

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

Mr. CARPER. I thank the gentleman for yielding time to me.

Mr. Chairman, for some who seek disinvestment, this bill does not go far enough. For others, who would frankly like to continue to adhere to the administration's policy—I call it a "go slow" policy, a "don't rock the boat" policy—this bill goes too far. I suspect for the majority of us, however, Democrats and Republicans in this Chamber, this bill strikes the right balance.

Our Nation is founded, as you know, on the very same principles—the very same principles—that South African blacks are struggling to achieve: The notion that we are all created equal,

with certain inalienable rights, among them the right to life, the right to liberty, and the right to pursue happiness.

Twenty million South African blacks want the same thing that we have in this country—freedom, freedom from repression. And some day, either with or without our help, they will enjoy that freedom.

It's vitally important for moral, as well as for geopolitical reasons, that Americans again demonstrate clearly today that we do stand on the principles on which our Nation was founded.

It is imperative for us to demonstrate clearly whose side we are on at this point in the battle, so that when an Armageddon in South Africa and a new generation of leadership takes hold, we will have been on the side of right, true to our principles and true to the oppressed South African majority.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, I do have several questions that I think ought to be answered by other knowledgeable Members of the House who also serve on either the Foreign Affairs Committee or on the Banking Committee. They relate to the requirement in this legislation that commercial credit be denied.

My reading of that provision is that such a denial also covers by definition, letters of credit. Such letters of credit in fact are a basic instrument utilized today for international trade.

It has come to my attention that commercial banks are said to have stopped providing letters of credit recently, and so that all kinds of transactions now in international trade must be conducted on a cash basis. On the contrary others say commercial banks are only denying letters of credit to the Government of South Africa—not to commercial or cooperative parties. My reading is the latter. Trade on a cash basis would be a very difficult procedure for international trade, and I think that we ought to have an understanding regarding letters of credit. In fact, this legislation does deny the use of letters of credit.

Another point, I believe needs to be emphasized. The Eminent Persons' Group appointed by the 40-some nations of the Commonwealth has recently expressed their dismay, disappointment, and pessimism about the kind of progress thus far in bringing some impact upon the apartheid policy of the Government of South Africa.

I found their report to be both very discouraging and very important. It suggests that "strong economic pressures" are necessary, and that, I believe it is at least implied, such pressures must be brought in a concerted fashion against the Government of

South Africa. If the EPG's recommendations are to have an effect, we must first of all examine what kind of economic pressures are appropriate. The EPG does not specify disinvestment. We also must look at whether or not the United States will be acting in conjunction with the Federal Republic of Germany and the United Kingdom, since those two countries along with the United States are the most important trading partners for South Africa.

Third, I believe that it is important that we also examine whether or not this legislation will deny food and agricultural products to the people of South Africa. This is a step, an embargo action, that I think is inappropriate for the United States to take against the most unprotected people of any country.

The disinvestment policies I have always opposed in the past, but I am now willing, based upon the recommendations of the Eminent Persons Group, to take appropriate further economic sanctions—hopefully in conjunction with the other two major trading partners of South Africa.

Mr. MITCHELL. Mr. Chairman, I yield 1½ minutes to the gentleman from the District of Columbia [Mr. FAUNTROY].

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

Mr. FAUNTROY. Mr. Chairman, I am pleased, as an original cosponsor of the legislation before us today, to express my heartfelt appreciation to the chairman of the Banking Committee, the ranking minority member of the committee, and all of my colleagues in the Congress who support this very significant legislation, and who want to see the United States come down on the right side of history at this critical juncture. We must say to a government that continues to brutally repress the basic human rights of 27 million of those who live within its borders that we will no longer cooperate with the evil system of apartheid. We must say to a government which in the past week has declared a state of emergency, and that has arrested 2,000 leaders of nonviolent efforts to achieve change, that we will no longer cooperate with that evil system. We must say to a government that has been paying for the murder of innocent black citizens in townships, arming so-called vigilantes with guns and sending them in with machetes to cut up bodies, that we will no longer cooperate, that there will be no new bank loans, no new investments, no landing rights, no sale of steel and coal and uranium to American citizens so long as this evil system persists.

I want to thank the Members of the Congress who today will take a stand for what is right, for what is just, and what is fair, and by voting for the Anti-Apartheid Act of 1986. Let us all join in doing what the Eminent Persons' Group in the United Kingdom

has indicated is imperative; namely, that people of conscience stand up and employ the only nonviolent tool remaining to us to halt South Africa's blind march toward violence, bloodshed, and tragedy.

Late last month the South African Armed Forces conducted raids on the neighboring states of Zambia, Zimbabwe, and Botswana, demonstrating yet another example of terrorist acts commissioned by a government that thrives on violence. On June 12, the latest state of emergency was declared and the Government has blacked out the press, forbidden political gatherings and has given its police force Gestapo-like powers, beyond the reach of courts. These actions further illustrate that the South African Government, unchecked and unbridled, will pursue any means necessary to maintain its system of labor control and repression. This escalation of violence demands an escalation in our efforts in the United States to impose stronger sanctions on South Africa.

The Government of South Africa is seeking to avoid the inevitable fall of apartheid by eliminating proponents of change. History well records that such an approach is doomed to fail. The dreamers may be killed, but the dream will live on. Stronger sanctions by the United States and other nations of conscience is the only nonviolent tool available to us. We can no longer patiently wait for Pretoria to progress.

The Anti-Apartheid Act of 1986, H.R. 4868, strikes at the very heart of the system we all deplore. By banning new investments, we send a clear, crisp message that American business will not be used to buttress apartheid. By eliminating bank loans to South Africa's Government and private sector, we make clear that American money will not flow so long as blood continues to needlessly flow in South Africa. Under our bill, no South African airline will be allowed landing rights in the United States. In addition, we disallow the importation of uranium, coal, and steel. Not only do these products help to fund apartheid, but they also cause jobs to be lost in America because South Africa's cheap labor system can market the products more competitively.

H.R. 4868 also forbids the involvement of contracts or any form of commitment with respect to expansion of energy in South Africa. Taken together, these sanctions can have an impact in South Africa.

In the bill, we give the Government of South Africa a way out. The sanctions we impose can be immediately lifted if two things occur: First, the release of Nelson Mandela and other political prisoners; and second, initiation of good faith negotiations between the Government of South Africa and responsible South African black leadership. But if the Government does not take advantage of this road to a peaceful, nonviolent settlement, within 1 year of enactment of the bill, we provide for a complete pull out of U.S. computer companies.

Like the last state of emergency, the most recent one will likely be lifted at some point, but the emergency state in that bullet-ridden country will remain. The situation is more urgent than it has ever been. The Botha regime has deepened its resolve to stay in power at all costs, and the black majority has deepened its resolve to be free. These two opposite and irreconcilable attitudes are on a

collision course. The United States, by standing for justice and equality can make a difference. Our action today may represent the last hope for peace in a land that for decades has only known violence, brutality, bloodshed, and death.

As legislators, our job is to make choices. Let's choose life for South Africa. I urge overwhelming passage of the H.R. 4868. It is in our political, economic, and strategic interest. Most importantly, it is the right thing to do. Thank you.

□ 1330

Mr. MITCHELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. HOYER].

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

Mr. HOYER. Mr. Chairman, I thank my good friend PAREN MITCHELL for yielding to me this time.

Mr. Chairman, I rise today in strong support of H.R. 4868, the Anti-Apartheid Act of 1986. I would like to thank Representative GRAY and members of the committee for bringing this measure before the House of Representatives.

The situation in South Africa is critical. The death rate has more than doubled in the past 3 months. South Africa is quickly approaching a bloodbath. President Botha's recently imposed state of emergency and the Government's reluctance to make significant reforms may lead the country to violent civil war.

Monday marked the 10-year anniversary of the brutal massacre of the children of Soweto. To prevent commemoration of this historic event, President Botha imposed a state of emergency and prohibited commemorative activities. Tension in the South African townships has escalated as a result of these new restrictions. Some 31 people have been killed, between 2,000 and 4,000 political and labor leaders have been detained, and news coverage has been cut off. Did President Botha really believe these new restrictions would prevent blacks in South Africa from commemorating and honoring the children who were so brutally murdered during a peaceful protest on June 16, 1976?

Since President Reagan stalled sanctions legislation last year hundreds more have died and the situation has progressively deteriorated. The black townships are filled with riots and murders. Children are not going to school out of fear and people are being burned out of their homes. In Soweto, it is not unusual to wake every morning to find bodies in the streets. Actions by black youths provides us with perhaps the strongest indication of how committed and desperate South African blacks are to winning their freedom. A powerful picture in a recent Newsweek showed protesting youth holding a sign which read, "They will never kill us all." The youth particularly, are no longer will-

ing to wait for change. They are willing, however, to die for it. Much like our very own civil rights movement of the 1960's people willing to throw down their lives in the name of freedom and justice are a mighty force.

And blacks in South Africa are giving their lives for freedom. It breaks my heart when I read the stories of the continued turbulence in South Africa. The disregard for human life is a disgrace. A 3-year-old baby girl was killed while playing in her yard, shot in the head by a policeman, during raids on a black township. During the 1977 Soweto uprising, over 600 people died. An astonishing 1,600 people have lost their lives in the past 2 years.

Still the South African Government holds on to policies they believe will maintain the status quo, making small concessions that only serve to prolong the inevitable. And why not, most white South Africans live outside of the riot areas. The economy is recovering from a recession and white South Africa continues to enjoy the benefits that come from controlling the wealthiest country in Africa.

But the South African Government must realize black South Africa is not requesting citizenship, they are not asking for equality in education, employment, access to the political system and an end to discriminatory policies. Black South Africans are demanding these rights, and if anyone thinks they intend to give up their struggle, they are mistaken.

President Botha might think that eliminating the need for identification cards is a significant step forward in the movement to make reforms, but such small concessions in the face of such repression is too little, too late.

Mr. Chairman, the British Commonwealth agrees that it may be too late to avoid "the worst bloodbath since the Second World War." On Thursday, the Commonwealth released a report calling on Pretoria to dismantle apartheid immediately. The Commonwealth's report also called for the release of political prisoners including Nelson Mandela.

It is imperative that the United States take note of the Commonwealth's findings and end the President's policy of "constructive engagement." Quiet negotiations, tactful diplomacy, weak Executive orders are not enough. These approaches are too weak a response to the brutal war taking place in South Africa at this very moment. As a world leader, the United States must not evade its responsibility to seek a peaceful ending to the racist, repressive policy of apartheid.

I recall a story told by the late Dr. Martin Luther King, Jr., about a priest and the levite, who while traveling along a road spotted a man lying on the ground, who they thought could be a robber. The priest and the levite asked themselves, "If I stop to



help this man, what will happen to me?" Another traveler looked at the man lying on the road and asked, "If I do not stop to help this man, what will happen to him?" This is the question Congress, the President, and the American people must ask, "If we do not stop to help the blacks in South Africa, what will happen to them? Will 1,600 more die? 16,000? 160,000? 1.6 million?"

Not only is it morally right for the United States to take a strong stand against apartheid, but it is in our best interest. The present South African Government will inevitably come to its knees. Blacks will have the freedom they have fought and died to gain. And when that day comes, history should show that the United States stood for democracy, freedom, and justice in South Africa, that we placed real pressure on Pretoria; that 10 years after the tragedy at Soweto, the United States Congress was finally able to decide that substantial economic sanctions were necessary to bring about a peaceful resolution.

Again, I commend Representative GRAY for his diligence and all of the hard work he and the committee have expended to bring this measure before the House of Representatives. I appreciate your leadership and commitment to bringing freedom to South Africa.

Mr. WYLIE. Mr. Chairman, I yield my remaining time to the gentleman from Connecticut [Mr. McKINNEY].

Mr. McKINNEY. Mr. Chairman, I only have a minute. As an original cosponsor of this bill, I believe it is the right thing to do. I want simply in my very brief time remaining to echo the comments of a wonderful man, a person and a human being who lived in the 1930's and remembers Nazi Germany, Elie Wiesel.

Holocaust survivor and author Elie Wiesel has said this:

If someone suffers and he keeps silent, it can be a good silence. If someone suffers and I keep silent, then it's a destructive silence. If we envisage literature and human destiny as endeavors by man to redeem himself, then we must admit the obsession, the overall dominating theme of responsibility, that we are responsible for one another. I am responsible for his or her suffering, for his or her destiny. If not, we are condemned by our solitude forever and it has no meaning. This solitude is a negative, destructive solitude, a self-destructive solitude.

This Nation on July 4th will celebrate the Lady and its history. Let us not forget what it means. Do what you have to do today and do it quickly.

Mr. MITCHELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

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

Mr. HUGHES. Mr. Chairman, I rise in support of the Anti-Apartheid Act of 1985. Mr. Chairman, I rise in support of H.R. 4868, the antiapartheid legislation designed to provide positive incentives for political negotiations leading to the peaceful abolishment of apart-

heid. This new legislation, similar to last year's antiapartheid legislation which passed the House by a tremendous margin, includes sanctions banning imports of South African coal, uranium, and steel, as well as banning new loans and investments and prohibiting contributions to the development of new energy sources for South Africa.

Mr. Chairman, this antiapartheid legislation is desperately needed to place pressure on the South African Government to put an end to apartheid, once and for all. In recent years, the administration has pursued the policy of constructive engagement in the belief that through a closer relationship with Washington, the South African Government could be convinced to abolish apartheid. This policy has been shown to have been inadequate and the situation in South Africa has not improved but has gotten worse.

At present, the amount of violence and governmental oppression in South Africa have reached all time highs. The white minority has given the police and the military virtually unlimited powers to arrest citizens without charge. The Government has banned all press coverage of police actions against opponents of apartheid, has closed all opposition newspapers, and has prohibited public dissent almost entirely. Such governmental oppression can no longer be tolerated.

In response to the rapidly deteriorating situation in South Africa, the United States must now adopt tougher measures to put pressure on the South African Government to remedy the situation. It is unlikely that the white minority in South Africa would accept a fundamental policy change in the absence of increasing pressure at both the international and domestic levels. The economic sanctions contained in this legislation will place positive pressure on the South African Government to put an end to their policy of racial apartheid.

Since a number of restrictions on United States activities in South Africa already exist, this bill would close loopholes in the existing economic sanctions and give current executive orders the force of enacted law, requiring subsequent congressional action to change their provisions, rather than unilateral executive order. Imposition of the sanctions contained in the legislation would be dependent upon the success of current efforts to foster political negotiations with the South African Government. If the Government refuses to cooperate, the bill provides for additional sanctions including a further ban on computer exports to South Africa and disinvestment from the computer industry.

Mr. Chairman, I believe that these economic sanctions are necessary to place pressure on the South African Government to change their policy of apartheid and I urge my colleagues to support this legislation.

Mr. MITCHELL. Mr. Chairman, I yield myself the balance of the time.

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

Mr. MITCHELL. Mr. Chairman, in the 1960's there was a group of people, a trio, who sang the song and the words they sang went something like this:

How many times does a man turn his head  
Pretending that he just doesn't see?  
How many years must some people exist  
Before they are allowed to be free?

How many deaths will it take to believe  
That too many people have died?

The answer, my friend, is blowing in the wind.

The answer is blowing in the wind.

Mr. Chairman, the answer is in this House today. How many more times are we going to tell a black father that he must turn his head when his son is humiliated under this system of apartheid, when he is described as less than a human being, how many times?

How many more long years will it take before black South Africans can achieve their freedom?

The answer, my friends, is not blowing in the wind. The answer is in this Chamber, at this moment, at this hour in the destiny of this House and in the destiny of South Africa.

How many deaths will it take to believe that too many people have died?

You have got the answer. You have the answer in this legislation. If you care anything at all about human suffering, if you care anything at all about human dignity, if you have a modicum of compassion left in you for those millions of blacks in South Africa who are degraded and humiliated and even killed each day, then you will vote for this legislation.

How many times must a man turn his head pretending he just does not see? You cannot turn your head from this.

How many years must some people exist before they are allowed to be free? You hold a part of the key to freedom in this legislation today. I hope you will exercise it.

How many deaths will it take to believe that too many people have died? You have got the answer.

Mr. Chairman, 9 months since the Reagan administration imposed its token approach to foster political change in South Africa, the South African Government has failed to demonstrate a real commitment to dismantle the evils of apartheid. Within the past 9 months, South African Government has imposed its most repressive measures yet, jailing thousands of citizens without charges, banning of public dissidents, closing newspapers, and barring TV coverage of unrest and police actions. The Botha regime has continued to drive that country into deep turmoil and chaos.

Today, I rise in strong support for H.R. 4846, the Anti-Apartheid Act of 1986. The purpose of this new legislative proposal is to join America's energies to those of concerned South Africans, the British Commonwealth, the European Community, and other countries to persuade the South African Government to immediately dismantle apartheid and enter into political negotiations now.

Under the proposal, if the Botha regime dismantles apartheid, or if current efforts to foster political negotiations succeed, no sanctions will be imposed. However, if these efforts fail, then sanctions will be implemented in

stages. Such negotiations must include the immediate and unconditional release of Nelson Mandela and other South African political prisoners, and recognize the African National Congress as a legitimate voice for black South Africans.

South Africa is now under the declared state of emergency, amid growing fear in even the white community that the police and army are out of control. Over 26,000 detentions and over 1,500 deaths of black South Africans have occurred under the emergency, and violent confrontation is escalating rapidly. We need to help the Botha regime realize that it cannot sustain white domination indefinitely and that "business as usual" will only invite greater violence.

I do not want to predict a catastrophe for South Africa—but there is growing evidence, each and every day, that unless change in South Africa is fundamental, the risk of disaster will continue to increase dangerously. South Africans will not be denied their freedom much longer, and they insist upon winning their rights of freedom and citizenship by peaceful, or by other means.

Monday, Bank of America announced its ban on future loans to South Africa, making them the first major United States financial institution to do so. Their action sends a clear message to the Botha regime—and to the Reagan administration that prosperity and stability cannot return to South Africa while the apartheid system remains.

Plain and simple, the Bank of America will not make new loans to borrowers in South Africa as long as the apartheid system exist. I commend their decision, for it clearly indicates that the private sector and the Congress are willing to take the moral responsibility in this issue, and a variety of interests are involved toward creating peaceful change in South Africa.

Mr. Chairman, our role today is an important one. Hopefully, we will be able to succeed where the Reagan administration failed. The legislation being proposed today is simple and direct. The limited sanctions announced by the Reagan administration last year are apparently having a minimal effect on South Africa, and nothing short of a complete pullout of U.S. investments in South Africa as envisioned in H.R. 4868, will get the Botha regime to move forcibly to end its racial segregation.

We must seize this opportunity today to use our vast influence and pursue a new policy initiative to help Africa end its turmoil. The United States should not continue to economically support the only country in the world that institutes racism in its Government. Swift passage of H.R. 4868 is essential in order to send a clear message to the Government of South Africa that the American people, and the world are no longer willing to cooperate with this evil

system of social segregation, political domination, and economic exploitation known as apartheid. I urge my colleagues to support this bill.

The CHAIRMAN. Under the rule, all time of the Committee on Banking, Finance and Urban Affairs has expired.

Under the rule, the gentleman from California [Mr. MINETA] will be recognized for 7½ minutes and the gentleman from Kentucky [Mr. SNYDER] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4868, the Anti-Apartheid Act.

Apartheid is a moral abomination. The policies of apartheid and racial separation practiced by the Government of South Africa are an insult to all people who value democracy and human liberty.

South Africa is thousands of miles distant from the United States; its culture is profoundly different from ours. Why, then, are we so concerned about the actions of a faraway government? Because we are both members of the community of nations. Let us not turn our heads from this violence and injustice. We still can—and must—do all we can to halt these horrors. We have a responsibility to better this community, to fight for the rights and freedoms of all people in this community.

Who here doubts that apartheid is a grievous wrong? We have a tool available to us in our efforts to end this system. If you believe that apartheid must be dismantled, then you must agree that we have a moral responsibility to use that tool.

We have the ability to bring the full weight of American political, economic and social pressure to bear upon the South African Government. We have this ability; we also have the duty to use it.

As one who has seen the ugliness of Government-sponsored racism firsthand, and suffered under its indignity, I join with several of my distinguished colleagues in saying we must do all we can to end apartheid.

How can we not? How can we stand by and not act? The tension continues to mount. The violence grows. The hatreds and frustrations fester. The Freedoms of South Africa shrivel and atrophy. Yet the Government fails to take steps to end this system, which is poisoning that sad nation. And some talk now of massacres and bloodshed, asking not if, but when these horrors will erupt.

As Archbishop Desmond Tutu said in the New York Times earlier this week, there is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left, and it is a risk with a chance. President Reagan's half-hearted policy of constructive engagement has failed. It is time for the Congress to exert its responsibility and leadership, and move

beyond the administration's weak and ineffectual steps.

I congratulate those who worked to craft H.R. 4868 and bring it to the floor. As chair of the Subcommittee on Aviation of the House Committee on Public Works and Transportation, I am particularly pleased to see the withdrawal of landing rights for South African aircraft in the bill before us.

We have used the tool of withdrawing landing rights on numerous instances in the past, including the Soviet Union, Cuba, Poland, and Nicaragua. This is a legitimate tool of foreign policy, and I believe this is a timely and appropriate use of this toll.

As an isolated action, withdrawal of landing rights would be troublesome to South Africa. More importantly, a package of comprehensive sanctions which did not include this withdrawal would be incomplete and ineffective.

We must act decisively at this moment of extreme tension and danger.

Does anyone truly think that gentle persuasion and subtle signals will resolve the problems in South Africa?

I urge a yes vote on the Anti-Apartheid Act.

With respect to the Chicago convention, my understanding is that the convention would apply only to non-scheduled service. This means that the only possible violation of the convention would occur if a South African Airways aircraft flying on a nonscheduled charter or private flight were denied the right to make a technical stop, such as a nonemergency refueling stop. Since South Africa Airways operates no charters to the United States or Canada, there is little real possibility of a violation of the Chicago Convention. Again, emergency landings would be permitted. I must note that the general counsel of the Department of Transportation in his letter of objection to the legislation made no reference to the violation of any provisions of the Chicago convention.

Mr. SNYDER. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. SNYDER. Mr. Chairman, it's easy to see that this train is about to leave the station, but I do not intend to be on it. I am absolutely appalled with the manner in which H.R. 4868, the so-called antiapartheid bill, is being railroaded through this body. This poorly drafted attempt at legislation will under no circumstances solve the problem in South Africa.

Members have already expressed several problems with this legislation and others will point out additional ones as we proceed today. Mr. Chairman, I agree with those criticisms and would not like to focus on section 6 of the bill which purports to require the Secretary of Transportation to prohibit takeoff and landing of aircraft by an



air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals except for certain emergencies.

There are several unintended and counterproductive effects of this legislation which I want to bring to my colleagues' attention. I might add that a similar provision was rejected last year by the Senate Foreign Relations Committee as being unworkable and bad policy.

First, it is important to recognize that an immediate ban of the kind proposed in this legislation would place the United States in violation of its international legal commitments. The bilateral air transport services agreement between the United States and South Africa of May 23, 1947, as amended, grants landing rights to South African Airlines. If the United States were to breach this agreement, South Africa would be entitled to international arbitration. This would certainly place us in an embarrassing situation. This bilateral agreement contains a termination clause which requires 12 months advance notice to the South African Government before service can be terminated.

Second, the Chicago Convention on International Civil Aviation of December 7, 1944, a multilateral treaty ratified with the advice and consent of the Senate, confers certain limited civil aviation rights on state parties. If this legislation is enacted, it would place the United States in violation of that treaty agreement and thus expose the United States to South African claims in the International Civil Aviation Organization [ICAO] Council.

I should emphasize that the United States did not breach its ICAO obligations when it terminated landing rights of other countries. However, this legislation would go further and ban technical stops, not-for-hire charters, executive, and related flights which are granted to all state parties to the Chicago convention. Even in the case of Poland and the U.S.S.R., the United States did not attempt to terminate its Chicago convention rights, only rights granted under bilateral agreements.

I mentioned before that the legislation was poorly drafted and, as a result, section 6 may be interpreted in more than one way. On the one hand, the provision can be read as a nullity. I call my colleagues' attention to language in the bill which prohibits the takeoff and landing of any aircraft by an "air carrier" owned directly or indirectly by the Government of South Africa or by South African nationals.

On its face, this language seems to be rather clear. However, the Federal Aviation Act of 1958, to which section 6 refers, defines "air carrier" as a United States citizen engaged in the provision of air service—therefore, it is not possible for a South African national or the Government of South Africa to own an air carrier. As a

result, we have language which is a nullity, or of no legal effect.

There is yet a second interpretation of this vague and poorly drafted provision. Section 6 could put us in a situation whereby we find the Government of South Africa or a citizen of South Africa petitioning the Secretary of Transportation to ground United States carriers such as American Airlines or Pan Am, or other foreign air carriers because the South African Government has purchased stock in those carriers.

This interpretation is possible because the language of section 6 states that air carrier aircraft are not permitted to takeoff or land if they are owned, directly or indirectly, by the Government of South Africa or by South African nationals. What is not defined is the word "owned." You can certainly argue that ownership is defined as stock ownership and if we have South Africans buying stock in United States carriers, then that could be deemed to be sufficient "ownership" requiring the Secretary to ground aircraft owned by the carrier no matter where they fly.

Mr. Chairman, I strongly object to the Democrat majority railroading this legislation through the House. It should not be our policy to cut off communications with South Africa. More, not fewer South Africans should be exposed to a system other than the repressive one in which they now live.

My colleagues should note that during the summer, South African Airways provides five round trips a week to the United States. We are hardly cutting off significant economic benefits to the Government, and I submit that we would be eliminating the convenient access to the United States which the critics of that Government now enjoy. This provision makes no distinction between those we are trying to help and those we are trying to pressure toward positive change.

