

change if we are to make any real progress in this region and in solving this crisis. The same commitment by the United States, except on a greater scale is needed if the broader peace process is truly to move forward. The issues between Egypt and Israel were relatively easy when compared to the broader regional issues: the future of the West Bank and Gaza, the security of Israel's borders, the rights of the Palestinians. Progress on these issues is only possible if the U.S. Government puts its strongest effort into the search for peace.

Mr. President, I want to again applaud the efforts of Prime Minister Peres and President Mubarak, and to extend to them the fullest possible support and encouragement of the United States.

I also urge the executive branch to search creatively for new ways in which it can move ahead to promote the broader peace process, so that some day we can take note of a summit between an Israeli Prime Minister and another Arab head of state who has signed a peace agreement with Israel.

EFFECT OF ANTIAPARTHEID LEGISLATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 12, 1986

Mr. LELAND. Mr. Speaker, I would like to bring to the attention of my colleagues the following article published in today's Los Angeles Times. It was written by Mr. Gerald Warburg, an adviser to Senator ALAN CRANSTON on foreign policy, defense, and trade matters. In his article, Mr. Warburg reviews the issue of preemption and the intention of the Senate in that regard. He points out that the Senate version of antiapartheid legislation, which was approved by this body today, was drafted by more than a half-dozen Senators, many of who utterly reject Senator LUGAR's interpretation of preemption.

In approving today's legislation, this body clearly stated its intention that the legislation will not preempt or supersede any local or State antiapartheid laws. I believe my colleagues would be interested to learn that many of our colleagues in the other body agree with us on this important matter.

Again, I commend this article to my colleagues.

[From the Los Angeles Times, Sept. 12, 1986]

DIVESTITURE WILL SURVIVE

(By Gerald Warburg)

Will the South Africa sanctions legislation pending in Congress undermine California's new anti-apartheid law? Can federal authority require local governments to profit from apartheid against their will?

The answer to both vexing questions is yes, according to proponents of a sweeping federal preemption doctrine recently advanced by Sen. Richard G. Lugar (R-Ind.).

The specter that enacting the pending congressional measure on anti-apartheid trade sanctions would strike down broader state divestiture legislation has alarmed grass-roots activists. At stake is the fate of as many as 20 state statutes and more than 80 city and county regulations that address the South Africa issue.

There is valid reason for concern when one hears the views of Lugar, the respected

Foreign Relations Committee chairman: "When we get into anti-apartheid law, the federal government is speaking for the nation . . . we cannot have individual states and cities establishing their own foreign policies."

Lugar rests his case on the presumptive constitutional grant of federal supremacy in international affairs, and concludes that any federal legislation on South Africa—no matter how limited its scope—preempts all state legislation on the matter.

But before the activists' concern turns to panic, the full record needs to be scrutinized. There is no reason for California to back away from the strong measures adopted in Sacramento. Lugar's is a minority opinion—one unlikely to prevail if pressed in a legal challenge.

"When I use a word, it means just what I choose it to mean," says the Queen in "Alice In Wonderland." So it often is with lawmakers struggling to place their own interpretation on legislation during the drafting process. Lugar currently is advancing his own preemption thesis as a selling point to persuade the White House and corporate leaders to live with the Senate bill, which Lugar maintains would at least get local authorities off their backs on the emotionally charged South Africa issue.

Yet the "Lugar bill" actually is a cut-and-paste job of legislation drafted by a half-dozen senators. These co-authors utterly rejected Lugar's interpretation, as the following statements culled from the long and tortured legislative history of the South Africa debate illustrate.

William Proxmire of Wisconsin, senior Democrat on the Banking Committee: "We have no intention of preempting state divestment law."

Alan Cranston of California, Democratic floor manager of the measure: "Courts always recognize the distinction between the state as market participant and the state as a market regulator . . . we have no intention of compelling sovereign states to invest in companies that they do not wish to invest in."

Edward M. Kennedy of Massachusetts, senior Democrat on the Judiciary Committee: "The law is clear that this legislation will not preempt the kind of state and local action against apartheid that has occurred throughout this country."

Advocates of total preemption make much of a vote last month against an amendment by Sen. Alfonse M. D'Amato (R-N.Y.). But this amendment pertained only to a special contracting issue (whereby federal funds for New York City might be withheld if local authorities, acting against companies still in South Africa, ignored U.S. civil-rights and budget laws requiring acceptance of low-bid contracts). D'Amato said explicitly that this debate "had nothing to do with divestiture."