It is extremely unfortunate that we would cut off landing rights of South Africa without a hearing on the ramifications of such a provision. I believe there are insufficient grounds on a foreign policy basis to deny international flights to and from South Africa without a close examination of what we are attempting to achieve.

In the end, we are being asked to consider this bill on a take it or leave it basis without a full and complete analysis of the policy that we would be adopting. I urge my colleagues to reject this legislation on this ground alone.

□ 1345

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Kentucky [Mr. SNYDER] has consumed 5½ minutes.

The gentleman from California [Mr. MINETA] has 3 minutes remaining.

Mr. MINETA. Mr. Chairman, I yield myself such time as I may consume.

Let me just indicate this issue about the violation of the agreement. Yes, we probably would be in violation of the agreement but there are means in the agreement itself for resolving such a violation.

Violations of civil air agreements are contemplated under most bilateral civil air agreements, and procedures of arbitration for those violations are explicitly provided in our agreement with South Africa. We and the South Africans would go to arbitration, and in this instance the arbitrators would render a decision and the parties would carry it out, using their best efforts, but such decisions would not overrule any law that we pass today.

On top of that, some mention has been made about the stock ownership issue. First, the airline that does fly here to the United States is owned by the Government of South Africa, so I do not believe there is any question about the issue.

As for buying stock in a United States airline, I would interpret the language to mean that a South African national would have to have a controlling interest in that airline. Moreover, section 101 of the Federal Aviation Act of 1958, as amended, specifically defines a U.S. carrier as 75 percent owned or controlled by citizens of the United States.

In terms of the third issue about emergencies, section 6(b) on page 31 of the bill does provide for emergencies in terms of flights in order to provide for the safety of an aircraft or its crews or passengers, so emergency flights are dealt with in the bill itself.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. MINETA] has one-half minute remaining and the gentleman from Kentucky [Mr. SNYDER] has 2 minutes remaining.

Mr. SNYDER. Mr. Chairman, I yield myself such time as I may consume.

Let me just respond to say that the bilateral does provide for the arbitration, as the gentleman said. I mentioned that in my prepared statement. However, arbitration is not provided for the Chicago Convention, which is the treaty ratified by the U.S. Senate and which they are signatory to.

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. BURTON].

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

Mr. BURTON of Indiana. Mr. Chairman, I have in my possession a letter from the Ambassador from South Africa and I think it bears on this issue and needs to be read into the RECORD:

A few days ago, my Government called for enactment by Parliament within the next four months of a bill designed to lead direct-

ly toward a new, post-apartheid South Africa.

The bill creates a forum in which blacks and whites together will begin work on a new constitution providing for black political participation and a government in which blacks will share power.

This task will not be easy. At both extremes of the political spectrum are radical forces that oppose my Government's program for peaceful negotiation of fundamental change. Extremist whites, who two weeks ago violently broke up a Government party meeting, voted to oust the Government and restore apartheid by force. Extremist blacks refuse the Government's offer to negotiate a new constitution and they conduct terror against blacks who support dialogue and negotiation. Both of these extremist groups favor violence and revolution.

Sanctions will, in effect if not by intention, support the extremists in their attacks on the people who want peaceful negotiation and a new constitution providing for black political participation and the end of apartheid.

In my view, Americans who want to see violence end and black political participation begin in South Africa will have an important policy choice to make in the weeks ahead.

That choice is not between apartheid and democracy. My Government's abolition of the past laws and the series of earlier fundamental changes—granting of property rights and the opening of public accommodations to all, legalization of black and multiracial trade unions, acceptance of political participation by blacks through enfranchisement and power-sharing—have accelerated the abolition of apartheid.

This government, although it has not taken all the steps necessary, not nearly enough, and the repression does continue, I think has been pressured to head in the right direction and I think we should give them a chance to try to come up with a new constitution that gives black power sharing and a voice in this government.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SNYDER] has expired.

The gentleman from California [Mr. MINETA] has ½ minute remaining to close debate.

Mr. MINETA. Mr. Chairmman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Under the rule, all time has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. The amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill as modified by striking out section 3 thereof and inserting in lieu thereof the text of the amendment recommended by the Committee on Ways and Means printed in the bill shall be considered as an original bill for the purpose of amendment, which shall be considered as having been read.

No amendments to the bill or to said substitute are in order except the seven amendments made in order by House Resolution 478, printed in the

CONGRESSIONAL RECORD of June 17, 1986, by, and if offered by, the Members designated in said resolution, and said amendments shall not be subject to amendment or to a demand for a division of the question but shall be debatable as specified in said resolution.

The Clerk will designate the committee amendment in the nature of a substitute, as modified.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

#### SECTION 1. SHORT TITLE.

This act may be cited as the "Anti-Apartheid Act of 1986".

#### SEC. 2. PROHIBITIONS ON LOANS TO, NEW INVESTMENT IN, AND OTHER ACTIVITIES INVOLVING SOUTH AFRICA.

##### (a) PROHIBITIONS.—

(1) ON UNITED STATES PERSONS.—No United States person may, directly or through another person—

(A) make any loan or other extension of credit to, or provide funds for the purpose of making a loan or other extension of credit to, the Government of South Africa or any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as determined under regulations which the President shall issue;

(B) otherwise make any investment in South Africa; or

(C) contribute technology or technological information, training, or services of any kind to the exploration for, or the research, development, or production of, new, or to the expansion of existing, energy sources in, for, or on behalf of South Africa.

(2) ON CERTAIN FOREIGN BANKS.—No foreign bank which is organized under the laws of South Africa or owned or controlled by South African nationals may establish or operate any branch or agency in the United States.

##### (b) EXCEPTIONS.—

(1) The prohibitions contained in subsection (a)(1) shall not apply to any loan or extension of credit for which an agreement is entered into before May 21, 1986.

(2) The prohibition contained in subsection (a)(1)(B) shall not apply to an investment which consists of earnings derived from a business enterprise establishment before May 21, 1986, and which is made in that business enterprise.

(3) The prohibition contained in subsection (a)(1)(C) shall not apply with respect to a contract entered into before May 21, 1986.

#### SEC. 3. BAN ON THE IMPORTATION OF CERTAIN PRODUCTS OF SOUTH AFRICA AND NAMIBIA.

##### (a) PRODUCTS OF SOUTH AFRICA.—

(1) URANIUM OXIDE.—Subpart C of part 2 of schedule 4 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(A) by adding immediately after headnote 1 the following new headnote:

"2. Until the day on which the Anti-Apartheid Act of 1986 is terminated, the entry, or withdrawal from warehouse for consumption, of uranium oxide provided for in item 422.50 which is the product of the Republic of South Africa is prohibited."; and

(B) by striking out "Subpart C headnote:" and inserting in lieu thereof "Subpart C headnotes:".

(2) COAL.—Subpart J of part 1 of schedule 5 of such Schedules is amended by inserting immediately before item 521.11 the following:

"Subpart J headnote:

"1. Until the day on which the Anti-Apartheid Act of 1986 is terminated, the entry, or withdrawal from warehouse for consump-

tion, of coal provided for in item 521.31 which is the product of the Republic of South Africa is prohibited."

(3) URANIUM ORE AND STEEL PRODUCTS.—The headnotes to schedule 6 of such Schedules are amended by inserting at the end thereof the following new headnote:

"3. Until the day on which the Anti-Apartheid Act of 1986 is terminated, the entry, or withdrawal from warehouse for consumption, of uranium ore provided for in item 601.57, and of any steel product, which is the product of the Republic of South Africa is prohibited. For purposes of this headnote, the term 'steel product' means an article of steel provided for in any of the following items:

606.67	646.25
606.69	646.26
606.79 through	646.30
610.52, inclusive	652.94 through
642.02	652.97, inclusive
642.08	653.00
642.11 through	688.30
642.16, inclusive	690.25
642.35	690.30."
642.90 through	
642.97, inclusive	

##### (b) PRODUCTS OF NAMIBIA.—

(1) PETROLEUM AND NATURAL GAS.—The headnotes to part 10 of schedule 4 of such Schedules are amended by inserting at the end thereof the following:

"5. Until the day on which the prohibition in section 7(a) of the Anti-Apartheid Act of 1986 is terminated, the entry, or withdrawal from warehouse for consumption, of petroleum and natural gas which is the product of Namibia is prohibited."

(2) NONMETALLIC MINERALS.—Part 1 of schedule 5 of such Schedules is amended by inserting before subpart A the following:

"Part 1 headnote:

"1. Until the day on which the prohibition in section 7(a) of the Anti-Apartheid Act of 1986 is terminated, the entry, or withdrawal from warehouse for consumption, of any nonmetallic mineral (not advanced in condition or value from its natural state) which is provided for in this part and is the product of Namibia is prohibited."

(3) METAL BEARING ORES AND MATERIALS.—The headnotes to part 1 of schedule 6 of such Schedules are amended by adding at the end thereof the following:

"6. Until the day on which the prohibition in section 7(a) of the Anti-Apartheid Act of 1986 is terminated, the entry, or withdrawal from warehouse for consumption, of any metal-bearing ore or other metal-bearing material which is provided for in this part and is the product of Namibia is prohibited."

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

#### SEC. 4. CONDITIONAL DIVESTITURE FROM COMPUTER INDUSTRY; COMPUTER EXPORTS.

(a) PROHIBITIONS.—Unless the conditions set forth in subsection (b) are met within 12 months after the date of the enactment of this Act, then—

(1) effective 6 months after the end of that 12-month period, no United States person may, directly or through another person, make or hold any investment in South Africa in a business enterprise that sells computers, computer software, or goods or technology intended to service computers; and

(2) effective at the end of that 12-month period, no United States person may, directly or through another person, export to



South Africa any computers, computer software, or goods or technology intended to service computers.

(b) **CONDITIONS.**—The conditions referred to in subsection (a) are the following:

(1) The President certifies to the Congress that the Government of South Africa—

(A) has freed Nelson Mandela and all political prisoners, and has entered into good faith negotiations with truly representative leaders of the black majority for a new political system; or

(B) has totally dismantled the apartheid system.

(2) A joint resolution is enacted approving the President's certification.

(c) **DEFINITION.**—For purposes of subsection (a)(2), the term "computer" includes any computer that is the direct product of technology of United States origin.

(d) **PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS.**—

(1) **REFERRAL OF JOINT RESOLUTIONS.**—All joint resolutions introduced in the House of Representatives and the Senate shall be referred immediately to the appropriate committees.

(2) **COMMITTEE DISCHARGE.**—If the committee of either House to which a joint resolution has been referred has not reported it at the end of 30 days after its introduction, the committee shall be discharged from further consideration of the joint resolution or of any other joint resolution introduced with respect to the same matter.

(3) **CONSIDERATION OF RESOLUTIONS.**—A joint resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976. For the purpose of expediting the consideration and passage of joint resolutions reported or discharged pursuant to the provisions of this subsection, it shall be in order for the Committee on Rules of the House of Representatives to present for consideration a resolution of the House of Representatives providing procedures for the immediate consideration of a joint resolution under this subsection which may be similar, if applicable, to the procedures set forth in section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

(4) **RECEIPT OF RESOLUTIONS FROM THE OTHER HOUSE.**—If before the passage by one House of a joint resolution of that House, that House receives a joint resolution with respect to the same matter from the other House, then—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; and

(B) the vote on final passage shall be on the joint resolution of the other House.

(5) **COMPUTATION OF LEGISLATIVE DAYS.**—In the computation of the period of 30 days referred to in paragraph (2), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain of because of an adjournment of the Congress sine die.

(6) **JOINT RESOLUTION DEFINED.**—For purposes of this subsection, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress, having received on a certification by the President under section 4(b)(1) of the Anti-Apartheid Act of 1986, approves the President's certification.", with the date of the receipt of the certification inserted in the bank.

**SEC. 5. ASSISTANCE FOR SOUTH AFRICA.**

(a) **AUTHORIZED ANNUAL AMOUNT OF ASSISTANCE.**—In addition to any amount used for the Human Rights Fund for South

Africa, up to \$25,000,000 may be used each fiscal year for assistance for South Africa under the Foreign Assistance Act of 1961 and section 2(b) of the Migration and Refugee Assistance Act of 1962.

(b) **USES OF ASSISTANCE.**—Of the assistance authorized by subsection (a)—

(1) \$4,000,000 shall be for refugee education assistance programs; and

(2) the remainder shall be for community development projects that are selected in consultation with truly representative leaders of South Africans disadvantaged by the apartheid system, that are under the leadership and control of such disadvantaged South Africans, and that are not conducted by or through organizations in South Africa financed or controlled by the Government of South Africa.

(c) **REPORTS.**—Not later than the end of each calendar quarter, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth—

(1) the names and a description of the recipients of assistance that are described in subsection (b)(2);

(2) the amounts of assistance granted to each such recipient; and

(3) who was consulted in selecting such recipients.

(d) **EFFECTIVE DATE.**—This section shall apply with respect to assistance in fiscal year 1987 and thereafter.

**SEC. 6. PROHIBITION ON LANDING RIGHTS OF SOUTH AFRICAN AIRCRAFT.**

(a) **PROHIBITION.**—The Secretary of Transportation shall prohibit the takeoff and landing of any aircraft by a foreign air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals.

(b) **EXCEPTIONS FOR EMERGENCIES.**—The Secretary of Transportation may provide for such exceptions from the prohibition set forth in subsection (a) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers are threatened.

(c) **DEFINITIONS.**—For purposes of this section, the terms "aircraft" and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301).

**SEC. 7. PROHIBITION WITH RESPECT TO NATURAL RESOURCES IN NAMIBIA.**

(a) **PROHIBITION.**—No United States person may, directly or through another person—

(1) search for, take, extract, mine for, process, refine, sell, export, distribute, purchase, import, or use any natural resource situated in or originating from Namibia; or

(2) otherwise remove any natural resource from Namibia.

(b) **TERMINATION OF RESTRICTIONS.**—The provisions of this section, and all regulations, licenses, and orders issued under such provisions, shall terminate if—

(1) the President certifies that Namibia has achieved internationally recognized independence in accordance with United Nations Resolution 435, adopted by the United Nations Security Council in 1978; and

(2) the President submits that certification, and the basis for the certification, to the Congress.

(c) **PERSONS HELD LIABLE BY FUTURE NAMIBIAN GOVERNMENT.**—It is the policy of the United States that any United States person that is sued by the future lawful government of an independent Namibia for damages resulting from activities described in subsection (a) that are carried out before that government assumes authority, will receive no assistance from the United States

in defending against any liability for such damages and will receive no compensation or reimbursement from the United States Government for any damages assessed or paid on account of such liability.

(d) **DEFINITION.**—For purposes of this section, the term "natural resource" means oil, gas, and minerals.

**SEC. 8. REGULATORY AUTHORITY.**

The President shall issue such regulations, licenses, and orders as are necessary to carry out this Act. The President shall issue such regulations not later than 90 days after the date of the enactment of this Act.

**SEC. 9. ENFORCEMENT AND PENALTIES.**

(a) **AUTHORITY OF THE PRESIDENT.**—Subject to subsection (b), the President shall take the necessary steps to ensure compliance with this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena and attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) **ENFORCEMENT OF PROHIBITION ON FOREIGN BANKS.**—The Comptroller of the Currency, in the case of a Federal branch or agency, and the Board of Governors of the Federal Reserve System, in the case of any other branch or agency, shall take the necessary steps to ensure compliance with section 2(a)(2), including revoking any existing authority of any foreign bank subject to the prohibition in section 2(a)(2) to establish or operate a branch or agency in the United States.

(c) **PENALTIES.**—

(1) **FOR PERSONS OTHER THAN INDIVIDUALS.**—Any person, other than an individual, that knowingly violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than \$500,000.

(2) **FOR INDIVIDUALS.**—Any individual who knowingly violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than \$250,000, or imprisoned not more than 5 years, or both.

(d) **ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.**—

(1) **IN GENERAL.**—Whenever a person commits a violation under subsection (c)—

(A) any officer, director, or employee of such person, or any natural person in control of such person, who willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who willfully carried out such act or practice,

shall be fined not more than \$250,000, or imprisoned not more than 5 years, or both.

(2) **RESTRICTION ON PAYMENT OF FINES.**—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(e) **SEIZURE AND FORFEITURE OF AIRCRAFT.**—Any aircraft used in connection with a violation of section 6 or any regulation, license, or order issued to carry out that section shall be subject to seizure by and forfeiture to the United States. All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof,

and the remission or mitigation of such forfeitures shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under this subsection, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for purposes of this subsection, be exercised or performed by the Secretary of Transportation or by such persons as the Secretary may designate.

#### SEC. 10. NEGOTIATIONS; REPORTS TO CONGRESS.

The President shall, by means of both bilateral and multilateral negotiations, including through the United Nations, attempt to persuade the governments of other countries to adopt restrictions on activities with respect to South Africa consistent with the provisions of this Act. The President shall submit annual reports to the Congress on the status of negotiations under this section. Each such report shall include a description of—

(1) the extent to which other countries have adopted restrictions consistent with the provisions of this Act; and

(2) the extent to which nationals of other countries have complied with any such restrictions, or have taken actions to diminish the impact on South Africa of the provisions of this Act.

#### SEC. 11. REPORT TO CONGRESS WITH RESPECT TO DIVESTITURE; TERMINATION OF PROVISIONS OF ACT.

(a) **DETERMINATION OF MET CONDITIONS.**—If the President determines that the conditions set forth in subsection (d) have been met, the President may submit that determination, and the basis for the determination, to the Congress.

(b) **REPORT BY THE PRESIDENT.**—If a determination has not been submitted to the Congress under subsection (a) before May 31, 1988, the President shall, before June 30, 1988, report to the Congress on whether the Government of South Africa has met the conditions set forth in subsection (d). If the President determines that the conditions have not been met, the President shall include in the report his recommendations as to whether United States persons should be required to divest themselves of their investments in South Africa.

(c) **CONGRESSIONAL ACTION TERMINATING PROVISIONS OF THE ACT.**—Upon the enactment of a joint resolution approving a determination of the President under subsection (a) or (b) that the conditions set forth in subsection (d) have been met, the provisions of this Act, and all regulations, licenses, and orders issued to carry out this Act, shall terminate.

(d) **STATEMENT OF CONDITIONS.**—The conditions referred to in subsections (a) and (b) are that the Government of South Africa—

(1) has freed Nelson Mandela and all political prisoners, and has entered into good faith negotiations with truly representative leaders of the black majority for a new political system; or

(2) has totally dismantled the apartheid system.

#### SEC. 12. DEFINITIONS.

(2) **IN GENERAL.**—Subject to subsection (b), for purposes of this Act—

(1) **UNITED STATES PERSONS.**—The term "United States person" means any United States resident or national and any partnership, corporation, or other entity organized under the laws of the United States or of any of the several States, of the District of Columbia, or of any commonwealth, territory, or possession of the United States.

(2) **INVESTMENT IN SOUTH AFRICA.**—The term "investment in South Africa" means—

(A) a commitment of funds or other assets (in order to earn a financial return) to a business enterprise located in South Africa or owned or controlled by South African nationals, including—

(i) a loan or other extension of credit made to such a business enterprise, or security given for the debts of such a business enterprise;

(ii) the beneficial ownership or control of a share or interest in such a business enterprise, or of a bond or other debt instrument issued by such a business enterprise; or

(iii) capital contributions in money or other assets to such a business enterprise; or

(B) the control of a business enterprise located in South Africa or owned or controlled by South African nationals, in cases in which subparagraph (A) does not apply.

(3) **SOUTH AFRICA.**—The term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(4) **BUSINESS ENTERPRISE.**—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as such ownership or control is determined under regulations which the President shall issue.

(5) **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.

(6) **SOUTH AFRICAN NATIONAL.**—The term "South African national" means—

(A) a citizen of South Africa; and

(B) any partnership, corporation, or other entity organized under the laws of South Africa.

(7) **CONTROL BY SOUTH AFRICAN NATIONALS.**—South African nationals shall be presumed to control a business enterprise or foreign bank if—

(A) South African nationals beneficially own or control (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise or bank;

(B) South African nationals beneficially own or control (whether directly or indirectly) 25 percent or more of the voting securities of the business enterprise or bank, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise or bank is operated by South African nationals pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise or bank are also members of the comparable governing body of a South African national;

(E) South African nationals have the authority to appoint a majority of the members of the board of directors of the business enterprise or bank; or

(F) South African nationals have the authority to appoint the chief operating officer of the business enterprise or bank.

(8) **CONTROL BY UNITED STATES PERSONS.**—For purposes of paragraph (2)(B), a United States person shall be presumed to control a business enterprise if—

(A) the business enterprise is operated by the United States person pursuant to the

provisions of an exclusive management contract;

(B) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(C) the United States person has the authority to appoint a majority of the members of the board of directors of the business enterprise; or

(D) the United States person has the authority to appoint the chief operating officer of the business enterprise.

(9) **LOAN.**—The term "loan" includes an extension of credit as defined in section 201(h) of the Credit Control Act (12 U.S.C. 1901(h)).

(10) **BANK.**—The term "bank" means—

(A) any depository institution as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A));

(B) any corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611 et seq.);

(C) any corporation having an agreement or undertaking with the Federal Reserve Board under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.); and

(D) any bank holding company as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)).

(11) **POLITICAL PRISONER.**—The term "political prisoner" means any person in South Africa who is incarcerated or persecuted on account of race, religion, nationality, membership in a particular social group, or political opinion, but the term "political prisoner" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(b) **ADDITIONAL DEFINITIONS.**—For purposes of—

(1) section 2(a)(1)(C)—

(A) the term "energy sources" includes both mineral and nonmineral fuel resources, including solar, geothermal, fossil, nuclear, electrical, and synthetic fuel energy resources;

(B) the term "development" includes those activities conducted to make energy sources available or usable, including drilling and the construction or other preparation of facilities or other means for the removal or conversion to usable form of any energy source;

(C) the term "production" includes those activities conducted for the removal or conversion to usable form of any energy source, including refining, milling, any other processing, generation, transmission, and storage; and

(D) the term "services" includes construction, engineering, design, management, and maintenance services; and

(2) sections 2(a)(2) and 9(b), the terms "foreign bank", "agency", "branch", "Federal agency", and "Federal branch" have the meanings given those terms in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 1301(b)).

#### SEC. 13. APPLICABILITY TO EVASIONS OF ACT.

This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

#### SEC. 14. 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 12(a)(3)(C).



## AMENDMENT OFFERED BY MR. BURTON OF INDIANA

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

The CHAIRMAN. Does the gentleman offer his first or second amendment?

Mr. BURTON of Indiana. My first amendment, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: In section 5(b), insert the following after paragraph (2): No such assistance may be used to support, directly or indirectly, the African National Congress or any organization or institution affiliated therewith, until such time as the controlling body of the African National Congress no longer includes members of the South African Communist Party.

## POINT OF ORDER

Mr. SOLARZ. Mr. Chairman, I am under the impression that under the rule, this amendment is not in order and if it has not been made in order by the rule, then it is not in order and should be ruled out of order.

The CHAIRMAN. The Chair would make an inquiry of the maker of the amendment, was the amendment printed in the RECORD of June 17, 1986?

Mr. BURTON of Indiana. Yes, the amendment, I believe, was, and it was numbered amendment No. 1.

□ 1355

The CHAIRMAN. Does the gentleman from New York [Mr. SOLARZ] have a further point of order on the amendment?

Mr. SOLARZ. Mr. Chairman, if the Chair will bear with me for a moment, my understanding is that when the gentleman from Indiana [Mr. BURTON] appeared before the Committee on Rules, the gentleman asked for three amendments to be made in order, one of which was the one the gentleman is offering now. The Committee on Rules specifically indicated that it was not making that amendment in order.

I further understand that during the debate on the rule, the gentleman from Indiana complained that if the rule were adopted, he would be precluded from offering the very amendment the gentleman is offering now.

Mr. BURTON of Indiana. Mr. Chairman, I did not make any specific mention of any particular amendment. I was upset that one of my amendments was not allowed to be presented.

But, Mr. Chairman, may I speak on this point, please? I want to speak to determine whether or not it is in order.

The CHAIRMAN. The gentleman from Indiana may proceed.

It would be helpful to the Chair, and to the membership, to know, if this amendment that the gentleman is now offering was the exact amendment that is printed in the RECORD.

Mr. BURTON of Indiana. Mr. Chairman, it is the exact amendment No. 1 printed in the RECORD.

The CHAIRMAN. The gentleman may address the point that the gentleman from New York raised, if he chooses.

Mr. BURTON of Indiana. Mr. Chairman, I presented my amendments to the Committee on Rules in the order in which they would amend the bill, and it is in the order in which I inserted them into the RECORD.

At the time I left the Committee on Rules to insert my amendments in the RECORD, I was under the clear impression that all three amendments would be made in order because this was supported by the chairman of the Committee on Foreign Affairs and was part of a bipartisan agreement.

After inserting all three amendments into the RECORD in the order in which they were presented to the Committee on Rules, I was informed much later that only two of my amendments would be made in order. But I was not told that they would be specified by the order in which they appeared in the RECORD.

The Committee on Rules did not bother to inquire as to whether I had already put my amendments in the RECORD or in what order. I assumed that they were aware of my presentation and the order that I followed.

The House has voted for a rule making my first two amendments in the RECORD in order. The intent of the Committee on Rules no longer matters; the will of the House is paramount on this point. The rule has been adopted.

Mr. SOLARZ. Mr. Chairman, I thank the Chair for his indulgence.

I am informed that when this rule was brought up in the Committee on Rules yesterday, the gentleman from Mississippi [Mr. LOTT] specifically asked why this amendment which the gentleman from Indiana now proposes to offer, which the gentleman had asked the Committee on Rules to make in order, was not being made in order by the rule which the Committee on Rules was in the process of adopting, and which it did adopt.

In other words, Mr. Chairman, as I understand it, the legislative history of this rule, both in committee and on the floor, makes it clear that this particular amendment was not supposed to be made in order.

The other amendments the gentleman from Indiana has relating to the Sullivan principles and some other matter were to be made in order. But this one was not to be made in order.

I believe that we would be doing violence to the intent of the Committee on Rules and of the House if we now permitted an amendment to be offered which the rule was designed to preclude.

The CHAIRMAN. Does the distinguished gentleman from Pennsylvania [Mr. WALKER] wish to be heard on this point?

Mr. WALKER. Mr. Chairman, it is my understanding that the rule we adopted allows the gentleman from Indiana [Mr. BURTON] to offer amendment No. 1. That is specific to the

rule. That is what the Chair has to rule upon.

If the gentleman has amendment No. 1, as printed in the RECORD, before us, that is the only issue before the Chair. What went on in the Committee on Rules is not the issue before the Chair. In fact, the rule was adopted by the whole House at this point, in specifically stated language.

And so, for the gentleman from Indiana to have a favorable ruling of the Chair, all he has to be able to show is that his amendment was printed in the RECORD and it is amendment No. 1. That is the basis under which the Chair must rule. I thank the Chair for its indulgence.

The CHAIRMAN. The Chair will listen to the gentleman from Pennsylvania [Mr. GRAY] on this issue.

Mr. GRAY of Pennsylvania. Mr. Chairman, it is my understanding that the gentleman from Indiana asked for three amendments and that the Committee on Rules provided a rule for two specific amendments to be offered.

It is also my understanding that the particular amendment that is being suggested now by the gentleman on the floor is one that was not approved by the Committee on Rules and, in fact, the transcript of the conversation between the Republican Members and the Democratic Members, the minority and the majority, clearly shows that it is not the intention of the Committee on Rules to provide a rule for this particular amendment, but to provide a rule for the other two amendments that the gentleman offered.

I know it is a little bit confusing because earlier today during the debate on the rule, we heard language, Mr. Chairman, that the gentleman was denied his rights, his legislative rights, when, in fact, two of three amendments were approved by the Committee on Rules. This one, as I understand it, specifically was refused by the Committee on Rules.

In a colloquy between a Member of the minority side and the Chair, this was specifically pointed out.

Mr. BURTON of Indiana. Mr. Chairman, it was my intention to comply with the rule as passed by this House. The amendments are numbered; they were numbered before the Committee on Rules ever made a decision and they were filed with this House and printed in the RECORD that way.

The CHAIRMAN. To conclude the discussion, the distinguished gentleman from New York [Mr. SOLARZ] is recognized.

Mr. SOLARZ. Mr. Chairman, I want to thank the chairman very much for his extraordinary indulgence. I know he has given us ample opportunity to speak to this question and I very much appreciate it.

I want to suggest to the Chairman, before he makes his final ruling on this issue, that when the Committee on Rules fashioned this rule, it obviously decided not to grant an open

rule. In deciding which amendments to make in order and which amendments not to make in order, Mr. Chairman, it was clear that the Committee on Rules was governed by considerations other than the amount of time it would take to debate each individual amendment.

Now, my very good friend, the gentleman from Indiana [Mr. BURTON], came before the Committee on Rules to ask that three separate amendments be made in order. I do not think the gentleman would deny that.

The Committee on Rules, in its wisdom, decided to make two of the three amendments in order. We have to then ask the question, why did they give the gentleman from Indiana the right to offer two amendments; rather than three amendments? It was not because they thought the third amendment would take up too much time; it was because they did not believe it was appropriate for the third amendment to be offered.

The third amendment is the amendment that the gentleman now proposes, and I would like, Mr. Chairman, if I may, to yield to the very distinguished chairman of the Committee on Rules, the gentleman from Florida [Mr. PEPPER], who can perhaps explain this matter more effectively than I.

The CHAIRMAN. The Chair would observe, first, that happily the Chair controls the time, and second, this is a matter of clearly some confusion to a number of the Members and there is not a record before the Committee of the Whole other than the rule and the House Record itself, in which the gentleman printed some amendments.

While the Chair is willing, if the Members insist, to permit several others to vent their views on this matter, the Chair is prepared to rule.

Mr. SOLARZ. Mr. Chairman, if I may yield to the gentleman from Florida [Mr. PEPPER], the distinguished chairman of the Committee on Rules—

Mr. WALKER. Mr. Chairman, regular order.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. PEPPER], the distinguished chairman of the Committee on Rules.

□ 1405

Mr. PEPPER. Thank you, Mr. Chairman.

When the committee heard yesterday the request for a rule on this bill, we considered the matter in the Democratic caucus, and it was determined there that two of the amendments offered by the gentleman from Indiana other than the three—he offered three—but we rejected one of his proposed amendments, the one dealing with communism, but allowed the other two.

The gentleman raised the question when he was still in the chair, when we came back to vote at 2:30 on the rule, and he asked if his three amend-

ments were approved; we said only two of them. And he said, "Why was one left out?" The gentleman from South Carolina [Mr. DERRICK] said, "Matter of judgment." I am sure the distinguished gentleman will remember that.

Then later the gentleman from Indiana came to me and protested that we left out his third amendment dealing with the communistic question: "Why did you leave that out?" I said that was our decision. We thought that was the proper thing to do.

So the gentleman protested to me personally against our leaving out the very amendment. It was not included by the Rules Committee. Maybe we should have more carefully defined the two that we allowed, but I thought the gentleman clearly understood which two of his amendments we approved, and he complained to me about our rejecting the third amendment. It was not the intention of the Rules Committee that that amendment be included in the rule.

Mr. LOTT. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The distinguished gentleman, a member of the Rules Committee, wishes to be heard?

Mr. LOTT. I wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. To conclude debate, then, on the point of order, the distinguished gentleman may proceed.

Mr. LOTT. I thank the Chairman very much.

Mr. PEPPER. Mr. Chairman, may I have just one word? Would you allow me just one word?

To the distinguished member of the Rules Committee, the gentleman from Mississippi [Mr. LOTT], after the Rules Committee had indicated its decision, he offered this particular amendment about communism, and it was defeated by the Rules Committee in the determination, as the gentleman will remember, in the final decision of the committee.

Mr. LOTT. Having been recognized by the Chair, I would like to speak on this issue, and speak to that particular point.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. If the gentleman will withhold, that request to revise and extend should not include the debate on the point of order.

Mr. LOTT. Mr. Chairman, I wish to be heard in support of the right of the gentleman from Indiana to offer his first amendment printed in yesterday's RECORD.

The facts are these. The gentleman did appear before the Rules Committee and asked for three amendments to be made in order. He was preceded by the distinguished chairman of the Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], who voiced support for making all three Burton amendments in order, as well as several other amendments.

During his testimony, the gentleman from Indiana said the following, which can be found at page 14 of our committee transcript:

The first amendment prohibits any U.S. taxpayer dollars from going to the African National Congress.

Mr. BURTON went on to explain his other two amendments. Following his testimony, he went to the floor and filed his amendments in the same order in which he presented them to the Rules Committee, since he was led to believe that all three would be made in order under the rule since they were supported by the Foreign Affairs Committee chairman as part of an agreement with the minority, and I clearly was under the impression that all amendments that were requested before the Rules Committee would be made in order; but when the rule came out, of course that was not the case.

Following the testimony, the committee recessed to reconvene one-half hour later, at 5 p.m. Only then was a rule passed out in which it was revealed that only two amendments would be made in order by Mr. BURTON—the "first" amendment and the "second" amendment in quotes, and that is what it said; first amendment, second amendment—printed in the June 17 CONGRESSIONAL RECORD.

I would maintain that the Rules Committee made a mistake in drafting this rule, and the Chair is constrained to interpret the rule as it stands and as it is read, and not take into account what the intention of the committee may have been.

I would emphasize, Mr. Chairman, that there is no deception here or duplicity on the part of the gentleman from Indiana in placing his amendments in the RECORD in this order; this is the order in which he presented them to the Rules Committee and the order in which the amendments were put in the RECORD. The transcript of the Rules Committee hearing supports this quite clearly.

I would also point out that in the past, the Rules Committee has been very explicit in indicating which amendments it is making in order. Right now, the Rules Committee is in effect in recess, waiting for the gentleman from Michigan [Mr. BROOMFIELD] to bring his substitute to the Rules Committee so that we can see exactly what the substance is of the substitute on SALT II.

In House Resolution 456, for instance, the rule on the trade bill, we placed the amendment in the rule in the order in which they would amend the bill and specified for each which title and part of the bill they amended. The Rules Committee could have done this with this rule but it did not. It was hasty and it was sloppy and it made a major mistake. But the House has just today adopted a rule which clearly specifies that the first two Burton amendments in yesterday's RECORD are in order.



It is, now only the intent of the House that matters. The House has voted to make the first two Burton amendments in order, and the Chair is obliged to rule in favor of the expressed will of the House as reflected in the vote adopting the rule on this bill.

I thank the Chair.

Mr. PEPPER. Mr. Chairman, may I be recognized?

The CHAIRMAN. To conclude debate on the point of order, the distinguished chairman of the Rules Committee, Mr. PEPPER, is recognized.

Mr. PEPPER. Mr. Chairman, I am sure that my distinguished colleague on the Rules Committee and friend, the gentleman from Mississippi, does not fail to recall that after the motion was made by the gentleman from South Carolina that the rule be reported, the question arose as to whether or not the particular amendment that is in question now offered by the gentleman from Indiana was included.

He was advised and the committee was advised that it was not included. Then the gentleman from Mississippi offered an amendment that it be included and there was a vote. The gentleman from Mississippi asked for a record vote; there was a record vote, and the vote was seven noes to two ayes. So it was rejected specifically by the Rules Committee.

Not only that, but the staff of the Rules Committee notified the staff of the gentleman from Indiana as to what the Rules Committee's action was. So there was no misunderstanding; maybe we should have delineated more carefully, and we will try to profit by this experience in the future, but there was no misunderstanding by the gentleman from Indiana or, I believe, by the distinguished gentleman from Mississippi as to what the action of the committee was.

Mr. LOTT. Mr. Chairman, if I could be heard briefly, further, in support of the gentleman from Indiana and in response to the chairman of the Rules Committee.

The CHAIRMAN. The gentleman will be recognized to close argument on the point of order.

Mr. LOTT. I will try to be brief and I will close, but I would like to speak to the particular point the chairman referred to. I, in fact, did offer an amendment to try to make all three Burton amendments in order; and as a matter of fact tried to read for the Rules Committee into the RECORD the exact language of the amendment, but it was said, "Oh, no, no, no, that's not necessary."

I really was not aware of which one of these amendments was which. Regardless of that, the Rules Committee just made a judgment call; "Yes, we'll allow these two but not that one," and I thought that was very questionable.

All of that is irrelevant now. The mistake was made; no matter how it

occurred, and the House has voted on the rule.

The CHAIRMAN (Mr. TRAXLER). The Chair is prepared to rule.

On the basis of the language contained in House Resolution 478 and the CONGRESSIONAL RECORD of June 17, the Chair finds that there is no ambiguity, and that under the rule the first amendment printed by the gentleman from Indiana is to be in order along with the second amendment; and the committee has made his first amendment which is printed in the RECORD of June 17, in order.

The Chair has no other question on that point, and therefore cannot go to events that occurred in the Rules Committee nor what the intention may have been of the Rules Committee relative to the order of several amendments that the gentleman presented in the Rules Committee.

The Chair cannot rule on the basis of the good faith effort of the gentleman from Indiana to comply with the request of the Rules Committee.

Therefore, it is the decision of the Chair based upon the rule and upon the CONGRESSIONAL RECORD of June 17, 1986, that the amendment is in order, and the gentleman may proceed with his amendment.

The gentleman from Indiana [Mr. BURTON] has 7½ minutes, under the rule, and there are 7½ minutes allocated to the gentleman from Michigan [Mr. WOLPE], in opposition.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill authorizes \$25 million: \$4 million for "refugee education assistance" and \$21 million for "community development assistance."

The bill spells out very carefully that this money should have nothing to do with the South African Government.

My amendment would stipulate equally carefully that our money shall not be used by the African National Congress, as long as that organization is intimately associated with the South African Communist Party.

No one is saying that this money will necessarily go to the ANC. On the other hand, there is nothing in this bill to stop the money from going directly to the ANC or to an organization directly controlled by the ANC.

Joe Slovo, who is second in command of the ANC's military wing Umkhonto We Sizwe, or "Spear of the Nation" is a Communist.

In the Rules Committee one Member voiced skepticism with my contention that a significant number of the ANC executive committee are members of the South African Communist Party. He wanted evidence, so here is that evidence: at the second national conference of the ANC in Kabwe, Zambia, June 16 through 23, 1985, a new ANC national executive council was chosen, consisting of 30 members. Of these, at least 19 and

possibly up to 25, are known Communists.

Traditionally, the president of the ANC, who is now Oliver Tambo, is not a member of the South African Communist Party [SACP]. But the secretary general of the SACP is always a member of the ANC executive. Mr. Moses Mabhida, who held this post, died on March 8 of this year.

In addition to Solvo and Mabhida, we have the names of an positions of 17 other members of the ANC executive committee who are Communists, including the ANC's secretary and deputy secretary general and the senior commanders of its military wing.

I would like to submit the list, which was compiled from South African intelligence and other sources by the staff of the Subcommittee on Security and Terrorism of the Senate Judiciary Committee, for the RECORD at this point:

(A) At the Second National Conference of ANC at Kabwe (Zambia 16-23 June 1985) a new ANC-national executive was chosen, consisting of 30 members. Of these, at least 19 and possibly up to 25, are known Communists, although it is not in all cases possible to give documentary proof of the SACP membership since SACP does not disclose its membership lists. It is however known that traditionally the president of ANC (O. Tambo) is not an SACP-member, but the secretary-general of SACP is always a member of ANC Executive. Mr. Moses Mabhida, who held this post, died on 8 March 1986.

(B) Of members of ANC executive, following are known Communists:

Alfred Nzo (Secretary general, second in command).

Steve Dlamini, president of ANC-aligned SA congress of trade unions.

Chris Hani, political commissar of Umkhonto We Sizwe.

Pallo Jordan, senior member of ANC department of information and publicity.

Moses Mabhida, secretary general of SACP now deceased.

Mac Mahara, member of political and military committees.

Cassius Make, senior commander of Umkhonto We Sizwe.

Henry Makgothi, secretary of education department.

Thabo Mbeki, secretary for publicity.

Francis Meli, editor of Sechaba (ANC's official monthly).

Joe Modise, commander of Umkhonto We Sizwe—armed wing.

Anthony Mongalo, ANC-representation in East Germany.

John Nkadimeng, chief secretary of SACTU, chairman of political committee.

Aziz Pahah, senior member in London office.

Mzwai Piliso, special aide to O. Tambo.

Reg September, former London representative at HQ, now in Lusaka.

Joe Slovo, second in command of Umkhonto We Sizwe.

James Stuart, at HQ in Zambia.

Dan Tloome, deputy secretary-general and deputy treasurer-general.

In any case, we need not look only to the membership of the ANC to discover its Communist affiliations.

The most important indication of the ANC's Communist control is in its own declared ideology and policies.

For example, the ANC-SACP alliance supports the Soviet invasion of Afghanistan. In 1981 the ANC executive member Moses Mabhida stated: "We express our full solidarity with the Afghanistan People's Democratic Party—we fully understand and support the timely assistance of the Soviet Union, and call upon progressive forces throughout the world to consolidate the ranks of the anti-imperialist forces." [London, July 30, 1981.]

The political report of the ANC's June 1985 conference is pure Soviet line. The report articulates the ANC's view of the world under the headings "Anti-Imperialist Victories" and "U.S. Offensive."

I would like to read some excerpts from the ANC report:

The Vietnamese Liberation Movement had finally won victory in 1975 with the . . . humiliating flight of the Americans remaining in South Vietnam. The Shah of Iran . . . was swept out of power by the masses in 1979. In the Western Hemisphere, progressive changes took place in Nicaragua and Grenada with the victories of the Sandinista and the New Jewel Movement.

The report goes on to justify or endorse the military crackdown in Poland, the Soviet occupation of Afghanistan, the Communist Sandinistas in Nicaragua, the Communist guerrillas in El Salvador, the Polisario Front in Morocco, and the Palestinian Liberation Organization.

The 36-page report mentions the United States and imperialism over 30 times and identifies the United States throughout as leading the "global offensive of imperialism." The Soviet Union is mentioned 10 times: eight emphasizing the Soviet Union's role as enemy of the United States, once as a victim of Nazi Germany, and once as savior of the "democratic and anti-imperialist revolution of Afghanistan."

The report also identifies "Zionist Israel" as "the proxy of United States imperialism."

It doesn't seem to me to be knee-jerk anticommunism to say that, while the ANC was once a legitimate, Black Nationalist organization, it is now a typical Soviet-backed "liberation" movement, committed to a Soviet agenda.

I really do not see how anyone who loves freedom or who wants to help anyone in South Africa would support a group that seems to take some of the most repressive regimes on Earth as its role models.

It is also hard for me to understand why well-meaning Members of Congress would be fooled by the ANC in exactly the same way they were fooled by the Sandinistas in Nicaragua, the Vietcong in Nicaragua, the MPLA in Angola, Frelimo in Mozambique, and even by Fidel Castro in Cuba.

I wonder how many times Communists will be able to surround themselves with a veneer of democratic supporters and say they are nationalists

and have liberals in the West swallow the idea hook, line, and sinker.

If my colleagues, such as Mr. WOLPE and Mr. GRAY do not support the ANC, I would be happy to hear it. If that is the case, they should have no problem with my amendment.

If they do support the ANC, I would like to hear why they do not think they are being fooled again into building legitimacy for an organization which is no more democratic than the movements and governments that it so lavishly praises and have inflicted so much misery on so many people.

□ 1415

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

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

Mr. SILJANDER. I thank the gentleman for yielding.

Mr. Chairman, just to make sure that I understand what the gentleman is attempting to do precisely with his amendment, I understand that the bill now before us allows specific funds to be appropriated for organizations in South Africa.

Mr. BURTON of Indiana. That is correct.

Mr. SILJANDER. The gentleman's amendment then suggests or directs that none of these funds could be used for the ANC, the African National Congress, is that correct?

Mr. BURTON of Indiana. So long as they are inundated by the Communist Party.

Mr. SILJANDER. But in the documentation the gentleman is suggesting that out of the 30 members, how many of the members are members of the Communist Party?

Mr. BURTON of Indiana. We have documentation that 19 members are Communists, members of the South African Communist Party, and we believe that as many as 25 of the 30 are Communists.

Mr. SILJANDER. Well, this gentleman would like to go on record: I support the amendment of the gentleman, but I also would like to go on record as saying that there are those factions in the African National Congress that are not Communists that are certainly seeking after freedom; but based on the documentation of the gentleman, I would be very concerned about American taxpayers' dollars, when my farmers are in serious trouble in western Michigan, using taxpayers' dollars to fund an organization that had any elements of the Marxist-Leninist nature.

So I appreciate the amendment of the gentleman. It seems rather appropriate at least to protect the taxpayer dollars.

The ANC can be what it wishes, but I think we have an option not to send our taxpayer dollars to groups that have that orientation.

Mr. BURTON of Indiana. I thank the gentleman, and, Mr. Chairman, I reserve the balance of my time.

Mr. GRAY of Pennsylvania. Mr. Chairman, the gentleman used my name, and he is not going to yield?

Mr. BURTON of Indiana. I think that Mr. WOLPE might be able to yield some time to the gentleman.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to my distinguished colleague from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. I thank the Chairman, Mr. WOLPE, and also my colleagues.

Mr. Chairman, it is unfortunate that a Member of the House would refer to me by name and then not pay the courtesy of allowing me to ask him a question with regard to the use of my name.

Let me just simply say I did not hear specifically how my name was used or in what context. But I would like to address the fundamental basis of the gentleman's argument. And that is that we cannot do anything against apartheid because of communism. And he has documentation which I have not seen—and it is like the mysterious documents that P.W. Botha claims he has that led his government to impose the new emergency restrictions, which no one else has seen either—but, be that as it may, because he says there are 12 or 18 of 40 people on a board who he says are documented to be Communists.

I would just simply say that that argument is ludicrous because what it says is that because what it says is that because of 18 or 19 people, we are willing to continue to support apartheid. The issue is not communism in southern Africa, the issue is majority rule, freedom, and the end of racism. And as long as we have such nonsense as that argument, I do not think it helps the debate process.

I would simply say I do not know what the ANC is. I know Nelson Mandela has said that he is not a Communist. At his trial he said:

Our fight is against real, and not imaginary hardships. Basically we fight against two features which are the hallmarks of African life in South Africa. These features are poverty and lack of human dignity, and we do not need communists or so-called "agitators" to teach us about these things.

I would just simply say to my distinguished friend that having the names of 18 people, that is sort of like saying that because somebody receives contributions from a religious organization, that makes him religious. None of us would go to absurd length of following that logic. So I think in this case we have got to remember that the ANC was founded before the Communist revolution, it was forced out of South Africa by the Botha and apartheid regime in 1960 after the Sharpsville massacre.

However, if the gentleman wants to persist in his amendment, I think it is meaningless because history does not



bear out those facts. I would just simply say it is absolutely incorrect to say that the struggle in South Africa is led by Communists.

Desmond Tutu, Communist? Allan Boesak, Communist? The labor leaders, United Mine Workers, Communists? No. That is simply again a diversionary tactic to maintain the status quo and to avoid "rocking the Botha."

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Michigan [Mr. WOLPE] has 4½ minutes remaining.

Mr. WOLPE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the committee will accept the amendment because it is, frankly, a meaningless amendment. There is no assistance in the body of this act that was ever contemplated to be directed to the African National Congress.

The purpose of this legislation, however, is to do whatever we can to press the South African Government to begin to negotiate with the African National Congress and with other representative black leaders of the population.

So our acceptance of this amendment should not be construed as indicating that we believe the African National Congress does not have a role to play, a critical role to play in the negotiating process. In fact, one of the ironies of this amendment, to show how really extreme it is in its conception, the administration itself has called upon direct negotiations between the South African Government and the African National Congress, in recognition that it is the African National Congress that is far and away the most popular political force within South Africa.

Nor should our acceptance of this amendment indicate any endorsement of the view that the African National Congress is dominated by Communists. Again the administration has testified to this point that, while there are some Communists that are affiliated with the African National Congress, in no way is it Soviet-dominated or Communist-inspired.

Let me say, however, that it is the kind of effort that so frequently, I think, can create a self-fulfilling prophecy. We need to begin to recognize that it is apartheid itself that is the cause of the expansion of communism within that region, and every time this kind of amendment is offered up, what we do, I think, is to call into question our basic commitment to our opposition to apartheid. I think it is unfortunate. But the amendment is meaningless. The committee will accept it.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. President, I agree with the gentleman that the amendment is entirely meaningless.

I would like, however, to make two observations. According to this amendment no assistance can be given to the ANC so long as there are members of the South African Communist Party in its governing body.

Does the gentleman from Indiana know that there are Communists in the Italian Parliament, that there are Communists in the French Parliament, that there are Communists in the Japanese Parliament, that there are Communists in the parliaments of some of the other countries most closely allied with the United States? Is the gentleman going to offer an amendment to the DOD bill saying we should withdraw American troops and military assistance from any government in which Communists participate around the world? I rather doubt that he will. I do not see the gentleman offering an amendment which says that no assistance may be provided to South Africa so long as there are racists in the South African Government. But lo and behold, because of some hypothetical possibility that aid could go to the ANC, we have an amendment like this saying no aid can go to that organization because there may be a few Communists in it. This is exactly the kind of thinking which subjects the House to a degree of skepticism on the part of the American people with respect to our wisdom. But because it is meaningless, and there was no intention to provide any aid to the ANC anyway, I agree with the chairman we might as well accept it and get on with the far more serious issues that confront this House.