Those who wish that the federal legislation explicitly preempted local divestiture have failed to win their point in the congressional debate. The only effort to legislate a total ban on state laws pertaining to South Africa, an amendment introduced by Sen. William V. Roth Jr. (R-Del.), was withdrawn in the face of very strong opposition. The final legislative product has no substantive provisions whatsoever on preemption. And it is totally silent on the divestiture issue. Thus it is grasping at straws to maintain, as Lugar has, that the bill "occupies the field" on all South Africa-related matters.

While Lugar is correct that the Constitution yields supremacy to Washington in conducting foreign relations, the Supreme Court has defended repeatedly the right of states to manage their own funds—even if

their trusteeship involves choices affecting international affairs.

As is often the case, Washington lawmakers have followed, not led, local governments, churches and university activists in addressing the South Africa issue. The federal courts are unlikely to sustain an illogical assertion that congressional action, which imposes trade sanctions but is silent on divestiture and preemption, could force states to keep their IBM stock. Yet, because of the stir created by Lugar's assertions, proponents of sanctions will move to enact new provisions that would make the case for total preemption legally untenable.

The bottom line is that local authorities already have a clear legal right (and moral obligation) to exercise discretion in how they invest their money. While a minority may wish that the emerging federal law would immobilize grass-roots action, wishing isn't going to make it so.

OMNIBUS DRUG ENFORCEMENT, EDUCATION, AND CONTROL ACT OF 1986

SPEECH OF

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1986

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5484) to strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

Mr. SENSENBRENNER. Mr. Chairman, as an original cosponsor, I want to underscore my support for H.R. 5484, the Omnibus Drug Act of 1986, legislation whose time has finally come. Today, the United States makes up only about 5 percent of the world's population, yet consumes nearly 60 percent of the world's illegal drugs. The real tragedy is that our Nation's future is the victim, because the users of illegal drugs are predominantly among young people.

However, even before this legislation was introduced, we were starting to see a fundamental change in the attitude of the American people toward the problem of drugs. Across the country, individual citizens, private organizations, community groups, and public agencies are all working to reestablish a climate in which drug abuse is not just illegal, but socially and ethically unacceptable.

President Reagan has made fighting drug abuse a major goal of his administration, and recently announced a national strategy consisting of six major goals to eradicate drug abuse. Mrs. Reagan has made it her major goal. With her help, 10,000 "Just Say No" clubs have been established across the country. Five years ago, there were only 900 such groups.

Among other provisions, the omnibus measure incorporates provisions of seven bills reported by the Judiciary Committee to enhance

From the Committee on the Judiciary:

PETER W. RODINO,
DON EDWARDS,
JOHN CONYERS,
HAMILTON FISH,
F. JAMES SENSENBRENNER,
Jr.

From the Committee on Energy, for consideration of section 1006 of the Senate amendment and modifications:

JOHN D. DINGELL,
HENRY A. WAXMAN,

Managers on the Part of the House.

ORRIN G. HATCH,
PAULA HAWKINS,
DAN QUAYLE,
ROBERT STAFFORD,
EDWARD M. KENNEDY,
CHRISTOPHER DODD,
JOHN F. KERRY,

Managers on the Part of the Senate.

APPOINTMENT OF CONFEREES ON H.R. 4021, REHABILITATION ACT AMENDMENTS OF 1986

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4021), to extend and improve the Rehabilitation Act of 1973, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. HAWKINS, BIAGGI, WILLIAMS, MARTINEZ, HAYES, ECKART of Ohio, WALDON, JEFFORDS, GOODLING, COLEMAN of Missouri, and BARTLETT.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4116, DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1986

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4116) to extend and improve the Domestic Volunteer Service Act of 1973, with a Senator amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees:

For consideration of all provisions of the House bill and of the Senate amendment and modifications committed to conference: Messrs. HAWKINS, ECKART of Ohio, JEFFORDS, and COLEMAN of Missouri.

For consideration of all provisions of the House bill and of the Senate amendment (except sections 3, 4, 5, 7, and 8(a) of the House bill and sections 3, 6, and 9 of the Senate amendment) and modifications committed to conference: Messrs. KILDEE, OWENS, PERKINS, BRUCE, PETRI, and TAUKE.

For consideration of all provisions of the House bill and of the Senate amendment (except sections 8(b), 8(c),

8(d), and 9 of the House bill and sections 4, 5, and 10 of the Senate amendment) and modifications committed to conference: Messrs. WILLIAMS, BIAGGI, MARTINEZ, HAYES, WALDON, GOODLING, and BARTLETT.