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

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 ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

□ 1430

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 1781]

Ackerman	Anthony	Badham
Akaka	Applegate	Barnard
Alexander	Archer	Barnes
Anderson	Armey	Bartlett
Andrews	Aspin	Barton
Annunzio	Atkins	Bateman

Bates	Feighan	Long
Bedell	Fiedler	Lott
Beilenson	Fields	Lowery (CA)
Bennett	Fish	Lowry (WA)
Bentley	Flippo	Lujan
Bereuter	Florio	Luken
Berman	Foglietta	Lungren
Bevill	Foley	Mack
Biaggi	Ford (MI)	MacKay
Bilirakis	Ford (TN)	Madigan
Bliley	Fowler	Manton
Boehlert	Frank	Markey
Boggs	Franklin	Marlenee
Boland	Frenzel	Martin (IL)
Boner (TN)	Frost	Martin (NY)
Bonior (MI)	Gallo	Martinez
Bonker	Garcia	Matsui
Borski	Gaydos	Mavroules
Bosco	Gejdenson	Mazzoli
Boucher	Gekas	McCain
Boulter	Gephardt	McCandless
Boxer	Gibbons	McCloskey
Brooks	Gilman	McCollum
Broomfield	Gingrich	McCurdy
Brown (CA)	Glickman	McDade
Brown (CO)	Gonzalez	McEwen
Broyhill	Goodling	McGrath
Bruce	Gordon	McHugh
Bryant	Gradison	McKernan
Burton (CA)	Gray (IL)	McKinney
Burton (IN)	Gray (PA)	McMillan
Bustamante	Green	Meyers
Byron	Gregg	Mica
Callahan	Gunderson	Michel
Campbell	Hall (OH)	Mikulski
Carney	Hall, Ralph	Miller (CA)
Carper	Hamilton	Miller (OH)
Carr	Hammerschmidt	Miller (WA)
Chapman	Hansen	Mineta
Chappell	Hartnett	Mitchell
Chappie	Hatcher	Moakley
Clay	Hawkins	Molinari
Clinger	Hayes	Mollohan
Coats	Hefner	Monson
Cobey	Hendon	Montgomery
Coble	Henry	Moody
Coelho	Hertel	Moore
Coleman (MO)	Hiler	Moorhead
Coleman (TX)	Hillis	Morrison (CT)
Collins	Holt	Morrison (WA)
Combest	Hopkins	Mrazek
Conte	Horton	Murphy
Conyers	Howard	Murtha
Cooper	Hoyer	Myers
Coughlin	Hubbard	Natcher
Courter	Huckaby	Neal
Coyne	Hughes	Nelson
Craig	Hunter	Nichols
Crane	Hutto	Nielson
Crockett	Hyde	Nowak
Daniel	Ireland	Oakar
Dannemeyer	Jacobs	Oberstar
Darden	Jeffords	Obey
Daschle	Jenkins	Olin
Daub	Johnson	Ortiz
de la Garza	Jones (NC)	Owens
DeLay	Jones (OK)	Oxley
Dellums	Jones (TN)	Packard
Derrick	Kanjorski	Panetta
DeWine	Kaptur	Parris
Dickinson	Kasich	Pashayan
Dicks	Kastenmeier	Pease
Dingell	Kemp	Penny
DioGuardi	Kennelly	Pepper
Dixon	Kildee	Perkins
Donnelly	Kindness	Petri
Dorgan (ND)	Klecicka	Pickle
Dornan (CA)	Kolbe	Porter
Downey	Kolter	Price
Dreier	Kostmayer	Pursell
Duncan	Kramer	Quillen
Durbin	LaFalce	Rahall
Dwyer	Lagomarsino	Ray
Dymally	Lantos	Regula
Dyson	Leach (IA)	Reid
Early	Leath (TX)	Richardson
Eckart (OH)	Lehman (CA)	Ridge
Eckert (NY)	Lehman (FL)	Rinaldo
Edgar	Leland	Ritter
Edwards (CA)	Lent	Roberts
Edwards (OK)	Levin (MI)	Robinson
Emerson	Levine (CA)	Rodino
English	Lewis (CA)	Roe
Erdreich	Lewis (FL)	Roemer
Evans (IA)	Lightfoot	Rogers
Evans (IL)	Lipinski	Rose
Fascell	Livingston	Rostenkowski
Fawell	Lloyd	Roth
Fazio	Loeffler	Rowland (CT)

Rowland (GA) Smith, Robert  
Roybal (NH) Smith, Robert  
Rudd (OR)  
Russo  
Sabo  
Savage  
Saxton  
Schaefer  
Scheuer  
Schroeder  
Schuette  
Schulze  
Schumer  
Seiberling  
Sensenbrenner  
Sharp  
Shaw  
Shelby  
Shumway  
Shuster  
Sikorski  
Siljander  
Sisisky  
Skeen  
Skelton  
Slattery  
Slaughter  
Smith (FL)  
Smith (IA)  
Smith (NE)  
Smith (NJ)  
Smith, Denny  
(OR)

□ 1440

The CHAIRMAN. Four hundred eleven Members have answered to their name, a quorum is present, and the Committee will resume its business.

## RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana [Mr. BURTON] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 365, noes 49, not voting 19, as follows:

[Roll No. 179]

## AYES—365

Alexander Bustamante Dreier  
Anderson Byron Duncan  
Andrews Callahan Durbin  
Annunzio Campbell Dwyer  
Anthony Carney Dyson  
Applegate Carper Early  
Archer Carr Eckart (OH)  
Armey Chapman Eckert (NY)  
Aspin Chappell Edgar  
Atkins Chappie Edwards (OK)  
Badham Clinger Emerson  
Barnard Coats English  
Bartlett Cobey Erdreich  
Barton Coble Evans (IA)  
Bateman Coelho Fawell  
Bates Coleman (MO) Feighan  
Bedell Coleman (TX) Fiedler  
Bennett Combest Fields  
Bentley Conte  
Bereuter Cooper Fish  
Berman Coughlin Flippo  
Bevill Courter Florio  
Biaggi Craig Ford (MI)  
Billakis Crane Fowler  
Bliley Daniel Franklin  
Boehlert Dammemeyer Frenzel  
Boggs Darden Frost  
Boland Daschle Gallo  
Boner (TN) Daub Gaydos  
Bonker de la Garza Gekas  
Borski DeLay Gephhardt  
Bosco Derrick Gibbons  
Boucher DeWine Gilman  
Boulter Dickinson Gingrich  
Brooks Dicks Glickman  
Broomfield Dingell DioGuardi  
Brown (CA) Dixon Goodling  
Brown (CO) Gordon  
Broyhill Donnelly Gradison  
Bruce Dorgan (ND) Gray (IL)  
Bryant Dornan (CA) Green  
Burton (IN) Downey Gregg

Gunderson McCurdy  
Hall (OH) McDade  
Hall, Ralph McEwen  
Hamilton McGrath  
Hammer Schmidt McHugh  
Hansen McKernan  
Hartnett McKinney  
Hatcher McMillan  
Hefner Meyers  
Heftel Mica  
Hendon Michel  
Henry Miller (CA)  
Hertel Miller (OH)  
Hiller Miller (WA)  
Hillis Moakley  
Holt Molinar  
Hopkins Mollohan  
Horton Monson  
Hubbard Montgomery  
Huckaby Moody  
Hughes Moore  
Hunter Moorhead  
Hutto Morrison (WA)  
Hyde Mrazek  
Ireland Murphy  
Jacobs Murtha  
Jeffords Myers  
Jenkins Natcher  
Johnson Neal  
Jones (NC) Nelson  
Jones (OK) Nichols  
Jones (TN) Nielson  
Kanjorski Nowak  
Kaptur Oaker  
Kasich Oarstar  
Kastenmeier Obey  
Kemp Olin  
Kennelly Ortiz  
Kildee Oxley  
Kindness Packard  
Klecza Panetta  
Kolbe Parris  
Kolter Pashayan  
Kostmayer Pease  
Kramer Penny  
LaFalce Pepper  
Lagomarsino Petri  
Lantos Pickle  
Leach (IA) Porter  
Leath (TX) Price  
Lehman (CA) Pursell  
Lent Quillen  
Levin (MI) Ray  
Levine (CA) Regula  
Lewis (CA) Reid  
Lewis (FL) Richardson  
Lightfoot Ridge  
Lipinski Rinaldo  
Livingston Ritter  
Lloyd Roberts  
Loeffler Robinson  
Long Roe  
Lott Roemer  
Lowery (CA) Rogers  
Lujan Rose  
Luken Rostenkowski  
Lungren Roth  
Mack Roukema  
MacKay Rowland (CT)  
Madigan Rowland (GA)  
Manton Rudd  
Marlenee Russo  
Martin (IL) Sabo  
Martin (NY) Saxton  
Martinez Schaefer  
Mavroules Scheuer  
Mazzoli Schroeder  
McCain Schuette  
McCandless Schulze  
McCloskey Schumer  
McCollum Seiberling

## NOES—49

Ackerman Ford (TN)  
Akaka Frank  
Barnes Owens  
Beilenson Garcia  
Bonior (MI) Gonzalez  
Boxer Gray (PA)  
Burton (CA) Hawkins  
Clay Hayes  
Collins Howard  
Conyers Hoyer  
Crockett Lehman (FL)  
Dellums Leland  
Dymally Lowry (WA)  
Edwards (CA) Markay  
Evans (IL) Matsui  
Fazio Mikulski  
Foglietta Mineta  
Mitchell

Sensenbrenner  
Sharp  
Shaw  
Shelby  
Shumway  
Shuster  
Sikorski  
Siljander  
Sisisky  
Skeen  
Skelton  
Slattery  
Slaughter  
Smith (FL)  
Smith (IA)  
Smith (NE)  
Smith (NJ)  
Smith, Denny  
(OR)

Smith, Robert  
(NH)  
Smith, Robert  
(OR)

Snowe  
Snyder  
Solarz  
Solomon  
Spence  
Spratt  
Staggers  
Stallings  
Stangeland  
Stenholm  
Strang  
Stratton  
Stump  
Sundquist  
Sweeney  
Swift  
Swindall  
Synar  
Tallon  
Tauke  
Tausin  
Taylor  
Thomas (CA)  
Thomas (GA)  
Torres  
Torricelli  
Traficant  
Traxler  
Udall  
Valentine  
Vento  
Visclosky  
Volkmer  
Vucanovich  
Walgren  
Walker  
Watkins  
Waxman  
Weber  
Whitley  
Whittaker  
Whitten  
Williams  
Wilson  
Wirth  
Wise  
Wolf  
Wolpe  
Wortley  
Wright  
Wyden  
Yatron  
Young (AK)  
Young (FL)  
Young (MO)  
Zschau

## NOT VOTING—19

AuCoin  
Breaux  
Chandler  
Cheney  
Coyne  
Davis  
Dowdy  
Foley  
Fuqua  
Grotberg  
Guarini  
Latta  
Lundine  
O'Brien  
Rangel  
Schneider  
Vander Jagt  
Weaver  
Whitehurst

□ 1455

Messrs. MICA, CARPER, and BATES changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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: Insert the following after section 7 and redesignate the succeeding sections and references thereto, accordingly:

## SEC. 8. EXEMPTION FOR CERTAIN COMPANIES.

(a) EXEMPTION FOR COMPANIES COMPLYING WITH SULLIVAN PRINCIPLES.—The prohibitions contained in this Act shall not apply with respect to any business enterprise located in South Africa which, in the operation of that business enterprise, implements those principles set forth in subsection (b).

(b) STATEMENT OF PRINCIPLES.—The principles referred to in subsection (a) are the following:

(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 in-grade benefits which are based on 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, including establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; 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; and

(D) 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 the provision of 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.—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, except that an employer may permit employees to confer with the employer during working hours without loss of time of pay,

(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 under this paragraph; and

(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 where there are no other available channels which will

enable the labor organization to communicate with employees through reasonable efforts.

(8) ACTIVITIES OUTSIDE THE WORKPLACE.—Taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

(A) supporting the unrestricted rights of black businesses to locate in urban areas;

(B) influencing other companies in South Africa to follow the standards of equal rights principles;

(C) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and making provision for adequate housing for families of employees within the proximity of workers' employment; and

(D) supporting the rescission of all apartheid laws.

Mr. BURTON of Indiana (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 Indiana?

There was no objection.

The CHAIRMAN. The Chair will inquire of the gentleman from Indiana [Mr. BURTON] whether this is the second amendment made in order by the committee and printed in the Journal.

Mr. BURTON of Indiana. Mr. Chairman, it is.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] will be recognized for 7½ minutes and the gentleman from Michigan [Mr. WOLPE] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is straightforward. It would exempt any company operating in South Africa, either American, foreign, or South African, from the provisions of the bill, if it abides by the Sullivan principles.

This bill has \$21 million in it for community development. Well, the Sullivan signatories have contributed \$115 million to date for projects in health, education, housing, and better living conditions for nonwhite South Africans.

In December 1984, 284 United States corporations had direct investments in South Africa, and 123 of those, employing 70 percent of the work force in the United States companies, were Sullivan signatories.

As of October of last year, there were 240 U.S. corporations, of which 178, or 74 percent of our corporations, are Sullivan signatories.

These corporations have provided over 1,000 scholarships to blacks, spent millions on black education and development. This bill would effectively force these corporations to leave South Africa.

Now I think we have to ask ourselves, what is our goal here. Is it to make South Africa ungovernable, as

the ANC has stated it would like to do, or is it to help speed up the breakdown of apartheid through constructive change.

Do we wish to simply destroy the economy of South Africa? Over 350,000 blacks from neighboring countries work legally in South Africa, while another 1.5 million come in illegally.

The economies of at least 14 nations in Africa remain substantially dependent on economic relations with South Africa. These nations hypocritically support sanctions that they would never implement themselves.

In fact, a majority of blacks of South Africa itself say that they oppose the economic boycott of South Africa.

In a poll conducted in March by the Institute for Sociological and Demographic Research of the Human Sciences Research Council among 1,338 blacks in urban areas found that 67.7 percent opposed a world economic boycott.

When the question was changed to ask if they would support sanctions if it meant losing their jobs, the number opposed to sanctions increased to 73.8 percent.

Since this bill would, as it stands, affect all corporations in South Africa, my amendment would provide a strong incentive for all corporations, South African or foreign, to comply with the Sullivan principles.

I believe this would be a very constructive development and would urge adoption of the amendment.

□ 1505

Mr. WOLPE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is virtually identical to one that was proposed last year during the consideration of the antiapartheid legislation then, that was overwhelmingly defeated on a bipartisan vote because Members of this body understood that this ran directly contrary to the whole thrust and intent of the sanctions legislation.

The effect of this amendment would be to really substantially weaken the sanctions that are in the bill. The issue that is involved in the struggle against apartheid is not workplace conditions, and while it is certainly true that the Sullivan code companies, at least several of them, that are involved in South Africa made a very positive contribution in the workplace sphere to labor-management relationships, and to improved conditions of life for their specific workers, it is not true that that kind of economic investment and activity is moving South Africa away from apartheid. In fact, all of the economic industrialization that has occurred in the recent decades has been accompanied by increased repression and the consolidation of the totalitarian regime, not the reverse.

We need to understand that there are somewhere in the neighborhood of 50,000 employees that are employed in the Sullivan code firms, American firms. There are some 24 million South Africans that are black, some 4 million South Africans that are colored or Asian. To think that 95 percent of the American debate focuses upon the 50,000 workers is ludicrous on its face when we are really excluding consideration of the impact of apartheid upon the 26 million people in that country that just happen not to be white.

Reverend Sullivan himself, the architect of the Sullivan code, has endorsed virtually everything that is in this bill. He has gone even further; he has said that if apartheid is not dismantled within 1 year, by May 1987, that he himself would come out for total disinvestment.

It is not that the Sullivan code companies have not done good; it is that the struggle against apartheid is no longer a struggle for desegregated workplaces or improved working conditions, it is a struggle for political rights.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, on August 1, 1985, Mr. WOLPE, on the floor of the Congress, said, "I cannot tell you how proud I was personally as an American, as a Member of this institution, to see the House and Senate conferees, on a totally bipartisan basis, express a commitment to move in a new direction in our relationship towards South Africa."

In that conference report, Mr. Chairman, were the Sullivan principles, made essentially mandatory, and so many on the other side stood up to say that it was a great day in American history, that this was a bipartisan effort and they were proud to stand up for the Sullivan principles. They were not inconsistent last year; why are they now inconsistent this year? I think that the thinking is rather inconsistent, and the policy.

Mr. WOLPE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MITCHELL].

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

Mr. MITCHELL. Mr. Chairman, God has been good to me. God has been exceedingly good to me. He has allowed me to stay in this Congress long enough to see a remarkable transfiguration take place.

Last week it was manifested in the housing bill, when all of those who are bitterly opposed to housing legislation stood up and offered amendment after amendment speaking in the name of the tenants that they denied for so many years.

Today we see another manifestation of that miraculous transfiguration where those who had no concern at all

about blacks in South Africa rise in defense of the 50,000 black employees saying we love you, we want to protect you, the devil with the others. Don't you know that this is exactly what happened during the civil rights decade?

Mr. Chairman, I want to see these transfigured personalities who are so sympathetic to blacks hear the benefit of my praise for them.

It is just like the civil rights decade. You go into a Southern town and the white bosses trotted out five black people who had jobs. They said, "We want to protect your jobs. Don't let these others come down here demonstrating and acting simple, because if they do, you will lose your job."

Of course those blacks said, "We don't want to lose our jobs."

The civil rights decade was a deliberate, mean-spirited attempt to drive a wedge between the black community. It is not going to work. It did not work then, and it is not going to work in South Africa. People are concerned about the freedom of a people, and when they face that kind of crucible, that severe test, they are willing to bear the pain, willing to bear all the sufferings necessary so that they can be regarded as human beings with full dignity.

It is a bad amendment. This transfigured friend of black South Africans offers you a bad amendment, and I would urge the defeat without even much more discussion on it. It does not merit much more.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there are a multitude of approaches to solving this very complex problem in South Africa. One of them is to help the blacks have better employment conditions and better living conditions, as well as the political problems that they face, and to adopt the Sullivan principles which have been heralded around the world as a step in the right direction by American companies, and to apply those principles, to South African companies cannot be a step in the wrong direction.

The analogy that the gentleman used about Southern America in the fifties, forties, and thirties I do not think is correct.

Mr. WOLPE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Chairman, I urge a "no" vote against this amendment. It sounds good, it looks good, but it is not good. Let me tell you why:

Leon Sullivan, who is the author of the Sullivan principles, lives in my district. I have known him since the age of 9. Last year he said that he supported the Anti-Apartheid Act that we passed in Congress. This year he supports it in its entirety, and what the gentleman does by this amendment is that he simply says, "Those companies that do this are exempt."

Dr. Sullivan would not support this amendment, and he is the author of the principles.

When I was in South Africa in January, we asked the majority population about this, and they said, "Look, the companies are not complying right now." Leon Sullivan has said that they have not complied right now. And again it confuses the issue. The issue is not Sullivan principles, the issue is not supply-side diplomacy, it is not the loss of jobs; it is a loss of life, the loss of human freedom, and the loss of justice.

Mr. Chairman, I urge a "no" vote.

Mr. SILJANDER. Mr. Chairman, may I inquire how much time we have on this side?

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has 3 minutes remaining, and the gentleman from Michigan [Mr. WOLPE] has 2½ minutes remaining.

Mr. SILJANDER. I thank the Chair.

Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding, and I would like to say that I think that there is a great deal of merit in his amendment. You know, I think that there are two ways to move a Nation. You can push them, you can punish them, or you can persuade them and pull them, and I am reminded that in our country we have tried to give some economic stimulus to the minority community with our 8(a) programs and with our set-aside programs, and I like the idea of trying to help people rather than damage economies, and I think that we have a real chance of putting South Africa, white and black, into recession, or possibly into a depression.

I think that the Sullivan principles have merit and that they have been identified as being very important, at least in the initial stages of this struggle, and I think that the idea that Mr. BURTON has put forth has great merit, because it persuades people to do something in a positive fashion, and I think if we continue down the path we are going down, we are going to see a depression for both communities, black and white, in South Africa.

I thank the gentleman for yielding.

Mr. WOLPE. Mr. Chairman, to close the debate, I yield the remainder of my time to the distinguished gentleman from the District of Columbia [Mr. FAUNTROY].

The CHAIRMAN. The gentleman from the District of Columbia [Mr. FAUNTROY] is recognized for 2½ minutes.

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

□ 1515

Mr. FAUNTROY. Mr. Chairman, simply stated, this amendment deserves the same fate that it experi-



enced last year when it was brought up. It needs to be recognized that it is an effort simply to gut this legislation. This amendment deserves to be defeated.

The issue here is not the fate of some 50,000 blacks who work for United States firms in South Africa. The issue is whether or not we are going to take a stand against apartheid.

The gentleman from Indiana suggests that American firms have contributed \$150 million to self-help programs in South Africa. He ought also to point out that American firms have paid \$4.6 billion in taxes to the apartheid regime in South Africa. What we are saying in this legislation is no new business, no more loans, no more development of companies that underpin this vicious regime, no increased tax revenues from foreign firms.

I urge you to vote no on this amendment now.

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

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

Mr. CONYERS. Mr. Chairman, I thank my colleague for yielding.

Is it true that Dr. Leon Sullivan, himself the author of the Sullivan principles, is opposed to this amendment?

Mr. FAUNTROY. It is certainly true.

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

Mr. BURTON of Indiana. Mr. Chairman, I want to close the debate on my amendment, if the gentleman has other Members who want to speak on it.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, there are thousands of blacks who work in American companies that work under the Sullivan principles. I have been to South Africa. Their plight is much better than those of their counterparts who work in South African companies.

Now, I cannot for the life of me see why we would not want to apply the Sullivan principles to South African companies to encourage them to make the working conditions for the blacks in those companies better.

This amendment, in my opinion, does not have a downside. It has only an upside. It is going to encourage South African companies to use their resources to help the blacks who work in their companies, just like the American companies that have plants in South Africa.

I have heard the arguments from my colleagues and the analogies that they have used. I do not agree with them.

This is a step in the right direction. It is not an overall solution. Apartheid needs a great deal more work to be done. We are going to have to continue pressure on the South African Gov-

ernment, but this is one step toward an overall solution and I urge you to support this amendment.

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

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 150, noes 268, not voting 15, as follows:

[Roll No. 180]

#### AYES—150

Applegate	Gunderson	Parris
Archer	Hall, Ralph	Pashayan
Armey	Hammerschmidt	Petri
Badham	Hansen	Porter
Bartlett	Hendon	Quillen
Barton	Hiler	Regula
Bateman	Hillis	Ridge
Bentley	Holt	Ritter
Bereuter	Hopkins	Roberts
Bilirakis	Hunter	Rogers
Boulter	Hutto	Roth
Broomfield	Hyde	Rowland (CT)
Brown (CO)	Ireland	Rudd
Brownhill	Johnson	Saxton
Burton (IN)	Kasich	Schaefer
Byron	Kemp	Schuetz
Callahan	Kindness	Shaw
Campbell	Kolbe	Shumway
Carney	Kramer	Shuster
Chappell	Lagomarsino	Siljander
Chappie	Leath (TX)	Skeen
Clinger	Lewis (CA)	Slaughter
Coats	Lewis (FL)	Smith (NE)
Cobey	Lightfoot	Smith, Denny
Coble	Livingston	(OR)
Coleman (MO)	Loeffler	Smith, Robert
Combest	Lott	(NH)
Craig	Lowery (CA)	Smith, Robert
Crane	Lujan	(OR)
Dannemeyer	Lungren	Snyder
Daub	Mack	Solomon
DeLay	Madigan	Spence
DeWine	Marlenee	Stangeland
Dickinson	McCain	Stenholm
Dixon	McCandless	Strang
Dorman (CA)	McCollum	Stratton
Dreier	McEwen	Stump
Duncan	McMillan	Sundquist
Eckart (NY)	Meyers	Sweeney
Edwards (OK)	Michel	Swindall
Emerson	Miller (OH)	Tauke
Evans (IA)	Monson	Taylor
Fawell	Montgomery	Thomas (CA)
Fiedler	Moore	Vucanovich
Fields	Moorhead	Walker
Franklin	Morrison (WA)	Whitehurst
Frenzel	Murphy	Whittaker
Gallo	Myers	Whitten
Gekas	Nielson	Wolf
Gingrich	Oxley	Young (FL)
Gregg	Packard	Zschau

#### NOES—268

Ackerman	Bliley	Carr
Akaka	Boehrlert	Chapman
Alexander	Boggs	Clay
Anderson	Boland	Coelho
Andrews	Boner (TN)	Coleman (TX)
Annunzio	Bonior (MI)	Collins
Anthony	Bonker	Conte
Aspin	Borski	Conyers
Atkins	Bosco	Cooper
AuCoin	Boucher	Coughlin
Barnard	Boxer	Courter
Barnes	Breaux	Coyne
Bates	Brooks	Crockett
Bedell	Brown (CA)	Daniel
Beilenson	Bruce	Darden
Bennett	Bryant	Daschle
Berman	Burton (CA)	de la Garza
Bevill	Bustamante	Dellums
Biaggi	Carper	Derrick

Dicks	Kleczka	Roe
Dingell	Kostmayer	Roemer
DiGuardi	LaFalce	Rose
Donnelly	Lantos	Rostenkowski
Dorgan (ND)	Leach (IA)	Roukema
Downey	Lehman (CA)	Rowland (GA)
Durbin	Lehman (FL)	Russo
Dwyer	Leland	Sabo
Dymally	Lent	Savage
Dyson	Levin (MI)	Schener
Early	Levine (CA)	Schroeder
Eckart (OH)	Lipinski	Schulze
Edgar	Lloyd	Schumer
Edwards (CA)	Long	Seiberling
English	Lowry (WA)	Sensenbrenner
Erdreich	Luken	Sharp
Evans (IL)	MacKay	Shelby
Fascell	Manton	Sikorski
Fazio	Markey	Sisisky
Feighan	Martin (IL)	Skelton
Fish	Martin (NY)	Slatery
Flippo	Martinez	Smith (FL)
Florio	Matsui	Smith (IA)
Foglietta	Mavroules	Smith (NJ)
Foley	Mazzoli	Snowe
Ford (MI)	McCloskey	Solarz
Ford (TN)	McCurdy	Spratt
Fowler	McDade	St Germain
Frank	McGrath	Staggers
Frost	McHugh	Stallings
Garcia	McKernan	Stark
Gaydos	McKinney	Stokes
Gejdenson	Mica	Studds
Gephardt	Mikulski	Swift
Gibbons	Miller (CA)	Synar
Gilman	Miller (WA)	Tallon
Glickman	Mineta	Tauzin
Gonzalez	Mitchell	Thomas (GA)
Goodling	Moakley	Torres
Gordon	Molinari	Torricelli
Gradison	Mollohan	Towns
Gray (IL)	Moody	Trafficant
Gray (PA)	Morrison (CT)	Traxler
Green	Mrazek	Udall
Guarini	Murtha	Valentine
Hall (OH)	Natcher	Vento
Hamilton	Neal	Visclosky
Hatcher	Nelson	Volkmer
Hawkins	Nichols	Walgren
Hayes	Nowak	Watkins
Hefner	Oskar	Waxman
Heftel	Oberstar	Weaver
Henry	Obey	Weber
Hertel	Olin	Weiss
Horton	Ortiz	Wheat
Howard	Owens	Whitley
Hoyer	Panetta	Williams
Hubbard	Pease	Wilson
Huckaby	Penny	Wirth
Hughes	Pepper	Wise
Jacobs	Perkins	Wolpe
Jeffords	Pickle	Wortley
Jenkins	Price	Wright
Jones (NC)	Pursell	Wyden
Jones (OK)	Rahall	Wyle
Jones (TN)	Ray	Yates
Kanjorski	Reid	Yatron
Kaptur	Richardson	Young (AK)
Kastenmeier	Rinaldo	Young (MO)
Kennelly	Robinson	
Kildee	Rodino	

#### NOT VOTING—15

Chandler	Grothberg	O'Brien
Cheney	Hartnett	Rangel
Davis	Kolter	Roybal
Dowdy	Latta	Schneider
Fuqua	Lundine	Vander Jagt

□ 1530

Mr. MARTIN of New York and Mr. NICHOLS changed their votes from "aye" to "no."

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DELLUMS

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

The CHAIRMAN. Is this amendment No. 4 that was printed in the House Record?

Mr. DELLUMS. That is correct, Mr. Chairman, in the nature of a substitute.

The CHAIRMAN. The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DELLUMS: Strike all after the enacting clause and insert the following:

#### SECTION 1. PROHIBITION ON INVESTMENTS IN SOUTH AFRICA.

No United States person may, directly or through another person, make or hold any investment in South Africa.

#### SEC. 2. PROHIBITION ON IMPORTS AND EXPORTS FROM SOUTH AFRICA.

(a) IMPORTS.—Notwithstanding any other provision of law, no article which is the growth, produce, or manufacture of South Africa may be imported into the United States, except for those strategic minerals of which the President certified to the Congress that the quantities essential for military uses exceed reasonably secure domestic supplies and for which substitutes are not available.

##### (b) EXPORTS.—

(1) GENERAL RULE.—No goods, technology, or other information subject to the jurisdiction of the United States may be exported to South Africa, and no goods, technology, or other information may be exported to South Africa by any person subject to the jurisdiction of the United States. The prohibition contained in this paragraph shall apply to goods, technology, or other information of any kind, which is subject to controls under the Export Administration Act of 1979, the Arms Export Control Act, the Atomic Energy Act of 1954, or any other provision of law.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply to exports described in section 6(g) of the Export Administration Act of 1979.

#### SEC. 3. PROHIBITION ON LANDING RIGHTS OF SOUTH AFRICAN AIRCRAFT.

(a) PROHIBITION.—The Secretary of Transportation shall prohibit the takeoff and landing of any aircraft by a foreign air carrier called, directly or indirectly, by the Government of South Africa or by South African nationals.

(b) EXCEPTIONS FOR EMERGENCIES.—The Secretary of Transportation may provide for such exceptions from the prohibition set forth in subsection (a) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers are threatened.

(c) DEFINITIONS.—For purposes of this section, the terms "aircraft" and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958.

#### SEC. 4. PROHIBITION ON IMPORTATION OF KRUGERRANDS.

No person may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

#### SEC. 5. ENFORCEMENT; PENALTIES.

(a) AUTHORITIES OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with such provisions, regulations, licenses and orders. In ensuring such compli-

ance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(b) VIOLATIONS.—Any person that knowingly violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall—

(1) if other than an individual, be fined not more than \$500,000; and

(2) if an individual, be fined not more than \$250,000, or imprisoned not more than 5 years, or both.

#### (c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who willfully carried out such act or practice.

shall, upon conviction, be fined not more than \$250,000, or imprisoned not more than five years, or both.

(2) RESTRICTION OF PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d) SEIZURE AND FORFEITURE OF AIRCRAFT.—Any aircraft used in connection with a violation of section 3 of any regulation, license, or order issued to carry out that section shall be subject to seizure by the forfeiture to the United States. All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission of mitigation of such forfeitures shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for purposes of this subsection, be exercised or performed by the Secretary of Transportation or by such persons as the Secretary may designate.

#### SEC. 6. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

#### SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) UNITED STATES.—The term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(2) UNITED STATES.—The term "United States person" means any United States resident or national and any partnership, corporation, or other entity organized under the laws of the United States or of any of the several States, of the District of Columbia, or of any commonwealth, territory, or possession of the United States.

(3) INVESTMENT IN SOUTH AFRICA.—The term "investment in South Africa" means—

(A) a commitment of funds or other assets (in order to earn a financial return) to a business enterprise located in South Africa or owned or controlled by South African nationals, including—

(i) a loan or other extension of credit made to such a business enterprise, or security given for the debts of such a business enterprise;

(ii) the beneficial ownership or control of a share or interest in such a business enterprise, or of a bond or other debt instrument issued by such a business enterprise; or

(iii) capital contributions in money or other assets to such a business enterprise; or

(B) the control of a business enterprise located in South Africa or owned or controlled by South African nationals, in cases in which subparagraph (A) does not apply.

(4) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(5) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as such ownership or control is determined under regulations which the President shall issue.

(6) 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.

(7) SOUTH AFRICAN NATIONAL.—The term "South African national" means—

(A) a citizen of South Africa; and

(B) any partnership, corporation, or other entity organized under the laws of South Africa.

(8) CONTROL BY SOUTH AFRICAN NATIONALS.—For purposes of paragraph (3)(A), South African nationals shall be presumed to control a business enterprise if—

(A) South African nationals beneficially own or control (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) South African nationals beneficially own or control (whether directly or indirectly) 25 percent or 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 South African nationals 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 a South African national;

(E) South African nationals have the authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) South African nationals have the authority to appoint the chief operating officer of the business enterprise.

(9) CONTROL BY UNITED STATES PERSONS.—For purposes of paragraph (3)(B), a United States person shall be presumed to control a business enterprise if—

(A) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(B) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;



(C) the United States person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(D) the United States person has authority to appoint the chief operating officer of the business enterprise.

#### SEC. 8. APPLICABILITY TO EVASIONS OF ACT.

This Act shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this Act or any regulation, license, or order issued to carry out this Act.

#### SEC. 9. EFFECTIVE DATE.

The provisions of this Act shall take effect 180 days after the date of the enactment of this Act.

Mr. DELLUMS (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 California?

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and a Member opposed to the amendment will be recognized for 30 minutes.

Will those gentlemen who are opposed to the Dellums amendment kindly stand so the Chair can designate?

Is the gentleman from Washington [Mr. BONKER] opposed to the amendment?

Mr. BONKER. I advise the Chair that I oppose the amendment.

The CHAIRMAN. Then the Chair will recognize the gentleman from Washington [Mr. BONKER] for 30 minutes in opposition to the Dellums amendment.

Does the gentleman from Washington wish to yield any of his time or share any of his time?

Mr. BONKER. Mr. Chairman, I would yield half the allotted time, 15 minutes, to the gentleman from Michigan [Mr. SILJANDER].

The CHAIRMAN. The time in opposition will be equally divided between the gentleman from Washington [Mr. BONKER] and the gentleman from Michigan [Mr. SILJANDER].

#### PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, do I understand that the process that has just taken place has given the minority side one-quarter of the time.

The CHAIRMAN. The Chair would counsel the gentleman from Pennsylvania in regard to his inquiry that the rule provides that a Member will be recognized in opposition. The gentleman from Washington [Mr. BONKER] was recognized in opposition, and he shared his time with your side.

□ 1540

Mr. WALKER. In other words, the minority, though, was not recognized

for the purposes of opposition. Is that correct?

The CHAIRMAN. The Chair would state that the procedures of the House are governed by its rules, but more importantly in this instance, by the rule adopted by the House as reported from the committee.

Mr. WALKER. I thank the Chair.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] is recognized for one-half hour in support of his amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Ms. MIKULSKI].

Ms. MIKULSKI. Mr. Chairman, I rise in support of the complete divestment of the United States from South Africa and in support of the substitute offered by the gentleman from California [Mr. DELLUMS].

Mr. Chairman, it is appropriate that today's vote on South African sanctions in the House of Representatives comes so soon after the 10th anniversary of the Soweto massacre in South Africa. Two days ago black South Africans protested the evil of apartheid by staying away from work. Their deafening silence was heard around the world. Today we step forward to declare America's total opposition to the oppression, inhumanity and injustice that is apartheid.

Apartheid enslaves black South Africans. It is evil. The United States has been an accessory to this evil because the President and this Congress refuse to cut all United States ties to South Africa.

Some say total divestment will lead to more suffering for the black laborers in South Africa who may lose jobs. In truth, complete divestment will affect only 1 percent of the labor force. And the suffering resulting from divestment is meaningless compared to the suffering black South Africans endure now.

The issue in South Africa is not standard of living. The issue is freedom. Freedom to speak, freedom to vote, freedom to assembly, freedom from arbitrary arrest, police terrorism, and torture.

Mr. Chairman, we speak out today to free South African blacks from political persecution. We also speak out today to free America from our history of racial injustice, and from our present policy of "constructive engagement." The struggle against apartheid is as important to the well-being of this nation as it is for the lives of our sisters and brothers in South Africa.

It is for that reason that I will vote for total divestment, and I strongly urge my colleagues to do likewise.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I would begin this important debate on this amendment by indicating that I assume, and in fact, would stipulate that each Member of this Congress opposes the system of apartheid in South Africa.

I would further assume and further stipulate, Mr. Chairman, that each and every Member of this body, irrespective of their political party or philosophical frame of reference, would like to end this madness. Thus, the question before the body, Mr. Chairman, is how do we accomplish that.

There is clearly, at this particular point in the debate, no need to reiterate the oppression and the resulting horror of death and imprisonment that results as the reality that is unfolding in South Africa at this moment.

Thus, I choose to speak to the issue of what do we do.

I begin by pointing out to my colleagues that the issue here is not whether there shall be sanctions or not sanctions because, No. 1, we have established clearly in the body politic that sanctions are an appropriate instrument of foreign policy in this country.

Second, I point out to my colleagues that last year, the House of Representatives invoked some form of sanctions against South Africa; the U.S. Senate invoked some sanctions against South Africa; the President of the United States invoked some watered-down sanctions against South Africa. So the issue is not whether we should go forward with sanctions; the question is: What are appropriate sanctions at this particular moment, given what is unfolding in South Africa at this time?

The sanctions contained in the bill before us, Mr. Chairman, while I believe are a step forward, in my humble opinion, are inadequate in response to what is evolving in South Africa at this very moment.

It is indeed an incremental step. It has been referred to by a number of people who have preceded me to the floor of this body as a measured step.

I simply suggest that this incremental measured step allows the Government of South Africa to adjust rather than to bring extreme pressure to try to end the death and the suffering and the human misery that is the reality in South Africa.

I, therefore, offer this amendment in the nature of a substitute to the bill, H.R. 4868. The major thrust of this bill is to call for immediate divestment and total embargo against the Government of South Africa, comprehensive sanctions against South Africa, not an incremental step, not a measured step, but an all-out, powerful, aggressive statement.

Why, Mr. Chairman? For two very important reasons. No. 1, I believe that it is a moral and political imperative that the Government of the United States make a powerful, clear, clean, unambiguous, uncomplicated, unequivocal statement about the deteriorating situation that unfolds in South Africa at this moment.

That is a statement that we should make to ourselves as a Nation, a statement we should make to the people of South Africa, and a statement we should make, indeed, to the entire world.

First, Mr. Chairman, to ourselves. We are a multiracial Nation. We are a Nation of blacks and whites and browns and reds and yellows. We are a

Nation that went through pain and suffering and sorrow as we attempted to invoke civil and human rights in this country; as we attempted to struggle to say to millions of human beings in America and around the world, that people can function and flower and grow and realize their fullest and total potential as human beings beyond race, beyond sex, beyond class, and beyond age.

We fought in this country. People died and people went to jail. People's careers were broken as a result of that effort. So we must be internally consistent, Mr. Chairman. There must be some internal integrity to the statement made.

We cannot be progressive at home and reactionary abroad or vice versa. Foreign and military policy have an intimate relationship. They are mirror images of each other.

We cannot be in bed in some fashion with the evil and the horror and the oppression of South Africa, and adequately and profoundly and morally and ethically say to the millions of human beings in this country, that race is no longer a factor, that we are equal human beings.

So we must make this statement to ourselves because there is healing and progress that must take place in this country.

I suggest that the struggle against apartheid in South Africa is as much alleviating oppression in this country as it is about a statement we make with respect to South Africa.

I said, Mr. Chairman, that we must make this statement to South Africa and to the world. We heard earlier a number of statements about communism, Mr. Chairman. We have had a discussion on the floor of communism day after day in the 16 years that this gentleman has been in the Congress.

I think that there is no question about where the majority of the body politic is with respect to that issue. It is no secret what America feels about communism. That is not a question.

But what is at question is how does America feel about apartheid in South Africa? It is not enough to stand up and say what you oppose. We must also say what we stand for, Mr. Chairman.

If we say that we stand for Democratic principles; if we say that we stand for a commitment to human rights, civil rights, a commitment to a constitutional form of government, a respect for human life and human dignity, the quality of human beings, then that says very powerfully and very loudly to the South Africans and to the world community, that we opposed apartheid.

□ 1550

Not only do we stand in opposition to it, but we attempt to stand as a beacon of freedom and justice in the world.

I would suggest that it is hypocritical and contradictory to assert that we

must be the beacon of freedom; and when it comes to opposing apartheid in South Africa, we come to the podium with trembling feet and trembling hands. We must stand loudly and powerfully.

So the first reason why I offer these powerful sanctions against South Africa is that we must make the statement, we must cleanse ourselves in this country, and we must assert our role in the international community as a nation committed to the dignity of people, to freedom of human beings, to the concept of human rights; not as an abstract idea but as a reality.

That is our destiny, that is our role, that is our profound obligation.

I would suggest, Mr. Chairman, that America's greatest export is not its sophisticated technology, not its nuclear missiles, but our commitment to human rights, and our commitment to democratic principles and our commitment to the respect for human life.

The second reason, Mr. Chairman, that I assert these sanctions and I believe that this is a statement we must make—is because I think that we at this particular moment in history must make the strongest, powerful statement that we can make and hope-fully the most effective.

None of us in this room, on any of the measures we act, not one measure that we act upon in this Congress can say with clear certainty that what we do will change things, but we operate within an environment of judgment. We all must do this.

I assert that judgment at this point and suggest that we must go all the way with these sanctions against South Africa. That is the only thing that they can hear. It is the only hope for us to have, to hope for a peaceful solution in South Africa.

Some will argue that these sanctions are too strong a response. We already have complete sanctions against five nations; but what would be our response in order to let the world know that we abhor what is happening in South Africa?

Maintain the status quo? That is clearly unacceptable. Make a powerful statement with respect to sanctions? Or declare war against these people? That would be strong, but I am not advocating that because I have attempted for 16 years to raise my voice as an advocate of peace and nonviolence.

So I am not advocating on the one hand maintaining the status quo, nor on the other hand engaging in war; so the alternative left is to invoke powerful sanctions against South Africa.

Some will argue that it is too expensive, that some American corporations will lose money as a result of divestment response. We ostensibly went to war in Vietnam in the name of democracy and freedom and dignity. We brought back thousands of young Americans in body bags. What price tag do we place on war? How much money do we add up to become the sum amount of money that was ex-

tracted from America as the result of the death of thousands of American people?

We have taken our commitment to democracy all the way out, to war; risking our young lives, and someone can tell me that we are not prepared to risk a few dollars from American corporations in the name of freedom and democracy? I am prepared to debate you on that question: If we can sacrifice our young sons to fight and die in the name of freedom, some American corporation can certainly lose a few dollars as America attempts to make a very powerful statement, short of the insanity of war and the cruelty of death and destruction on the battlefield as we speak to freedom and democracy.

Third point. It will harm blacks, Mr. Chairman. It will harm blacks. If we invoke divestment and total embargo, some black people in South Africa will lose their jobs.

No. 1, you could have argued that slavery could have been justified on the grounds that thousands of black people lost their jobs; but I would suggest to you that unemployment is not an adequate argument in support of slavery; and it is an inept, inadequate, unfortunate argument in support of continuing to live in bed with apartheid.

Second argument, Mr. Chairman, black people are suffering now in South Africa and there is no time limit on it. If there is some inconvenience with respect to employment, my black brothers and sisters in South Africa have said on more than one occasion that they are prepared to endure that misery on a time-limited basis, but they are not prepared to go on ad infinitum, well in to the future, continuing to have their spirits crushed as human beings.

I would suggest, Mr. Chairman, Members of this body, human beings do not live by bread alone; that there are spiritual values, the right to stand as a dignified human being, the right to stand as an equal person. I stand here on the floor of Congress as a black American, asserting my right to assert my point of view. Why? Because I have that right. Not true for black people in South Africa.

I would suggest that wherever you are on the political spectrum, you should join me in this effort not to make a statement that is measured; not to make an incremental step; not to make a step that is a political step, but to make the statement at this point based upon what is right.

Twelve months ago I made this argument. I said to you then I wanted to defeat the committee effort because it was not strong enough. History has recorded that this gentleman was corrected in that respect. So now we simply take another step forward—while it is forward it is not powerful enough.



There are voices of young people and not-so-young people all over this country who have raised their voices for divestment and for total embargo. Corporations, some of them, have already made this statement. A number of universities have taken that leap.

And so we back away from that, Mr. Chairman? This is where leaders should reside, not where mirrors aggregate. We should be at some point willing to assert our responsibility to assume leadership when it is a moral and political imperative.

Mr. Chairman, why not other nations? That is the fourth argument. Why choose South Africa? There are other countries that are oppressed on the basis of human rights. I agree; do not challenge that assertion.

I am simply saying that it is my hope and my dream and my vision for the future—maybe a world that this gentleman would never see: a world that is peaceful, a world that is committed to human rights, a world that says, "Every human being on this planet has control over their human destiny."

It is not enough for the left to challenge the right and the right to challenge the left. A commitment to human rights is a commitment that transcends the narrow confines of ideology. So let us not use that as a framework for not voting to stop this madness in South Africa to the extent that we hope that we can, simply because some other nations—I would say to my colleagues, "Bring the bill, bring the bill that challenges human rights violations in other countries."

At this moment we are confined with this piece of legislation. If we brought a bill to deal with education and somebody said "Well, you're not dealing with housing and you're not dealing with this and that and the other," you would see that as an absurd argument. I see that as an absurd argument at this point.

The issue before us is South Africa; we have a responsibility to address it. When the issue is some other nation on the floor of Congress, then let us address that. That is a flimsy argument, Mr. Chairman.

Let me simply say to my colleagues: This is an important issue. To summarize, we need to make this statement for two reasons; our own internal integrity, to assert our role in the world as a nation committed to democratic principles and human rights, and finally we must say as strongly as we can to South Africa: We will not prop up this madness; that we step away, Mr. Chairman, we step away dramatically, we step away with anger, we step away with great concern because we respect human life on this planet, in this country, and in South Africa.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from California [Mr. DELLUMS] has consumed 16 minutes.

The Chair recognizes the gentleman from Washington [Mr. BONKER], for 15 minutes.

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

Mr. BONKER. Mr. Chairman, I want to take a moment to commend my colleague from California [Mr. DELLUMS] for an excellent statement; moving, eloquent, and speaks I think to what he says is the horror and repression in South Africa today.

I strongly support his concerns and at the same time oppose his amendment. It is time for Congress to speak out loudly and clearly about apartheid in South Africa. I suggest, though, that the vote in favor of the committee bill is the best approach to this issue.

This legislation that is embodied now in the bill that is before the House was sponsored by Congressman GRAY of Pennsylvania; my colleagues on the committee, Mr. SOLARZ, and Mr. WOLFE, who is chairman of the Subcommittee on Africa.

□ 1600

They have been prominent leaders on this issue, and they have put forth good, realistic, practical and, I would imagine, effective legislation. The sanctions proposed in H.R. 4868 are sufficient. They were very carefully drafted. They were the result of a series of hearings by two committees and the full committee on the various types of legislative sanctions to be offered by the committee.

We also considered the Dellums legislation that is now the subject of the amendment before the body. But the full committee felt that the legislation that is in the committee bill would more likely gain House approval and would more likely gain multilateral approval by our European allies and others, while they probably would not endorse all-out disinvestment as proposed by the gentleman from California.

Mr. Chairman, the Committee on Foreign Affairs bill offers the kind of response that is tailored to the present situation in South Africa. The bill significantly strengthens the current sanctions without presenting South Africa with this total and immediate ultimatum.

The Foreign Affairs Committee bill proposes a series of sanctions designed to maximize United States economic leverage while it still exists there against the South African Government by providing incentives for that Government to move toward majority rule.

Mr. Chairman, when we look at the amendment before us, we have to ask ourselves some realistic questions. The gentleman from California says that sanctions are now an integral part of the U.S. foreign policy. Well, this is far more than a trade embargo, a great deal more than just another round of sanctions. This is disinvest-

ment. This calls upon all United States businesses who are involved in South Africa, however they have been disposed toward apartheid, to shut down their offices and their plants within 90 days and pick up and move out.

It is hardly realistic that U.S. businesses who have extensive involvement there can meet that timeframe. And what about the 80,000 black employees of the U.S. businesses there? They are thrown out of work immediately without any time to adjust to this new reality. What about the American families and the homes and investments they have there?

I agree we have got to sharply curtail United States economic interests in South Africa, but let us be realistic about the timeframe in which that can be achieved.

Mr. Chairman, I would also ask about the extraterritorial implications of this amendment. What about computer firms in the United States who are sending components to a firm in France and they, in turn, are doing business with South Africa? Are we going to deny the potential markets that exist in Europe and Japan and Asia simply because those countries might be doing business in South Africa? Is this going to be another situation where we extend our extraterritorial reach to a point where it is going to provoke European allies and deny us potential markets, not in South Africa but in these countries, and throw up, again, the question of being an unreliable supplier? And what about possible litigation? The Government is forcing businesses to shut down in 90 days. Are there going to be possible suits against the United States for economic losses incurred? Mr. Chairman, we have to ask ourselves, will total disinvestment work? We want our economic sanctions to be effective. Will they be effective, or will the French and the Japanese and others just move in and pick up where we left off, much as was the case when we attempted a grain embargo on the Soviet Union and then again under the Reagan administration a total embargo on the construction of the pipeline which made possible economic benefits for other countries?

Then, Mr. Chairman, we have to ask whether or not other nations are going to join us in this effort so that they are effective?

When the situation in Rhodesia was brought to the United Nations and there were collective economic sanctions imposed over a period of time, they were effective. I think we have got to do more than just take unilateral action. But it requires multilateral action so that we can bring the economic sanctions to bear upon the Government of South Africa where they will be effective.

Simply shutting down the shops and moving out would not make the policy effective.

So I would hope that the legislation would include some provision that would involve the Europeans and others to join in collective action against that country for its apartheid policies.

Mr. Chairman, I think we ought to ponder very carefully the amendment before us. It is not as though it is the only alternative we have to send a message to South Africa. We have the committee product, which was brought to us by prominent leaders in this House on the South African issue. It is sufficient to send the message. It will be effective. It is tailored in such a way that we will make this legislation effective. But if we go to far, I think we risk a failure on the House floor that would send the wrong message to South Africa and the world community.

So, Mr. Chairman, I urge that my colleagues oppose the Dellums amendment and support the committee bill.

Mr. Chairman, House consideration this week of H.R. 4868, the Anti-Apartheid Act of 1986, is extremely timely. As many speakers have observed, this week marks the 10th anniversary of the uprising in Soweto. In the last decade, thousands have given their lives and tens of thousands more have been arrested fighting the abhorrent apartheid system. Since the Government's renewal of the state of emergency last week, more than 30 people have died and the Government has arrested and detained an estimated 2,000 to 4,000 labor and political leaders. We must ask ourselves: What actions can we take—even if they be more symbolic than substantive—to help avert further bloodshed and contribute to a nonviolent transition to black majority rule?

More often than not the imposition of trade and investment embargoes hurt the U.S. economy and our own workers more than the economy of the targeted nation. We have seen this in the grain and oil and gas embargoes against the Soviet Union. Even in such instances as Nicaragua, where American exporters had little to lose, sanctions have not had the intended effect: If anything, terminating our commercial relations with Managua has forced the Sandinistas further into the Soviets' arms. It is an unfortunate commentary that increasingly we are witnessing the use of economic sanctions to try to salvage failed diplomatic initiatives. As example after example shows, economic embargoes rarely alter the behavior of foreign governments and tend to have a negative impact on our own economy. Moreover, although this administration heartily condemned the use of economic sanctions by its predecessor, it has selectively switched its position.

The legislation before us today, which proposes tougher economic sanctions against South Africa, is the result of mounting frustration over the administration's failed political and diplomatic efforts in southern Africa generally and in South Africa in particular. While its ineffective policies toward Nicaragua and Libya led to the imposition of economic boycotts against them, the administration persists in its opposition to the congressional calls for similar measures against South Africa.

South Africa is precisely the type of case in which the symbolic importance of sanctions supersedes their negative impact on our econ-

omy. The administration's refusal to take more than a defensive posture toward the Botha regime and serve as an apologist for apartheid compel the Congress to call for tougher measures. Rather than distancing our country from the practice of apartheid, the administration's tacit support for Pretoria has made us an accomplice in the deaths and spreading violence. An administration which does not hesitate to invoke trade embargoes against Nicaragua and Libya should not shy away from the proposals contained in H.R. 4868. The sanctions set forth in this bill are far weaker than those in place now against Libya and Nicaragua, and, indeed, a number of American banks and businesses have already begun to reduce or remove their presence in South Africa.