There was no objection.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4868, ANTI-APARTHEID ACT OF 1986

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 548 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 548

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House, without intervening motion, a motion if offered by the chairman of the Committee on Foreign Affairs to take from the Speaker's table 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 the Senate amendment thereto, and to concur in the Senate amendment, and the Senate amendment shall be considered as having been read. Debate on said motion shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the previous question shall be considered as ordered on said motion to final adoption without intervening motion, and all points of order against said motion are hereby waived.

Sec. 2. Upon the adoption of the motion provided for in section 1, the House shall be considered to have adopted a House resolution containing the text: "*Resolved*, That in passing the bill, H.R. 4868, as amended by the Senate, it is not the intent of the House of Representatives that the bill limit, preempt, or affect, in any fashion, the authority of any State or local government or the District of Columbia or of any Commonwealth, territory, or possession of the United States or political subdivision thereof to restrict or otherwise regulate any financial or commercial activity respecting South Africa".

□ 0935

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

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield the customary 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 548 makes it in order for the chairman of the Foreign Affairs Committee to make a motion that the House concur in the Senate amendment to H.R. 4868, a bill which prohibits its future loans to and investments in South Africa.

All points of order against the motion are waived under the provisions of the rule.

The rule also provides that the motion to concur in the Senate

amendments is to be debatable not to exceed 1 hour—the time equally divided between the chairman and ranking minority member of the Committee on Foreign Affairs.

After debate is completed, a vote will occur on the motion. Adoption of the motion by the House will clear the bill for the President's signature.

The rule also provides that upon adoption of the motion to concur in the Senate amendment, the House shall be considered to have adopted a House resolution consisting of language which is contained in section 2 of the rule itself.

The text of the resolution states that in passing H.R. 4868, it is not the intent of the House that the bill should limit the ability of State or local governments to restrict or regulate financial or commercial activity relating to South Africa.

Mr. Speaker, today this House stands on the brink of passing historic legislation that will place the United States on the side of 24 million black South Africans trapped under the iron fist of apartheid. Enactment of the Anti-apartheid Act of 1986 would be the first significant step of this Congress to put moral force behind the administration's rhetorical condemnations of the racist regime in South Africa. No longer will we turn our heads and look the other way while millions of innocent men, women, and children suffer and die because of one reason, and one reason only—the color of their skin.

Among its major provisions, H.R. 4868 would prohibit importation into the United States of all products produced by any South African Government-owned or controlled organization. However, strategic minerals important to our military needs would be exempted from this prohibition if the President certifies to Congress that the amounts produced in the United States are inadequate to meet those needs. In addition, the importation of several specific items would be banned, including textiles, uranium, iron and steel, coal, and agricultural products.

Another new sanction in the bill would bar all new United States loans to South African businesses and the Government. United States firms would be prohibited from making any new investments in South Africa, except to those firms owned by black South Africans.

This legislation would prohibit any South African-owned airline from operating in the United States and ban all United States airlines from taking off or landing in South Africa.

These are some of the more important sanctions contained in the act. However, the President could suspend or modify any of the sanctions in the bill if he reports to the Congress that the South African Government has made substantial progress toward dismantling the apartheid system. Such progress would include the release of

black leader Nelson Mandela and other political prisoners and repeal of the current state of emergency.

My colleagues, the apartheid system is founded on institutionalized racism, enforced by brutality, and sustained in no small measure by American compliance. The repression of that system draws a race of war of immense proportions closer by the day. The few voices of peace and moderation still left in South Africa are slowly drowning in a sea of blood, clinging to a branch of hope that this country will bring pressure to bear on a still intransigent regime.

We must respond in a meaningful way to the cries of reasonable black and white South Africans. Their cries have carried a loud, clear message for many years: the international community must apply sanctions against the South African Government. Sanctions represent the only means left by which the West can offer effective support to the cause of freedom in South Africa.

No doubt we will again be warned that sanctions will hurt those we are trying to help—black South Africans—as if this revelation of truth has gone unnoticed by black South Africans.

Those concerned with the effect of sanctions on the already miserable conditions of black South Africans will be relieved to know that punitive economic sanctions are supported by the African National Congress, the United Democratic Front, the largest trade unions, most prominent church leaders, including Bishop Desmond Tutu, Rev. Alan Boesak, and the leading Catholic hierarchy in South Africa.