In just 4 years, United States investment in South Africa has plunged from an all time high of \$2.6 billion in 1981 to \$1.3 billion in 1985. In 1984, 7 United States companies withdrew from South Africa; last year 38 formally withdrew; and 10 more have announced plans to end their direct investment in South Africa this year. At the present time, one-half of all United States banks operating in South Africa prohibit loans to the Government, and one-fourth deny loans to both the Government and private sector. Such figures are hardly surprising when viewed against the overall state of South Africa's economy: Growth has slowed from an annual average of 6 to 7 percent in the late 1970's to less than 1 percent; unemployment is running at some 30 percent; and the value of the rand has plunged to less than one-half of its value in 1982. Even excluding exchange rate fluctuations, the earnings of American companies in South Africa have been sliced by about one-third since 1984. Whether or not we pass this bill, this self-initiated trend is likely to continue and the pace may even quicken.

Mr. Chairman, the Foreign Affairs Committee and especially its Subcommittees on Africa and International Trade have worked on related legislation for more than 5 years. In 1985, we came very close to enactment of the conference report on the predecessor to H.R. 4868. This year, we have conducted extensive hearings on sanctions legislation. I wish particularly to commend my colleagues on the committee, Mr. WOLPE and Mr. SOLARZ, as well as Mr. GRAY, who have worked tirelessly to keep this issue before us.

It is time to set aside reservations about the effectiveness of economic and trade sanctions and to make a strong statement against apartheid. As Bishop Desmond Tutu said last month:

There is no absolute guarantee, obviously, that sanctions will topple apartheid, but it is our last nonviolent option left, and it is a risk with a chance.

The CHAIRMAN. The gentleman from Washington [Mr. BONKER] has consumed 7 minutes.

Mr. SILJANDER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I listened a few moments ago and heard the gentleman from California describe his amendment as the tough approach and as the honest approach, and he is right. And I think that we ought to look at it

that way because, if you are someone on this floor who is presenting an argument here today that sanctions really work, then the honest approach is really the Dellums approach, because if sanctions work as a policy then it seems to me what Mr. DELLUMS is saying is, "Let's do it right and let's do it now."

That is what the advocates across the country are saying, people on college campuses are saying, "Do it now."

Mr. DELLUMS comes to us and says very honestly that is his approach.

So maybe in this House that is what we ought to do from time to time, take the tough, honest approach immediately on some of these issues.

If you want to send a message to South Africa, as I just heard discussed a moment ago, then if we are really in the business of sending messages, why not send a tough message? Why would you settle then for a wishy-washy message? Why not send the toughest possible message if you are going to take that particular approach?

It seems to me that what we are doing here is talking about a wishy-washy incremental approach versus an approach that is at least tough and honest.

Mr. DELLUMS very honestly says that his approach would cause hardship in South Africa. He knows that. The committee comes to us today, and they try to sidestep that whole issue. They do not really want to admit to some of those kinds of problems with their particular bill. This is the tough approach, this is the honest approach. It seems to me that when we get to a final passage vote, we ought to do the job of trying to make certain that the House is faced with that choice, with the choice of really doing something or doing something wishy-washy that may end up doing nothing.

I would have to say that, if this particular amendment got to the final passage, I would vote against it; but I think I am going to vote for the Dellums' approach at this point because it is the tough approach and the honest approach.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES].

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

Mr. STOKES. I thank the gentleman for yielding time to me.

Mr. Chairman, I simply want to commend the gentleman from California for an eloquent statement on behalf of his amendment.

Mr. Chairman, I rise in support of the Dellums substitute.

Mr. Chairman, we can no longer allow apartheid to exist. Today the House of Representatives must confront the crisis situation that exists in South Africa and must pass meaningful legislation that will compel that nation to grant fundamental rights to black citizens. If we fail to do so, it is certain that in-



justice, senseless killings and oppression of black South Africans will continue. It is also certain that black South Africans will continue to battle against this illegal and immoral treatment.

We can no longer sit and watch 22.7 million black South Africans be subjected to racism and second class citizenship by the minority 4.7 million whites in that nation. The harsh reality of that situation demands action on our part. With each passing day, the situation worsens and every moment that we hesitate means another life snuffed out, another deprivation of freedom and another day of rioting.

Mr. Chairman, more than 1,600 people have died in South Africa in 2 years of protest against apartheid. In 1986, the violence has continued to escalate:

On February 15-18 at least 22 people died in Johannesburg's Alexandra Township.

On May 12 clashes between radicals and conservatives at Crossroads Squatter Camp outside Cape Town left 44 dead.

On May 19 South Africa launched raids into Botswana, Zambia and Zimbabwe on alleged bases of the African National Congress.

On June 9 additional violence took place at the Crossroads Camp.

On June 12 Prime Minister Pieter Botha again imposed a nationwide state of emergency under which:

Government security forces are allowed to jail anyone incommunicado in the interest of public safety for up to 2 weeks;

Prisoners are not permitted reading matter and may not whistle or sing;

Security forces are empowered to impose martial law anywhere, prohibit access to any area and prevent right of way;

Forces may search buildings and vehicles and seize anything;

The South African courts are barred from intervening;

The police, without giving reason, may close off areas, temporarily close businesses, confine people to their homes, bar nonresidents from certain areas and bar anyone from bringing any object into any area;

The press is prohibited from printing the names of detainees, may not film or photograph a public disturbance, strike or boycott without police permission and may not publish anything that threatens harm or loss to anyone or his or her family;

The police may also bar the media from reporting on the conduct of the security forces in maintaining public safety.

This brutal oppression and deprivation of rights imposed by the South African Government will no longer be tolerated by its black citizens. Nor should it be tolerated by the people of the United States and the international community.

It is apparent that the "constructive engagement" approach advocated by the Reagan administration has not worked, will not work and that America must take a new and more aggressive approach toward the South African Government in order to end apartheid.

Mr. Chairman, the amendment offered by the Representative from California, [Mr. DELLUMS], provides the Congress with an opportunity to take such decisive action. By prohibiting U.S. citizens from making or holding any investment in South Africa; by banning exports and imports from South Africa; by withholding landing rights of South Africa aircraft; by prohibiting the importation of krugerrands and dis-

allowing any tax credits or deductions for income, war profits or excess profits taxes paid or accrued to South Africa, Congress will send a forceful message to Pretoria that apartheid will not be tolerated.

This action must be taken now. We no longer have time to engage in leisurely debate. Today, black South Africans are fighting for their lives. They are fighting against violence and unjustified killings by government police against unarmed black citizens. They are fighting for the right to live in their homeland and not be relegated to satellite black townships. They are fighting for the right to live, work and raise their families free of oppression. We have moral obligation to assist them in this battle for fundamental rights.

If we fail to meet this obligation, the possible ramifications are frightening. The nation of South Africa teeters on the edge of a bloody revolution, which, once it begins, may be impossible to stop. Therefore, it is essential that we take a stand on this issue to stem the tide of violence and oppression that is consuming the nation of South Africa.

Today, a choice must be made. I strongly urge you to vote for this amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from the Virgin Islands [Mr. DE LUGO].

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

Mr. DE LUGO. Mr. Chairman, I rise to commend the gentleman from California for an eloquent statement. I think all of us on this House floor today have been moved by his eloquence. I also would like to commend the gentleman from Pennsylvania for his position on this issue. I urge acceptance by the House of the Dellums amendment.

Mr. Chairman, the time has come! The time is now!

The time has come for the United States of America to take a firm and positive stand to end the abhorrent system of apartheid in South Africa. That is why, as an original cosponsor, I rise in strong support of the Dellums amendment to ban all United States investment in South Africa, as contained in H.R. 997.

President Reagan continues to oppose strong economic sanctions, accepting the South African Government's contention that such measures would hurt those who most need our help. Our State Department has taken the position that such sanctions would not promote United States goals in South Africa and would serve only to encourage intransigence, rather than moderation, by white and black leaders.

Let us look, then, at what has been happening in South Africa while we have followed the administration's policy, so mistakenly called constructive engagement. The past year has seen a rising tide of violence in which more than 600 South Africans, nearly all of them black, have lost their lives. The white majority government last year imposed a state of emergency and has now once again taken even more human rights away from a population that even President Reagan describes as being caught in the throes of a civil war. Freedom of the press has all but disappeared and the most evil deeds of the security forces are

hidden from international scrutiny. The chances for a peaceful transition to a democratic majority government are steadily diminishing. If events continue to unfold as they have over the past year, chaos lies ahead.

The administration's policy, far from being constructive, has allowed the South African Government to pursue its destructive course with what certainly seems to be the tacit support of the United States.

The beleaguered majority of the South African people know what is at stake. They have called on us for help. They have asked us again and again to use our economic strength to put pressure on the oppressive minority government. They have told us that they are willing to suffer now, in the short run, so that their children may have a chance for freedom as full citizens of a new South Africa.

Mr. Chairman, we have an obligation to help these people. It is an obligation born of our own national commitment to freedom. Let us no longer hide behind the pretext that we are saving the black majority from the consequences of putting economic pressure on their government. As the Rev. Allan Boesak told us recently:

"When we the South African people have had enough we will let you know."

But, until then, let us answer their cries for the assistance they know may cause them pain but which they also know will help them to emerge from their long night of bondage.

The time has come. It is now. Tomorrow may well be too late.

Mr. Chairman, I urge all of my colleagues to support this legislation. Let this be the day when we say to the oppressive South African regime, enough is enough. The time has come for a change, and we will not rest until apartheid ends and democracy is born in South Africa.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I would like to pay tribute to the gentleman from California for his rhetorical eloquence and to the gentleman from Pennsylvania for his parliamentary creativity.

Mr. Chairman, I think we face two issues today in considering this legislation. The first is whether we should or should not impose sanctions against South Africa, and second, if we should impose sanctions against South Africa, what kind of sanctions should we impose? I think that the debate on this legislation so far and the votes which have been taken make it abundantly clear that a substantial majority of our colleagues believe that we have a far better chance of facilitating peaceful change in South Africa by increasing American economic pressure against the government of that country than by maintaining a policy of benign neutrality and neglect.

Consequently, the only issue really left for us to decide is, what kind of sanctions we should impose, whether we should impose the tough but limited sanctions of the bill or whether we should vote for the tougher comprehensive sanctions contained in the

substitute offered by the gentleman from California?

I believe that this is a good bill. Indeed, I am one of the sponsors of it. But I also believe that the substitute is better. And I would hope that the House will approve it for the following reasons: I think that South Africa as we speak hovers on the abyss of a civil war. I agree with the report of the Eminent Persons Group to the Commonwealth countries that, in the absence of sanctions, we may witness in South Africa the worst bloodbath since the Second World War.

I think it is clear that sanctions are designed not to bring the Government of South Africa to its knees but to bring the Government of South Africa to its senses. Sanctions are a form, if you will, of political shock therapy. And if we are going to administer shock therapy, it is better to administer a stronger than a weaker shock.

Now I did not always feel this way. Last year when the gentleman from California offered his amendment, I voted against it. But I changed my mind on the basis of what has happened over the course of the last few weeks. I have changed my mind because of the South African raids against Zambia, Zimbabwe, and Botswana.

I changed my mind because of the reimposition by the South African Government of the state of emergency.

I changed my mind because dozens of additional blacks have been killed by the security forces of South Africa.

I changed my mind because the Government of South Africa continues to refuse to release Nelson Mandela and the other political prisoners from jail. I changed my mind because the Government of South Africa categorically and contemptuously rejected the proposals of the Eminent Persons Group, speaking on behalf of the Commonwealth countries, to enter into a process of negotiations with the recognized black leadership of the country.

Ladies and gentleman, if we do not act soon and act as strongly as we possibly can, the point of no return may be reached.

I saw President Kaunda of Zambia a year ago in Lusaka. He told me that unless the Government of South Africa were willing to sit down within the next year with the legitimate representatives of the black majority, that in his view more people would be killed.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BONKER. Mr. Chairman, I yield 1 minute to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

President Kaunda told me, in the absence of such a development, the number of people killed when the South African volcano exploded could be 10 times the number who lost their

lives in the civil war in Zimbabwe. Forty thousand were killed in that conflict. We are talking, then, about the lives of hundreds of thousands of people, and unless the Government of South Africa moves quickly to enter into negotiations and release Mandela from prison, it may be too late. We may not have the luxury of coming back here a year or 2 or 3 years from now to impose this stronger form of sanctions because by then it may be too late.

So if the votes are not there for the substitute, so be it. I think it is still a good bill; I will support the bill. But if we really want to accomplish what we are trying to accomplish, I think we have a better chance of doing it with the substitute.

Mr. SILJANDER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

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

Mr. Chairman, the previous speaker in the well talked in glowing terms about the Eminent Persons Group that made some recommendations. I might point out to the gentleman that the Executive order imposed by the President of the United States last year goes beyond what the Eminent Persons Group recommended.

I happen to have here in front of me the bank loans, the ban on Kruggerands, the computer equipment, the nuclear materials technology, or, importation of South African military equipment.

□ 1615

The overall conclusion is that the President, through his Executive order, was much stronger than the recommendations of the Eminent Persons Group to which the gentleman alluded.

So I would just like to point out to my colleagues that less than 9 months ago the President of the United States took positive action. I submit to you that we ought to let the actions the President has taken have a chance to work while, at the same time, trying to impose whatever pressure this body can do through the rhetoric and the legislative proposals we have made.

But we are not the right track, and we ought to compliment the President and try to work with him in bringing about positive changes in South Africa.

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

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

Mr. SILJANDER. Mr. Chairman, is the gentleman saying essentially that the Eminent Persons Group, what they suggested in terms of economic sanctions or economic penalties toward the Government of South Africa are essentially incorporated in the President's Executive order?

Mr. BURTON of Indiana. As a matter of fact, the President has gone further. He dealt with the South Afri-

can Government more strongly than the Eminent Persons Group recommended.

Mr. SILJANDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

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

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

Mr. Chairman, the mere title of H.R. 4868, the Anti-Apartheid Act of 1986, would suggest that anyone who opposes this legislative effort is a friend of apartheid. In reality, apartheid and racial discrimination are antithetical to all of our views of liberty, justice, and equality under law. The question then, is not whether apartheid is right or wrong, but it is how to help bring about a peaceful change in South Africa. It is my opinion that this legislation will not achieve that goal, and ultimately will not be in the best interest of the people of South Africa, or the United States for that matter.

H.R. 4868 was jointly referred to the Ways and Means Committee for consideration of the trade related portions of the legislation. Although the bill specifically calls for an import ban on only four South African products—coal, steel, uranium ore, and oxide—language contained in section 2 of the bill would essentially amount to a near total trade embargo. Section 2(a)(1)(B) of H.R. 4868 states that "no U.S. person may, directly or through another person \* \* \* make any investment in South Africa." "Investment in South Africa" is defined as "a commitment of funds or other assets \* \* \* to a business or enterprise located in South Africa or owned or controlled by South African nationals, including—a loan or other extension of credit made to such a business enterprise." Since almost all trade is conducted on a letter of credit basis, this has the practical effect of eliminating trade between the United States and South Africa. Not only would this be a unilaterally protectionist action that is GATT illegal, but if South Africa elected to respond by banning the export of certain strategic minerals to the United States, the defense capabilities of our Nation would be seriously threatened.

The United States is entirely import dependent on several strategically critical minerals that are located in only two places in the world, South Africa and the Soviet Union. Ever since Soviet leader Leonid Brezhnev announced in 1973 that "our aim is to gain control of the two great treasure houses upon which the West depends—the energy treasure house of the Persian Gulf and the mineral treasure house of Central and Southern Africa," the Soviets have been stepping up their support for several terrorist groups in their bid to gain control of the region. If the Soviets are successful in their efforts to control these critical minerals upon which the United States is now 100 percent import dependent, our technological capabilities as well as our defense industry will be severely threatened. We will be subject to Soviet economic blackmail and will either have to pay exorbitant prices or be denied access to these minerals entirely.

Positive changes are taking place in South Africa, and they will continue. One of the most recent and progressive examples of this was



the Government's sweeping decision to abolish the pass laws that previously restricted movement of blacks in South Africa. Within the last year, the Government of South Africa has also abolished provisions against interracial marriage, integrated its universities, opened downtown commercial business districts to businessmen of all races, and generally moved in a direction toward a more racially integrated society. Although these reforms may not go far enough and are not coming fast enough to please some critics, legislation such as H.R. 4868 will only reverse this trend by removing the positive American influence.

The American firms operating in South Africa stand in the vanguard of those who promote the continued advancement of the political and economic aspirations of all South Africans. Operating under the Sullivan principles, the majority of American firms have dedicated themselves to the dismantling of apartheid and the promotion of equal rights for nonwhite South Africans. To date, American firms have spent more than \$140 million adding classrooms to schools, building health centers, awarding scholarships, and otherwise assisting their black employees.

In direct opposition to these positive efforts, stand the efforts of those who counsel and proclaim that the best way to effect change in South Africa is to detach ourselves, disinvest, and declare economic warfare upon those beleaguered people. While I am certain that those who favor disinvestment are well-motivated, I am equally certain that their advice is ill-founded. Such actions would be strongly detrimental to the South African economy. We must ask, "Who will pay the costs of such actions?" What the proponents of divestment do not seem to comprehend is that their actions would cause great hardship to those they intend to help. Without exception, proposals for divestment, if enacted will lead to greater black unemployment, greater black hardship, and, perhaps, even to more violence and bloodshed in that troubled area. To those who doubt this, I proffer the insight of Mrs. Lucy Mvubelo, general secretary of the 15,000-member Black Union of Clothing Workers and vice president of the Trade Union Council of South Africa: "Who will suffer [from divestment]? Clearly, the greatest hardships would fall on my people, the black people. They will be the first to lose their jobs. They will be left to die or starvation. They will be the first to die in a revolution."

The troubles which face South Africa are many and varied. Working between leftwing and rightwing extremists, the moderates in South Africa, in both the Government and private sector, have worked on behalf of the peaceful evolution of a system in which all South Africans, regardless of race are free to participate on equal measure. For South African extremists who advocate violence, the economic chaos resulting from Western divestment would serve as fuel for their murderous fire.

A second area of trade restrictions contained in the bill is directed at Namibian natural resources. Since most of Namibia's \$12.4 million in exports to the United States qualify as natural resource exports, this would have the practical effect of banning most imports from that economically struggling country. The real question in regards to Namibia, however, is why it has been included in this legislative effort. If the objective, as stated in the bill title,

is to end apartheid, there is no reason to include Namibia, since there is no apartheid in Namibia.

In its first year, the Namibian Transitional Government for National Unity has abolished apartheid, moved forward toward total national reconciliation, and labored to remove all remaining vestiges of residual discrimination. The Transitional Government of National Unity provides representation for Namibians of all races and their six major political parties. To punish this Government, as this legislation would do, impedes the establishment of an autonomous government in Namibia and strengthens the position of SWAPO, the Communist terrorist group that has continually sabotaged the hopes of the Namibian people for peaceful and democratic transition to complete independence.

Proponents of this legislation claim that they have included Namibia to help bring about independence in that country. They would like to see South Africa break its economic and military ties with Namibia. Considering that South Africa gives Namibia some \$600 million annually in economic support, an amount that equals 60 percent of Namibia's annual budget, and protects it from the Cuban aggressors that illegally occupy Angola, a South African pullout would certainly doom the future of a democratic Namibia. The void created by a South African pullout would be quickly filled by the Soviet-backed SWAPO terrorists and the Cuban mercenaries currently in Angola. The Transitional Government in Namibia has made great strides toward democracy and independence, why would anyone want to undermine these positive gains and leave the future of this country in the hands of the Communist aggressors?

Those Members in support of this bill say that the United States can only have a positive influence on South Africa if we discontinue our support for the economic advancement of the South African and Namibian people. The proponents of this bill are wrong. The blacks that have suffered under apartheid want us to be an active and positive influence in the region. They desire our involvement in developing their economic power as well as their political and civil rights. Mr. Mangosuthu Buthelezi, the elected chief of the 6 million member Zulu tribe in South Africa recently counseled that:

The actual implementation of the disinvestment campaign would be useless unless it hurt the economy, and if it hurt the economy blacks would suffer more than whites. The disinvestment campaign is not only detrimental to the interests of black South Africans, but ultimately detrimental to the interests of blacks in the whole of the subcontinent.

The black people of South Africa do not want us to abandon them to economic ruin. In a recent poll of 1,338 urban blacks in South Africa, the question was asked, "Should the outside world apply an economic boycott (sanctions) against South Africa?" Over 67 percent of those polled replied, "No." Contrary to what the proponents of this bill claim, black South Africans do not want to lose their jobs, they do not want to starve, and they do not want to see their nation abandoned to a violent revolution.

In conclusion, although H.R. 4868 would have the net impact of banning almost all imports from South Africa and many from Namibia, there were no hearings held in the

Ways and Means Committee to consider the trade-related ramifications should this become law. Even though the administration, in letters from the Secretary of State and the Secretary of Commerce, strongly expressed its opposition to H.R. 4868, they were not given the routine opportunity to present testimony before the Ways and Means Committee. In an effort to meet the Democrat leadership's timetable for consideration of H.R. 4868 on the floor of the House of Representatives, the normal legislative process was circumvented and no hearings were held. Thus, not only do I oppose the content of H.R. 4868, but I am also opposed to the manipulation of the legislative process for purely political motives.

Mr. SILJANDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not really the 50,000 or 80,000 black workers alone in United States firms in South Africa that I stand in opposition. That has been alluded to several times on the floor, and I quite agree that that is not the issue. Rather it is the 22 million human beings that are under the bond of apartheid that we stand in opposition to both substitutes.

Mr. GRAY of Pennsylvania, Mr. WOLFE and Mr. SOLARZ late last year during the debate on the conference report spoke in quite glowing terms of that specific conference report.

For example, Mr. SOLARZ said, "Mr. Speaker, this is an extraordinary significant achievement. For the first time since the establishment of apartheid in 1948, 37 years ago, the United States will be going on record as making clear our opposition to apartheid by deed as well as by word."

Mr. GRAY of Pennsylvania at that same time said, "Constructive engagement is clearly neither the will of the American people, nor the rising international tide in opposition to apartheid. I commend the House and the Senate conferees for the leadership they have shown. I trust that this bipartisan, bicameral position makes it clear that the urgency of implementing a new enlightened South African policy is indeed justified."

I could also quote Mr. WOLFE saying similar comments, but I think that makes the point. They all, Mr. Chairman, alluded the agreed conferee report that was passed indeed by the House and by the Senate.

It is no coincidence that Ronald Reagan implemented every single aspect of that same conference report in his Executive order, the same conference report as alluded to by Mr. GRAY of Pennsylvania, by Mr. SOLARZ, by Mr. WOLFE and others in such glowing terms.

For example, Mr. WOLFE said he was proud to stand up and be an American in this institution for such a bipartisan effort. Well, that is all well and good. But Mr. SOLARZ was on this floor not too many hours ago saying it is time after 5 years we abandon constructive engagement. Well, where has the gentleman been over the last year? Con-

structive engagement justifiably and gladly has been tabled, has been eliminated, and now we are in a mode called active engagement.

Let us be clear for all the Members who are listening. I appreciate Mr. DELLUMS of California for his honesty. I sincerely mean that. I do not agree philosophically with the gentleman from California, but the gentleman's approach is one of integrity and honesty.

The approach taken by Mr. GRAY of Pennsylvania and others, while I do not agree with either, equally embraces United States firms and other firms in South Africa. The difference is it is in a slight different mode.

So for any of us to suggest that somehow the Gray of Pennsylvania bill is less worse or less powerful than the Dellums approach, I think, is frankly unjustified. The Gray of Pennsylvania approach last year, while some of us thought it was tough, nowhere smacks of the intensity of the antibusiness approach of the Gray of Pennsylvania bill of this year. It is far more extreme and far more devastating than the Gray of Pennsylvania bill of last year.

So let us not muddy the water by comparing Mr. DELLUMS' approach with Mr. GRAY of Pennsylvania's approach, as though Mr. GRAY of Pennsylvania's is somehow a moderate approach to the situation.

Now whether United States firms stay or remain, that may not even be an issue to really ending the death in South Africa. Fifty U.S. companies have left of late, but the killings have increased.

We have essentially banned all bank loans to South Africa, but yet the killings continue.

We have initiated the Sullivan principles and four other sanctions by President Ronald Reagan's Executive order, yet the killings still continue.

So I think the issue is fairly clear. If someone could convince me that the DELLUMS approach or the GRAY of Pennsylvania approach, whichever, that both engage in extreme embargoing of South Africa, if someone could demonstrate in a clear way how that would stop the killings and somehow promote a peaceful transition to majority rule, a new constitution which offers freedom and hope for the oppressed majority in that country, I would stand on the floor of this House supporting my friend, the gentleman from California [Mr. DELLUMS] or the gentleman from Pennsylvania [Mr. GRAY] with all the great enthusiasm that I could possibly muster.

That is really the issue at hand.

Mr. SOLARZ did say one thing I agree with. The issue is not what type of sanctions, but what kind of sanctions. Yet, we have not demonstrated at this point whether sanctions in fact will stop the killings or promote or push or encourage the minority white racist government into any constructive discussions or changes. If they can dem-

onstrate that they are willing to change based on sanctions or you can demonstrate to me that there would be a hope for peaceful transition in that country, I would stand again in unity with the gentleman from California [Mr. DELLUMS].

Mr. Chairman, I reserve the balance of my time.

Mr. BONKER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the committee-passed legislation, and very reluctantly oppose the pending substitute.

I might say that every single point that the gentleman from California has made regarding the conditions, the situation, and the problems is absolutely correct. But I must say that the subcommittee chaired by Mr. WOLPE has had numerous hearings on this subject, and truly attempted to write a piece of legislation that I, as a senior member of the Committee on Foreign Affairs, feel that we should support.

I might say, incidentally that I will oppose all weakening amendments.

It takes measured steps in response to a very serious problem. It was done with thought. It was done with reason. It was done with rationale.

The bill does contain some very steep sanctions, and I know this bill almost divides the House in half. The substitute that we are debating would probably mean that we would not have a realistic approach, in my humble assessment. The bill sends the message through measured steps, such as banning importation of certain materials, denying landing rights on South African airports, prohibiting United States business activity in energy in certain areas, bars United States firms from mining and exporting natural resources in Namibia.

But it has one special provision. It does have the carrot approach that, if indeed South Africa reverses its policies, we can make the appropriate changes.

In the substitute, it would take legislative changes.

I think that America, in essence, to follow the direct approach, would probably doing something that if we could invoke would be correct, but since we cannot we would be shooting ourselves in the foot again.

□ 1625

So I support the committee amendment, oppose the substitute, will oppose all weakening amendments, but I think we need that carrot, we need the balanced approach, and we need something realistically we can try to bring into being.

I commend the gentleman for the substitute. I guess I could say if South Africa were a state, a territory or a

possession and we could pass a law and prohibit apartheid as of midnight tonight or this very instant, we would pass it overwhelmingly in this body. But dealing in foreign affairs, international affairs, we have tried to go as far as we realistically think we can.

Mr. Chairman, I urge Members of the House to reject the pending amendment, even though I support the goals stated therein, and to keep this harsher approach, frankly, in reserve, for what I hope not be necessary later action.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, as an original sponsor of H.R. 4868, the anti-Apartheid Act of 1986, I rise in strong support of the Dellums amendment, and if his amendment is not adopted—I hope it will be—then I will vote for final passage.

Mr. Chairman, on this 10th anniversary of the Soweto uprising, we find ourselves at a critical and unfortunate crossroads in terms of our South Africa policy. Ten years after Soweto, change in South Africa has been too little, too slow, and sadly, perhaps too late. Some of the trappings of apartheid have been removed or modified. But the institution of apartheid remains as firmly entrenched as ever.

Last year this body provided the leadership that was needed on this issue by passing the Anti-Apartheid Act of 1985 which I supported. That action ultimately led to the President's Executive order imposing certain sanctions on South Africa. Unfortunately, recent events have clearly demonstrated that those sanctions are inadequate and in desperate need of strengthening. Today's bill—hopefully as modified by the Dellums amendment—makes those necessary changes.

I do not operate under the illusion that these economic sanctions will necessarily result in the elimination of apartheid.

I do operate under the belief, however, that sanctions are the last defense against a potential bloodbath in South Africa and are, therefore, in our political and moral best interests.

That conclusion is supported by the findings of the British Commonwealth's Eminent Person's Group. After extensive factfinding in South Africa, the group's recently released report notes:

"We are convinced that the South African Government is concerned about the adoption of effective economic sanctions," and that sanctions may offer the last opportunity to "avert the worst bloodbath since World War II."

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

Mr. SILJANDER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. CONTE].



Mr. CONTE. I thank the gentleman from Michigan.

Mr. Chairman, as Bishop Tutu recently noted,

There is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left, and it is a risk worth taking.

I wrote to Bishop Tutu in October of 1984 to congratulate him on receiving the Nobel Peace Prize. Since that time, over 1,500 people have died in apartheid-related violence, and over 40,000 people have been arrested on political charges. Last week, a state of emergency was imposed that is tantamount to martial law. This is not change; this is retrenchment. We have imposed the strongest of sanctions on Libya because of its support for terrorism. We have imposed the strongest of sanctions in the past on other governments with whom we have deep disagreements on policy. If we fail to impose the strongest of sanctions on South Africa it would represent the worst kind of double standard in our foreign policy. It would be a double standard with potentially grave consequences for the United States and South Africa. I urge my colleagues to support this last, best hope for nonviolent change in South Africa.

Mr. Chairman, I went to South Africa 27 years ago. I have visited Soweto and other places in South Africa. I saw how those people were corralled, not let on the streets of Johannesburg and Pretoria and other places in South Africa. I came back and I spoke against apartheid 27 years ago. And here we are, in 1986, and nothing has changed.

The gentleman from California is absolutely right. This is no time for timidity. This is time to get to the jugular vein. This is time to do something that will wake up the South African Government before we have bloodshed running rampant all over the streets of South Africa, thousands and thousands of innocent people dead in that country. We must stand here in the well today and do something that will restore the dignity of man, who has been deprived of that dignity long enough. It is time to act today. The sanction bill here is a movement forward. But it does not have the wallop, it does not have the shock to South Africa that we need, that we have in the Dellums amendment. I hope that the majority of this Congress today will stand up and have the guts to vote for the Dellums amendment.

The CHAIRMAN pro tempore. The Chair will inform the Members that the gentleman from California [Mr. DELLUMS] has 7 minutes remaining, the gentleman from Washington [Mr. BONKER] has 4 minutes remaining, and the gentleman from Michigan [Mr. SILJANDER] has 3 minutes remaining.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. LELAND], the chairman of the Congressional Black Caucus.

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

Mr. LELAND. Mr. Chairman, I stand here in complete support of the Dellums amendment, and I would like to commend the gentleman from California for having the courage to stand before this body in a very difficult situation, where his colleagues, whom he has ultimate faith in to offer the kind of approach that they feel is necessary but rather he would then venture to do, as he has done, and that is by principle offer the severest possible sanctions against South Africa.

I would like to associate myself with all of the remarks that the gentleman from California has put forward.

I would like to commend the gentleman from Pennsylvania [Mr. WALKER] for having the forthrightness and also the courage to stand against his colleagues on the other side of the aisle, to say indeed that what the gentleman from California [Mr. DELLUMS] is doing is the honest approach. Indeed it is.

People have died and suffered unnecessarily. It is time now that all of the good-thinking countries of this world should isolate South Africa for what it is, not do business with it to encourage the economic growth that it is experiencing right now, but rather indeed to impose the worst kinds of sanctions in order that human dignity can be restored to those majority black people who have suffered so greatly.

Mr. Chairman, there are not enough words that can adequately express the moral outrage I feel over the fact that in the late 20th century, the worth of human life is still judged by the color of one's skin. In South Africa this is a judgment that is made daily to the detriment of the majority of the South African population. It is a judgment that has imprisoned thousands in the past 4 days. It is a judgment that has resulted in the killing of over 1,600 men, women, and children in the past 2 years.

The people of the United States over the past 24 months have stood up and voiced opposition to the continued brutal policy of apartheid in South Africa. Their voices have spurred our Government to speak out against apartheid. But rhetoric alone will not save South Africa. It is one thing to say apartheid is repugnant and morally wrong. It is another to actively demonstrate our repulsion to such a system. Today, we in the House of Representatives have the opportunity to demonstrate to the American public that we have taken their words seriously and are willing to concretely back up the words of condemnation against South Africa's brutal policy of apartheid.

That is why I stand before you today, and ask that you join me in supporting a measure that will help the South African people in their quest to dismantle apartheid. I ask you to join me in supporting the amendment offered by the gentleman from California, Mr. DELLUMS.

Quiet diplomacy has not worked, does not work, nor will it ever work. The United States must embark on a course which will lead to true negotiations. The amendment offered by Mr. DELLUMS, which prohibits making or holding any investment in South Africa and the im-

portation or exportation of goods from South Africa, is such a course. It is not, as some have claimed, a radical proposal. It is, in fact, a very moderate response to the continued violence and oppression in South Africa.

As Americans—a people founded on democracy and freedom—we cannot continue to do business with a nation which fails to recognize the humanity of over 22 million lives. America stands for justice. But in continuing to remain an economic presence in South Africa, we stand on the side of the South African Government. We do not stand on the side of justice.

Many in the present administration have stated that it is naive and morally cleansing to call for economic sanctions but that their enactment would not have a positive effect in dismantling apartheid. I believe this is a dangerous rationale for our continued involvement in the South African economy. Economic sanctions are the most rational, peaceful means of influence the United States possesses. I am not naive enough to think that the enactment of economic sanctions alone will bring about an immediate end to apartheid. I do know, however, that whatever tiny and cosmetic changes made by Pretoria in the past have resulted from economic pressures placed by those within and outside of South Africa. I hope my colleagues are not naive enough to think that our economic presence in South Africa does not help strengthen the South African economy and in turn its government concept and pace of reform. Because it does.

I am appalled by those who justify their lack of support for sanctions by stating they don't want to hurt black South Africans. This is ludicrous for two reasons. First of all, the sheer number of black South Africans employed by American corporations is not that great—the Investor Responsibility Research Center placed the number at 66,000 last year, out of 8 million black workers in South Africa. Second, respected people such as the Rev. Alan Bosak and Bishop Tutu, although prohibited by South African law to advocate economic sanctions, have made it clear to the American public that they support these non-violent measures.

If we want to continue to be the bastion of democracy, we must stand up for democracy in South Africa. We must say no more investments in South Africa, no more to quiet diplomacy, and no more to apartheid.

I urge my colleagues to support this amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Ms. OAKAR].

(Ms. OAKAR asked and was given permission to revise and extend her remarks.)

Ms. OAKAR. Mr. Chairman, I have heard a lot about communism today, and I think it would be interesting to strike the parallels between nazism and apartheid.

It was the former Prime Minister of Africa Voerwoerd who was the architect of apartheid in the 1940's, who also said, "Any further admission of Jews into South Africa will lead to the defiling of our white race."

So I think it would be interesting to make a comparison between the race

laws of South Africa and the anti-Semitic race laws of Nazi Germany.

No. 1, South Africa prohibits mixed marriages, forbids intermarriages between whites and nonwhites, and provides that any such mixed marriages contracted outside of South Africa are null and void.

In Nazi Germany, they had the Nuremberg law that said marriages between Jews and citizens of German or kindred blood is forbidden.

Another law that is part of the South African Industrial Conciliation Act denies the right of nonwhites to employ whites in South Africa. Section 3 of the Nazi Nuremberg laws state that Jews are not permitted to employ female citizens of German or kindred blood as domestic servants.

No. 3, on February 7, 1978, South Africa's Government confirmed that its Homeland Citizens Act, with its associated legislation, would be used to deprive all black South Africans of their South African citizenship, a process still in existence. This includes a permanent denial of voting rights to blacks and also the denial of them to the right to occupy office.

The parallel in Nazi Germany was the Nazi Reich citizenship law of 1935 which stated that a citizen of the Reich can be that subject only who is of German or kindred blood.

Now, Mr. Chairman, the world had no conscience when 6 million Jews were demeaned and murdered. We cannot wait again. The time is now. Vote for the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, will the gentleman from Michigan [Mr. SILJANDER] yield 1 minute of his remaining time to me?

Mr. SILJANDER. Mr. Chairman, I would be more than thrilled to yield to the gentleman from California [Mr. DELLUMS] 1 minute of my time.

I want it stated, however, to go down in your record book.

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

Mr. DELLUMS. Mr. Chairman, I would like to reserve that 1 minute for the purpose of closing the debate later.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. I thank the gentleman for yielding.

Mr. Chairman, we are not here today to send signals; we are not here today to make statements; we are not here today to send any messages. We do not work for Conrail, we do not work for IBM, and we certainly do not work for Western Union. We are here today as Members of Congress, and our task is to enact legislation that will have a direct and intended impact on problems of great concern that affect our country.

So the issue today with South Africa is not an issue of jobs, it is not an issue

of economics, it is an issue of justice and freedom that we are addressing in the Hall today.

To turn our backs on the oppressed in South Africa would historically be recorded as a dark day in this House.

The issue requires the strongest legislative act that we can in fact develop, and I recommend that the Dellums substitute be that legislation.

Mr. BONKER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I rise in reluctant opposition to this amendment.

Mr. Chairman, what type of action is most appropriate today? Do we want to make a statement, create a symbol, or to write law? The fact is that, in spite of the intentions and actions of the past in this House, we have not put into statute the policy that we would like followed in South Africa. Whatever occurs here today will have a dramatic effect.

The question is whether or not we want to take business concerns that have been operating in good faith and legally, and to dramatically impose upon them a forced sale in terms of their assets; in other words, we have not sent the proper signals, in law and now we are proposing to in fact require an action that I think would be precipitous.

We must provide a reasoned opportunity. The fact is that by providing the 1-year period in which we can muster support, we will in fact involve our allies. It came, I think, as no surprise last week that Britain is waiting for United States action. They are waiting to follow and to work with us. But if we take precipitous action, we will not provide the type of leadership that is necessary to most effectively change the situation. If we write off, in essence, United States and allied business concerns in South Africa. I causes serious problems.

We are in an excellent position to help provide a peaceful end to the insanity of apartheid. The United States is the second largest investor in South Africa, United States investments cover highly sensitive areas, computer nuclear technology, oil refining, transportation, other key economic ventures. Strong economic sanctions by the United States will help persuade the South African Government to enter into political negotiations now to bring a peaceful end to apartheid and to release the political prisoners.

We have the economic clout, but we have to use it properly. We have to act like a leader in terms of bringing along the British, the French, and the other governments that are investing there, not to just pass a symbol to the other body, where it will languish. The committee legislation will become law and should be acted upon.

Mr. Chairman, many examples illustrate the need for this action. Police that came in the dark of the night and

force hundreds of men and women to leave their frightened families and to go and be interrogated about their political beliefs, their friendships and acquaintances, and anything else which the police were interested in knowing about them. Those who are arrested can be held indefinitely without any charges ever being filed. They can be held without any right to talk to a lawyer or a family member or friend or anyone else who could intervene on their behalf with the authorities. Journalists are forbidden to photograph, record, or report any act of opposition or civil unrest or to disseminate any information which could be construed by the Government as being subversive. To do anything or to commit any act outside the scope of the Government's approval was to risk imprisonment or worse. Indeed the eyes of the media are poked out and no uncensored information is available.

Mr. Chairman, perhaps this sounds like a description of Nazi Germany in the 1930's or the Soviet "gulag" described by Solzhenitsyn or some other familiar example of a totalitarian regime. In fact, it is a description of South Africa in 1986; a nation that stands on the brink of a terrible civil war. Like all totalitarian regimes, it cannot enjoy the popular support of the people so it imposes its will by force. The reimposition of the state of emergency by the South African Government last week is only the latest example in a series of acts by a government that refuses to search for constructive and peaceful change.

One fact is unmistakably clear; the days of apartheid in South Africa are numbered. Apartheid is much more than just a political system which is imposed by one group upon another. It is a profound repudication of human dignity and justice which does not merit sanction from any quarter. It is preposterous to suggest that a nation which institutionalizes such an order is a nation which respects democracy and democratic values.

What can we as Americans do to express our rejection of apartheid as well as our hopes for a peaceful solution to the problems confronting South Africa today?

Certainly the legislation which we are considering today, H.R. 4868, the Anti-Apartheid Act of 1986, presents a responsible approach to this issue. H.R. 4868 prohibits new loans to and investments in South Africa and imposes a broad array of economic sanctions which would become effective immediately. This legislation also contains provisions for lifting these sanctions if and when the South African Government takes substantive action to abolish apartheid or to release black political prisoners and to begin good-faith negotiations to end apartheid.

The bill prohibits the importation of South African uranium, coal, and steel



into the United States and specifically prohibits the use of United States technology and information for the exploration and development of new energy resources in South Africa. H.R. 4868 would also ban mining by United States firms in Namibia, a territory currently occupied and controlled by South Africa. Finally, this legislation would also ban United States investments in South African computer businesses and on computer exports to South Africa after 1 year unless the Government dismantles apartheid or releases the nation's political prisoners—including Nelson Mandela—and begins good-faith negotiations with representatives of South Africa's black majority.

Mr. Chairman, at the end of 1984, direct United States investment in South Africa totalled \$1.8 billion. While this constitutes only about 1 percent of all United States foreign investment, the United States is the second largest foreign investor in South Africa and United States investments there are highly sensitive because they include computers, nuclear technology, oil refining, transportation, and other important economic ventures.

President Reagan insists that the imposition of economic sanctions against South Africa by the United States would hurt the very people that our policy is supposedly trying to help; that is, the black majority. But let's look at the facts. United States firms there employ only about 70,000 black workers, or less than 1 percent of the total black work force in South Africa. Economic sanctions would certainly not hurt South Africa's 3 million unemployed black workers or the millions of blacks subsisting on barren plots in the "homelands." Moreover, it is the black people of South Africa themselves who are calling the United States and other nations to impose sanctions to hasten the end of apartheid. A London Sunday Times poll in August 1985 found 77 percent support for sanctions among urban blacks. The nation's major black political organizations, including the African National Congress [ANC], the Pan-Africanist Congress, the United Democratic Front, the Congress of South African Trade Unions, and others are united in calling for sanctions. It is not the black majority but the white minority which enforces apartheid that stands to lose the most if apartheid is not abolished and sanctions are imposed.

While economic sanctions alone may not end apartheid, they are nevertheless very significant in sending a very clear message from the people of the United States to the Government of South Africa; that message is "apartheid must go."

The President continues to urge Congress to support his administration's policy of so-called constructive engagement. But let's review what has happened during the past 5½ years under this policy. The crisis in South

Africa is worse than ever. The death toll has risen to an average of more than five people per day. Many of these who have been killed are children. Government troops occupy the townships and are exercising more unrestrained powers than ever before. The Government has not only made matters much worse within South Africa but has exported its violence outside of the country in a campaign to destabilize independent states in the region such as Lesotho, Botswana, Zambia, and Zimbabwe. Despite good intentions, it is time for the Reagan administration to concede that its policy of constructive engagement has been a failure. It has not encouraged moderation and reform but has been a device to pursue "business as usual" with the South African Government and has encouraged the intransigence of those who support apartheid. The system of governance is at fundamental odds with the basic values of our Nation. It indeed is time to act and reflect those values in our national economic policies and United States relations with South Africa.

Mr. Speaker, nearly 25 years ago, President John F. Kennedy told us that "those who make peaceful change impossible make violent change inevitable." President Kennedy's warning is very timely today. Ultimately, it must be the people of South Africa, black and white, who will work out their nation's future destiny. Let us hope that it is not too late for the people of South Africa to spare themselves a cataclysm of violence and further bloodshed. I urge my colleagues to join me in supporting H.R. 4868.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DYMALLY].

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

Mr. DYMALLY. I thank the gentleman for yielding time to me.

Mr. Chairman, greed for power, greed of such oppressive weight that it crushes an entire people is pushing South Africa toward catastrophe. The people of that country hold their meetings over the coffins of the dead. There they plan the next collective scream of pain, of protest, of anger. And they build more coffins. While the dust of Soweto boils under the bare feet of the thousands who will now be free at any cost, the white people still take their tea on the grass. But now the fighting is not so far away. The tea cups rattle. The dust cast up by the black feet of Soweto settles on the windows of white Johannesburg. Soon the white people will also be meeting over coffins.

And here we talk. Our discussions are paced as though there is time. Shall we work through American corporations in South Africa to foster improved treatment of black workers? Should we send a message of concern by selecting a sanction or two to illustrate our displeasure with apartheid? And surely we can't disinvest. Our companies are our instrument for effecting peaceful change. Besides, Mr. Shultz thinks disinvestment is a copout.

We can't set ourselves up for criticism like that can we?

My friends, the discussion is hollow. It echoes in our hall because the hall is empty. While we were taking our toast and tea the crowd took to the streets with clubs and rocks. Petit concessions meted out to stave off the inevitable will now slow nothing. Rather, that taunting, if it is to continue, will only goad the oppressed to pursue their freedom with greater zeal. The catastrophe is not tomorrow. It is now. The soldiers are holding their hands over the camera lenses, but no matter. It has started. If there is any forceful enough action we can take—and there may not be—we must take it now. Do not vote for mild action. It is meaningless. Today we must take the strongest action at our disposal. Congressman DELLUMS has offered us that action. Through our vote today we will join the inexorable march to freedom in South Africa, or we will take a last sad stand with the defenders of apartheid.

Mr. DELLUMS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Chairman, I rise in support of H.R. 4868, the Anti-Apartheid Act of 1986.

Less than a year ago, this House took action to demonstrate how repugnant the system of apartheid is to us. Since that time, and especially in the last weeks, the situation in South Africa has deteriorated dramatically. The country now exists in a state of emergency. As many as 4,000 antiapartheid activists have been detained without trial. Sharp restrictions have been placed on the press. Winnie Mandela is once again under guard. With words and actions, President Botha has proclaimed his allegiance to apartheid and his absolute opposition to change.

In this tragic situation, there are those who argue that now is not the time to act, that we have tried before and our efforts have failed. Mr. Chairman, that position is absolutely wrong. Half-hearted measures and slaps on the wrist were doomed to failure, especially when the policy of so-called constructive engagement masks a continuing flirtation with those who practice apartheid. Until we end that flirtation, until we recognize that that engagement is broken, we will not have acted strongly enough.

This legislation says what we must say to the South African Government, strongly and in a way that cannot be misunderstood. It demands that the South African Government begin good faith negotiations with black leaders and free its political prisoners. Unless Pretoria takes those steps, sanctions will be imposed. It could be no more clear-cut. It could be no more direct. It could be no more pointed.

And it is no more than morality, decency, and humanity demand.

The Reverend Alan Boesak, the antiapartheid leader, has said the South African Government's recent actions are "not a sign of power, but a sign of weakness." I would add that if we fail to pass this bill, that, too, would be a sign of weakness. To refuse to speak out for our Nation's fundamental values, to resist

taking a stance against one of the most vicious systems the world has ever known, would be an almost unparalleled act of moral weakness and political cowardice.

I urge my colleagues to stand up for the values we believe in and to vote for the Anti-Apartheid Act.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Chairman, I rise in support of the Dellums substitute, and congratulate my friend from California for his leadership on this issue.

Apartheid is a moral abomination. We all agree.

But what shall we do about it?

We have the ability to bring the full weight of American political, economic, and social pressure to bear upon the South African Government. We have this ability; we also have the responsibility to use it.

I join with my distinguished colleague Mr. DELLUMS in saying we must do all we can to end apartheid.

How can we not? How can we stand by and not act?

H.R. 4868 is a good bill. I congratulate those who worked to craft the bill and bring it to the floor.

The Dellums substitute improves the committee bill, however, and I urge my colleagues to support it.

Yes, the Dellums substitute is a dose of strong medicine. And that is precisely what is needed at this moment of extreme tension and danger.

Does anyone truly think that gentle persuasion and subtle signals will resolve the problems in South Africa?

As Archbishop Tutu said this week:

There is no room for neutrality. When you say you are neutral in a situation of injustice and oppression, you have decided to support the status quo \* \* \* Are you on the side of oppression or liberation? Are you on the side of death or life? Are you on the side of goodness or of evil?

I urge a "yes" vote on the Dellums substitute.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from the District of Columbia [Mr. FAUNTROY].

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

Mr. FAUNTROY. Mr. Chairman, I rise in support of the Dellums substitute to H.R. 4868 because it is the right thing to do.

More than any other Nation in the world, the United States should understand the evil of apartheid. It has known it and felt it. The United States overcame blatant racism and oppression because blacks and whites of good will joined together to do the right thing. Some have argued that apartheid should not be disturbed because the interests of the United States are best served by supporting the current regime. Others have said it is easier to work with the 4 million whites than it would be to work with the 24 million blacks who constitute a majority. Still others have claimed that it is politically difficult to disman-

tle apartheid. To each of those persons, I would share the words of an old, English Methodist Minister who on one occasion said:

Cowardice asks the question, is it safe?

Vanity asks the question, is it popular?

And expediency asks the question, is it politic?

But, conscience asks the question, is it right?

The right thing for America and the world to do in South Africa is to stand for the same basic, Democratic freedoms that we now take for granted. Presently, that means we must isolate South Africa. Many in the world community are beginning to move in that direction. I urge this House to do the right thing and vote for the Dellums amendment.

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Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. WHEAT].

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

Mr. WHEAT. I thank the gentleman for yielding to me.

Mr. Chairman, I rise today in support of the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS].

Mr. Chairman, today we are assembled on the floor of the House to determine the next logical step in the evolution of U.S. policy toward South Africa. Nearly a year ago, this body spoke out clearly and with overwhelming conviction condemning the racist regime in South Africa. The President's Executive order imposing limited sanctions against South Africa was a clear result of our action in this House. It was a small step in the right direction. Today, the world awaits word whether the United States will take the next step in making a fundamental change in our policy with a government created by, based on, and committed to racial repression.

Thanks to the determination of this House to put American support behind the oppressed rather than the oppressors, the President's 5-year policy of "constructive engagement" with the South African regime is dead and buried. Only a few weeks after the President inexplicably hailed South Africa for an American-style end to racial segregation—a solution apparent to no one but him—the President once again beat Congress to the punch by signing an Executive order imposing limited sanctions. To be sure, the action was a significant development, underlined by Pretoria's reaction of shock, anger, and defiance.

But the sanctions, announced at once with fanfare and apologies, do not represent a fundamental change in U.S. policy toward South Africa. Nor do they effectively promote a meaningful evolution in the South African political system. On the contrary, they continue the President's practice of attempting to reform the South African system by working entirely within it and honoring its rules. "Active constructive engagement", as the President has dubbed his new policy, is simply a new name for an old face, just as Pretoria's knee-jerk gestures of reform in South Africa represent a repackaging of apartheid.

Constructive engagement, whether active, inactive, or comatose, is still a policy that captures the attention and interest of only a

small, privileged minority of South Africans. U.S. policy today still relies on white-led change, as designed and defined by a regime that is becoming more embattled by the day. It has encouraged and indulged the government's divide-and-rule tactics, leading the regime, its victims, and the international community to believe that, whatever the rhetoric emanating from Washington, American prestige is on the side of the Pretoria government. This policy ignores the needs, the politics, and the passions of the black majority in South Africa. It will continue to fail.

The Eminent Persons Group, composed of seven of the Commonwealth's most distinguished statesmen, has completed its 3-month effort aimed at finding a basis for negotiations between the South African Government and black leaders. They have issued a report of their findings, and their findings are grim.

The group's report reinforces what many of us already know, and what must be by now painfully apparent to the Reagan administration. The Eminent Persons Group found that, and I quote, "while the government claims to be ready to negotiate, it is in truth not yet prepared to negotiate fundamental change, not to countenance the creation of genuine democratic structures, not to face the prospect of the end of white domination and white power in the foreseeable future".

Even more troubling is the government's naive confidence that, after 18 months of the worst violence and unrest in South African history, it can control the situation indefinitely by force. My colleagues, such confidence is pure fantasy. The following words from the Commonwealth Group's report put the regime's intransigence in stark perspective:

Although the government's confidence may be valid in the short term, but at great human cost, it is plainly misplaced in the longer term. South Africa is predominantly a country of black people. To believe that they can be indefinitely suppressed is an act of self-delusion.

In spite of the obvious justice and overwhelming international support for the cause of black South Africans, during this debate we will again be treated to the same tiresome exhortations and dire warnings about the necessity to stand by "our friends", the brutal South African regime, to protect South Africa from the onslaught on communism.

How long must this country be duped into supporting "friends" who profess hatred of the evils of communism, who vow to fight for the preservation of freedom and liberty, and who then proceed to crush freedom and liberty for the many in order to protect if for the few? With friends like these, we create bold enemies among people, who will inevitably control their own destinies. Don't we ever learn? Haven't we read this book before?

This country must stand for freedom and against oppression, whether oppression comes from the left, right, or somewhere in between. Human beings stripped of their dignity, deprived of basic human rights, and crushed when moved to dissent, care little about the political banner of their friends. They ask only for our support, for a clear, convincing, and sustained effort to assist them in their struggle. Time is quickly running out for us to join in that struggle. We can't afford to be left behind.



The Dellums amendment proposes new sanctions, including complete divestment of United States companies from South Africa and a trade embargo, which will place the United States unequivocally on the side of justice and equality for the majority in South Africa. It is the next logical step in the evolution of U.S. policy toward South Africa.

Whenever talk of divestment arises, there are those who suggest that neither the American people or the South Africans support this measure. Divestment legislation has been passed in 17 States and 60 cities. Over 80 colleges and universities have adopted policies restricting investments in and purchases from companies with South African ties. Last year, 28 of the nearly 300 businesses in South Africa left, and for the first time in decades, not a single U.S. company started a new operation in that country.

The American people are clearly ready to stand for freedom and against oppression regardless of the economic costs. The same message is heard from South Africa where 70 percent of all blacks support sanctions against South Africa. In the words of Bishop Desmond Tutu, "We are suffering already. To end apartheid, we will support sanctions even if we have to take on additional suffering."

There are those who argue that divestment is too strong an action, that instead we should support the Sullivan Principles, as they were intended, to make U.S. corporations a positive force for change. But black leaders are vehement that the Sullivan Principles have little impact on the apartheid system. In the words of Nobel Laureate Peace Prize winner Tutu, "We do not want apartheid ameliorated or improved. We do not want apartheid made comfortable. We want apartheid dismantled. We don't want our chains loosened. We want them removed."

While these sanctions alone cannot guarantee positive change within South Africa, they represent the few tools available to the United States to convince the white regime that apartheid will only be sustained at great cost to all South Africans. The Eminent Persons Group, warning of impending violence that could take the lives of millions in South Africa, has pointed to international economic sanctions as the only measures that can be taken to compel the ruling minority to negotiate with black leaders for a new South Africa. Let this House once again provide the leadership lacking in the administration. Please support the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. LEVIN].

(Mr. LEVIN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. LEVIN of Michigan. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Dellums amendment.

Mr. Chairman, the President prohibited business activities by American businesses in Libya.

It was a response to terror.

I supported that response.

There was no absolute guarantee it would work but action was mandatory.

This amendment is a response to another form of pervasive terror—a terror that has taken the lives of innocent thousands and

threatens to engulf an entire nation in unimaginable bloodshed.

Swift, stern economic action is the only hope to change the course of events in South Africa.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. I thank the gentleman for yielding time to me.

Mr. Chairman, The Dellums substitute puts an end to gradualism in dealing with apartheid. The step-by-step policies of the past have failed; constructive engagement or the more recent active engagement will be equally ineffective in the future.

The only message the minority government of South Africa understands is action, decisive action. Words, threats, or intentions to do something in the future are meaningless for that government. They will not end apartheid until the economic cost of continuing it is too great to bear.

Even if, as the opposition of this substitute claims, economic sanctions do not bring an end to apartheid, America, by imposing these tough sanctions, at least, will no longer be a silent partner in the oppression. Our hands will be clean; we will have told the oppressed blacks of South Africa that America has taken a decisive step for their freedom.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

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

Mr. HAYES. I thank the gentleman for yielding time to me.

Mr. Chairman, today I rise to express my support for the Dellums amendment to H.R. 4868.

I also want to express my anger and deep concern over the deteriorating plight of blacks in South Africa. Reports I have seen indicate that the apartheid regime of South Africa is now responsible for over 2,000 people losing their lives simply because they wanted to struggle for basic human rights and basic freedoms. Over 36,000 blacks have been arrested, most of whom committed no crime but to voice their opposition to apartheid.

Not only has the South African Government brutalized its own citizens, it has also carried out brutal military attacks against its neighbors—the independent nations of Zambia, Botswana, and Zimbabwe.

This year during the State of emergency in South Africa, the black death rate has almost doubled, from 70 people per month to over 130 per month.

South African leaders claim many of these people were killed by black vigilantes. The reality of this is that the South African Government has sponsored and assisted these black vigilantes with their murdering of peacefully anti-apartheid protesters.

It is clear to me, and I believe it should be clear to a majority of our colleagues that the United States has not used its influence to bring about meaningful change in South Africa. The Reagan administration, in proposing limited sanctions in place of the House

and Senate passed H.R. 1460, has only contributed to the plight of blacks in South Africa. I dare say, if blame is to be laid for the continuing deaths of anti-apartheid protesters in South Africa, those who have not strongly denounced the continued abuse of power by the South African Government are as much to blame as that Government itself.

Mr. Chairman, our administration, our Government, our Nation, must take a strong stand in opposing apartheid. We cannot continue to align ourselves with the atrocities taking place in South Africa. It is time we give notice, not only to our colleagues in the other body, not only to the Reagan administration, but also to the world community, that this Chamber, this U.S. House of Representatives, is on record as supporting the strongest possible sanctions against the apartheid regime of South Africa. I urge my colleagues to support the strengthening amendments offered by our colleague RON DELLUMS.

In supporting these amendments, we state to the world that the United States will not tolerate South Africa's inhuman acts any longer. Again, I urge you to support the strengthening amendments offered by Mr. DELLUMS.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. I thank the gentleman for yielding time to me.

[Mr. RICHARDSON addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. ACKERMAN].

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

Mr. ACKERMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, just days after the 10th anniversary of the uprising in Soweto, I thought it would be interesting to note that during the outbreak of our own country's war for independence that Benjamin Franklin liked to equate those who equivocated on the issue with a bird known as the mugwump. This bird had the strange characteristic of sitting on the fence with his mug on one side and his wump on the other.

Referring to these creatures, both beast and man alike, Franklin noted that when the fighting would start, both ends would get shut off. Just as with Ben Franklin's mugwumps, the time has once again come for our Nation to openly and publicly take a stand on the side of justice. When apartheid falls, and it will fall, the actions we take today will decide where we stand not only with the new Government, but in the eyes of all those who seek justice in the world. We can either march with the cause of freedom and equality or have our honor smeared in the ashes of a cruel and barbaric regime.

The choice is ours. I urge my colleagues to get off of the fence and vote for immediate and complete sanctions.

Mr. BONKER. Mr. Chairman, I yield 30 seconds of my time to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding me this time.

Mr. Chairman, I, in turn, yield 30 seconds to the gentleman from Florida [Mr. BENNETT].

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

Mr. BENNETT. I thank the gentleman for yielding me this time.

Mr. Chairman, I strongly support the Dellums substitute. If that fails, I will support the substitute that comes from the committee.

I was elected to public office before World War II; elected at a white primary. I can consider that experience. I also consider the experience of Prime Minister Nakasone, who recently told me, "If I took a different position with regard to international trade, I would not be here."

I think the same situation probably exists in South Africa. So we should send the strongest possible message. We ought to do the very strongest thing we can, to do what we can to the end of preventing a bloodbath.

I urge all the Members to vote for the Dellums amendment. If that passes or fails, let us pass the bill.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. I thank the gentleman for yielding time to me.

Mr. Chairman, I want to thank the gentleman from California [Mr. DELLUMS] for offering a substitute which demonstrates dramatically the life and death nature of today's debate.

Time is running out. The fascist, barbaric Government of South Africa is now setting the stage for the final solution to this problem of guaranteeing minority rule and minority privileges. The Botha regime has thrown out some members of the press and strict censorship has been imposed on the remaining media representatives. The eyes of the civilized world have been punctured. We will not be allowed to see the final extermination of million of blacks. Soweto and all of the other segregated black townships are now being transformed into the concentration camps of the 1980's. Once before in the 1930's and early 1940's the civilized world permitted the murder of millions—and the excuse then was that "we didn't know." This time, as the ideological sons of Adolf Hitler escalate their dirty work we cannot say that "we didn't know." We do know that every human right is being violated in South Africa. We do know that mass murder

is being committed daily. Every American should try to do something to stop this carnage. Certainly every Congressman should vote today to take at least one more step forward against the unjust Government of South Africa. The committee sanctions bill before us is far too weak. The Dellums substitute is the more adequate and necessary step against genocide. The South African Government has thrown down the gauntlet, a challenge to the whole civilized world. By voting strong sanctions we rise to answer this challenge. History is watching the House of Representatives at this moment. If we fail to vote to stop the greatest bloodbath of this century it is probable that we will be viewed by our grandchildren with eternal contempt. Let us vote today to block further mass murder. Let us vote today to advance the cause of decency, freedom, and civilization.

Mr. BONKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to remind my colleagues that the issue is not whether or not we are sending a message to South Africa. Both the committee bill and the Dellums amendment send strong messages.

The issue is whether we go with sanctions in the committee bill or total disinvestment in the Dellums bill which would call upon all American businesses to shut down in 90 days.

I strongly urge my colleagues to do the sensible thing and stay with the committee bill.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise against the substitute of the gentleman from California. I think the committee bill does the job in the sense that the United States is making a strong statement.

The substitute is a straight, economic matter. I think that rather than legislate disincentives by way of requiring disinvestment, the companies that are there, which have demonstrated a reasonable amount of good faith in dealing with South Africa, will make the necessary economic judgments on remaining there. It is a question of honest difference of opinion as to whether or not all of that can be done in 180 days, which is what the substitute would require.

Simply put, that difference in judgment, which the committee amendment says is that what we need to do here is indicate that we are not moving forward with any new investment. That the companies that are there and which have been operating, as I say, in reasonably good faith; especially those trying to abide by the principles. They will make their own economic decisions with respect to what is happening in South Africa. I do not think they need the push that

this substitute would require right now.

Therefore, I would urge my colleagues to vote against the substitute and support the committee bill.

Mr. KEMP. Mr. Chairman, last week, Crossroads was the scene of tragic violence. Radical forces waged war on blacks striving to better themselves and their families. Many died. Many more were injured.

Similarly, the ANC has announced the goal of "making the country ungovernable" through a campaign of agitation, sabotage, and terrorism. Hundreds of blacks have been killed to frighten others away from any contact with governmental or business institutions working for peaceful change.

Moderate blacks have rejected the ANC's campaign of violence, because, as Karen Elliot House writes, they don't "believe it makes sense to destroy the country in order to inherit the ruins a little faster."

I fear for the future of all South Africans if the flames of violence, hatred, and injustice spread. I would ask all my colleagues to look into your hearts, and ask yourself what impact the sanctions contained in the Dellums amendment will have on the people we seek to help. Lives are at stake here. We have a grave responsibility to act with compassion, sensitive to the historical and cultural complexity of South Africa, and to the practical effects of our acts.

In our impatience with the pace at which apartheid is being dissolved, the United States imposed economic sanctions against South Africa just 6 months ago. I myself voted in favor of last year's conference report, sharing with the great majority of my colleagues a large measure of frustration and a sense that we needed to register our deep-felt protest against the evil and the injustice of apartheid in that land.

But before we plunge headlong down the sanctions road, as the amendment under discussion would have us do, it is imperative that we stop and assess what we have done.

Since we imposed sanctions against South Africa, its economy has been very hard hit by a debt crisis. Last year, the rand fell from \$1.30 to just 36 cents in value, and has made only a modest recovery. New lines of credit have dried up, as major lending institutions have refused to renew loans, for fear that international sanctions and internal violence would weaken the economy. This is a stunning and, in my view, detrimental development that can only hurt the people of South Africa and weaken the prospects for peaceful change.

And what has been the effect upon the government in South Africa? By all reports, the international sanctions campaign has served to harden the attitudes of those in power and on the extreme right, and to raise unrealistic expectations among those aspiring to power. Between these two poles are the great majority of South Africans, of all colors and creeds, who are watching as the prospects for their freedom, justice, and future erode.

The short lesson is that economic warfare may have some utility against enemies in wartime; but judging from the record in South Africa, it will only cause violence and anarchy.

If our objective here is to encourage the peaceful and total end of apartheid, for which I hope and pray, then we must ask how a de-



stroyed economy can possibly further this goal.

The stark demographic realities of South Africa make sustained economic growth along the lines of the Sullivan principles an imperative. Each year, 250,000 people come out of the countryside into the city, sometimes camping at settlements like Crossroads to await work. That means that each year, there are one-quarter of a million new entrants into the work force, and one-quarter of a million new jobs must be created. Where are those jobs to come from if the economy is receding?

Without new jobs, black unemployment will soar. Without economic growth, the existing enormous gaps in education, housing and the quality of life will only worsen. Already, we can see the beginnings of this deterioration, as South Africa struggles against the harmful effects of a precipitous drop in the value of the rand, the drying up of foreign capital and markets, and declining confidence fueled by the disinvestment campaign. And in a situation of a destroyed economy, the economically weak suffer the most, and anarchy ensues.

South Africa's human resources are the key to its future wealth and prosperity. They are also the key to the future health of South Africa's society, and the peaceful evolution of that society into a democracy.

It should be self-evident that hurting South Africa's economy will not improve the quality of life in South Africa. Nor will contracting opportunities raise prospects for greater equality or social cohesion. If we truly care about achieving a peaceful end to apartheid, then we must come to terms with what will work.

Contrary to the belief of those promoting disinvestment, the real key to ending apartheid lies in South Africa's modern capitalist economy. As Paul Johnson argues in his masterful commentary article, "It is the nature of capitalism to destroy apartheid, and that is precisely what it has been doing."

This is so because the ethical underpinnings of a vibrant free enterprise economy are antithetical to racism. The corollary to this is that a growing industrial society in South Africa will, of its own dynamic, force changes in political ideology. We need to exert our influence to encourage power sharing and negotiations between all citizens. It seems to me that we should be promoting measures to encourage and accelerate this essential change, not measures to retard it.

And if we are serious about advancing freedom and human rights in the world, we must acknowledge that our policy toward South Africa does not operate in a vacuum. Fundamental to the advancement of human rights is an international environment in which freedom and democracy can flourish, secure against totalitarian challenges. Our national security and the security of the free world are essential to the preservation and advancement of individual rights. Those who assert that the promotion of human rights can be separated from national security requirements are simply wrong. If we care about human rights, we must also care about the strategic interests of the free world. And so, our policy toward South Africa must be measured against this yardstick as well.

The whole of the region of Southern Africa is caught up in a major Soviet expansion effort. Cuban forces in Angola, Soviet advisors in Mozambique, and Marxist-Leninist terrorist groups throughout the region attest to the

major investment of resources the Soviets are making to destabilize the region and bring it under Soviet control.

A weakened South Africa, embroiled in violence and civil war, threatens the stability and security of the whole of Southern Africa. From the standpoint of the defense of the west, a strong South Africa is an indispensable ally. And the security of the Western world is not a minor consideration in the calculation of freedom.

I understand the intent of the sponsor of this amendment to make a moral statement against the reprehensible apartheid regime in South Africa. I am fully and deeply in agreement with that moral statement.

But what may be intended as a compelling moral statement may be morally unacceptable in its practical consequences. Judging from the record, economic sanctions against South Africa fall squarely within this fold. To the extent the sanctions in this bill might help foster an economic climate in which violence is likely to grow, we would be undercutting the prospects for peaceful evolution to a fair and just society. And we would be jeopardizing the stability and security of the entire region.

I will not be satisfied until the day the apartheid system an affront to black and white alike collapses. We can welcome a fully free and democratic South Africa into the fold of free nations. If freedom is to be extended to South African blacks, the government and well-meaning people in South Africa will need all the assistance they can get to lay the conditions for a peaceful and successful transformation of their society. But this bill will not bring us closer to that day; it will only serve to delay it further.

I urge my colleagues to vote against this unwise legislation.

Mr. FRENZEL. Mr. Chairman, the substitute amendment of the gentleman from California [Mr. DELLUMS] is said by some Members to be too strong. Full disinvestment is too radical, to rash, and not practical.

I believe that those descriptions are accurate, but that they apply equally to the committee bill, H.R. 4868. Mr. DELLUMS' substitute has about the same effect as the bill he is amending. The difference is that the Dellums is more open and straightforward.

What has not been said through this entire debate is that no sanction is going to repeal apartheid political statements by this House will not immunize South Africa against the threatened blood bath.

The letter of Secretary of State Shultz, which went unnoticed by our Foreign Affairs Committee because it held no hearing and took no testimony on its bill, warned that comprehensive sanctions were more likely to encourage extreme reviews in South Africa.

The Dellums amendment is extreme. So is the committee bill. Both will have similar effects. Both are likely to cause bloodshed rather than prevent it.

Because of the similarity, I take no position on the Dellums amendment. Either way the bill is dangerous and should neither be passed nor enacted.

Mr. WEISS. Mr. Chairman, it has been 10 years since a group of peaceful marchers at Soweto in South Africa were fired on by police. In those 10 years, the Government of South Africa has steadily taken an ever harder line. Hundreds more have died. Millions con-

tinue to be subjected daily to the degradation of official, institutionalized racism.

The situation in South Africa is now far more serious than it was when we last debated this issue. The police enjoy sweeping emergency powers of unprecedented extent. One South African commentator has written that South Africa has "crossed the line that separates authoritarian from totalitarian societies. South Africa is today a country without a free press, without the rule of law, without the full protection of the courts and without the basic human rights to speak freely, to assemble, or to protest."

This week, President Reagan personally called once again for "restraint." South African President Botha rebuffed that plea, as he had rebuffed the appeals for dialog from the Commonwealth eminent persons group. So much for constructive engagement.

Some people say we should oppose strong sanctions because sanctions will hurt South African blacks. Let's listen to what black leaders say about that.

The Reverend Alan Boesak said recently, "South Africa wants the world to believe it does not give in to pressure, that they are not afraid of sanctions or isolation. They say, 'if you do it to us, then you will see what we will do to blacks.'" Reverend Boesak continued, "Don't worry. We will decide when we have suffered enough and then we will tell you so. Don't worry that we suffer because of the joy they get out of apartheid." Bishop Desmond Tutu has also called for international sanctions, and he has done so at great personal risk to himself.

We must respond to these calls for action, and we must do so decisively. This may be the last hope for peaceful change in South Africa. Reverend Boesak also said, "If there is no international pressure on Pretoria, South Africa will explode. The trade unions, the UDF, all the major churches are all clear about economic pressure. They support it. It is clear they are of one mind with the people."

It is in our hands to respond to this call. I urge my colleagues to support strong sanctions today.

The CHAIRMAN. All time for debate has expired on the Dellums substitute amendment.

The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS].

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

□ 1650

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. NATCHER] having assumed the chair, Mr. TRAXLER, 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. 4868) to prohibit loans to, other investments in, and cer-

tain other activities with respect to, South Africa, and for other purposes, pursuant to House Resolution 478, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill 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.

#### GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4868, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 350, PROVIDING CERTAIN CONDITIONS FOR ADHERENCE TO SALT AGREEMENTS

Mr. HALL of Ohio from the Committee on Rules, submitted a privileged report (Rept. No. 99-645) on the resolution (H. Res. 479) providing for the consideration of the concurrent resolution (H. Con. Res. 350) providing that the President shall continue to adhere to the numerical sublimits of the SALT agreements as long as the Soviet Union does likewise, which was referred to the House Calendar and ordered to be printed.

#### PERMISSION FOR SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES, AND THE ADMINISTRATION OF JUSTICE OF COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW AND FRIDAY DURING 5-MINUTE RULE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the Committee on the Judiciary be permitted to sit on tomorrow, Thursday, June 19, 1986, and on Friday, June 20, 1986, while the House is reading for amendments under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### SISTER MARY BONITA WILLOW RETIRES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues that Sister Mary Bonita Willow, president of Felician College, located in the 11th Congressional District of Illinois which I am honored to represent, will be retiring on July 31, after 23 years of dedicated service to this educational institution.

Sister Mary Bonita, a native Chicagoan, attended St. Hyacinth's Elementary School and Good Counsel High School, and received her bachelor's and master's degrees, as well as her doctorate from Loyola University in Chicago. She came to Felician College as an instructor and registrar in 1956, and in 1963, she became president of the college.

During the last 23 years, Sister Mary Bonita has been the guiding force at Felician College, and has compiled an outstanding record of achievement as President. Her dedication to the highest standards of excellence in the academic, social, and spiritual development of each student, has been a source of strength and inspiration for the entire Felician College community.

An active participant in many civic and community affairs, Sister Mary Bonita has also received several awards, grants, and scholarships. Her tireless efforts on behalf of the college and in the community, are truly most worthy of recognition, and she has deeply touched and enriched the lives of all those who have had the opportunity to know her and her service to the church.

Mr. Speaker, upon her retirement, Sister Mary Bonita Willow will remain active in Felician College, as president emeritus. I join with her many friends and colleagues, who will be honoring her at a luncheon reception at the Starlight Inn in Schiller Park on June 22, in wishing her abundant good health and much success in all of her future endeavors in her service to the church and the college to which she has dedicated her life for almost a quarter of a century.

A statement prepared by Felician College listing the many accomplishments of Sister Mary Bonita as president of the college follows:

#### SISTER MARY BONITA WILLOW RETIRES AS PRESIDENT OF FELICIAN COLLEGE, ACCOMPLISHMENTS MARK DISTINGUISHED CAREER

On July 31, 1986, Sister Mary Bonita Willow will retire from her position as President of Felician College. Through years of dedicated leadership, she has bestowed upon the College a legacy rich in scholarly accomplishment, institutional enhancement, and spiritual and moral strength. Though no list of Sister Mary Bonita's accomplishments could be complete, the highlights of her years of administrative leadership include:

The establishment of the Psychoeducational Center to provide diagnostic and remedial services for children with learning disabilities.

The transition of Felician College from Sisters' College, to a college accepting lay women, and then to coeducational institution of higher learning.

The successful guidance of the College through its North Central Association Self-

Study, which led to full accreditation of Felician College by the NCA.

The achievement of continued North Central Association accreditation for a period of seven years.

The acceptance of foreign students through the acquisition of U.S. Office of Education permit.

The formation of an Adult Education Program for Indochinese refugees.

The development of Adult/Continuing Education—a program of informal education experiences which permits non-traditional students to earn academic credit, to study for career advancement, or to achieve personal enrichment.

The establishment of a Lay Advisory Board and the addition of lay members to a Board of Trustees formerly composed entirely of members of the Felician Sisters' Community.

The launch of a major fund-raising activity, the Theater Dinner Benefit, at which the Cor Marlae Award was presented to certain distinguished individuals.

The addition of the Annual Art Festival as a major cultural event which draws exhibitors and visitors locally and nationally.

The establishment of the Felician College Student Senate organization—the general governing body representing the students.

The initiation of English as a Second Language (ESL) programs on an extended campus basis.

The inauguration of Felician College as a College Entrance Examination Board-approved center for the College Level Examination Program (CLEP).

The establishment of a broad program of campus ministry—a service reaching a greater number of students, faculty, and staff and expanding to areas beyond the College community.

The progression of the College to embrace a diversity in student enrollment—coeducational, racially integrated, foreign and native, varied in both background and levels of academic preparation.

The addition of the full-time administrative positions of Business Officer, Academic Dean, Dean of Students, and Development Director.

The establishment of the Department of Development/Public Relations to support the goals of the College with regard to fund-raising and internal and external publicity.

The organization of an Administrative Council and a Faculty Council to facilitate the flow of decision-making within the College.

The establishment of the Annual Recognition Dinner to formally honor those persons who, in various ways, contribute to the development of the College.

The introduction of courses in Basic Alcoholism Counseling, in cooperation with the Central States Institute of Addiction, and the subsequent establishment of the Associate in Applied Science degree in Basic Alcoholism Counseling.

The enhancement of institutional growth by expanding College services to the community through the Suzuki Program in piano and violin and the Orff musical instruction program.

The foundation of the Sister Mary Innocenta Memorial Fund to serve as a basis for College endowment.

The establishment of an official publication, the College newsletter SHARING, to highlight accomplishments, developments, and significant events.

The inauguration of a five-year Strategic Long-Range Plan.

The initiation of the Doctor of Humane Letters Honorary Degree.