A clear consensus exists among black South Africans in support of this legislation. A clear consensus exists among our constituents to apply sanctions against Pretoria. Now, hopefully, a clear consensus exists in this Congress on the need for this legislation, on the need to bring moral conviction to United States policy in South Africa.

The time is upon us. Admittedly, this bill cannot guarantee peace in South Africa; it cannot guarantee freedom for black South Africans; it cannot guarantee and end to apartheid in South Africa. But it can guarantee one thing: that the rest of the world—especially those suffering in South Africa—will know that this Congress witnessed evil and had the guts to take a stand. Mr. Speaker, let's take that stand. We can do no less than that.

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

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

Mr. TAYLOR. Mr. Speaker, House Resolution 548 is a limited rule under which the House will consider agreeing to the other body's version of a bill imposing economic sanctions against South Africa.

This rule eliminates the necessity for a conference with the Senate on the bill, H.R. 4868, which the House passed on June 18.

Mr. Speaker, the rule provides for consideration of the motion to agree to the Senate amendments in the House and no amendments will be in order.

The rule provides for 1 hour of debate on the motion, which is to be equally divided between the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs; and the gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican member of the Committee on Foreign Affairs.

Mr. Speaker, the rule waives all points of order against the motion to agree to the Senate amendments, in order that the House might accommodate the leadership's desire to complete action on this legislation this week.

The rule also includes the text of a resolution expressing the intent of the House that the bill not limit, preempt, or affect in any fashion, the authority of State and local governments to impose sanctions of their own.

Mr. Speaker, section 2 of the rule is included because a provision of the Senate amendment apparently has the effect of giving State and local governments 90 days to bring their laws into conformity with the bill, or face the possible loss of Federal funds.

Although I do not like the idea of Congress telling our State and local governments they must do something or face the loss of funds they are otherwise entitled to by law, the area of foreign policy belongs primarily to the Federal Government.

Mr. Speaker, There was no opposition to this rule during our hearing in the Committee on Rules last night. Many Members may very well be opposed to the Senate amendment, but there is also ample reason to oppose this rule on procedural grounds alone.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Speaker, this is an embarrassment for the House; but we are used to embarrassments. Yesterday we dealt with an omnibus blockbuster bill on drugs that went from aardvark to zebra. There had been no hearings to make the thing coherent, intelligible, but we got on the train and it went down the track and now today, another rush to judgment on a bill that is of great importance, that I have not seen a copy of. It is not here in the Chamber; I have looked under the chairs and all over, but we are going to move on it, because that same train is gathering speed.

I hope during the debate the defenders of the Constitution, who were so evident here yesterday and who expressed with some passion their concerns about the sanctity of the unrea-

sonable search and seizure provisions of the Constitution, will today explain their reaction to article I, section 8 of the Constitution which says Congress shall have the power to regulate commerce with foreign nations.

Because in our rush over the cliff of legislative prudence, we are going to adopt a motion here that says that it is not the House's intent that this bill limit, preempt or affect in any fashion the authority of any State of local government or the District of Columbia to restrict or otherwise regulate any financial or commercial activity respecting South Africa.

I would like some of you scholars of the Constitution to explain how that squares with article I, section 8 of the Constitution. Or do we pick and select those parts of the Constitution we choose to recognize, and we ignore the others.

Now, you are not treating this issue seriously if you do not give us a chance to read what the sanctions are. You do not give us a chance to study them, and I suggest that this issue deserves more than a rush to judgment and shoving it down everybody's throat.

□ 0945

I am concerned about sanctions. I want moderation. I am not looking for a revolution to tear the African Continent apart. But I think there are those who want a revolution, and nothing short of a revolution will satisfy them. But this is unconstitutional, it is an embarrassment. It is a terrible way to legislate on important, serious matters, and I repeat it is an embarrassment. I yield back the balance of my time.

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

Mr. Speaker, I appreciate the seriousness of the concern of the gentleman, and certainly Members of the House ought to have the opportunity to review this significant historic legislation. As the gentleman is aware, this legislation passed the other body some time ago in the middle of August and has in fact been available to all the Members of the House to review since that time. So all of the Members have had the opportunity to look at the sanctions. The sanctions will be thoroughly debated when we get to the review of the bill itself, and there will be 1 hour allotted to that review process.

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

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

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

Is it not true, I would ask the distinguished gentleman from Missouri—I would ask the gentleman, is it not true that the bill that is coming before the House as a result of this rule, if it is passed, is a bill written by the Republican leadership of the other body and

was written and passed and debated for several weeks and had several hearings? And is it not true that most of the provisions in that bill are very similar to provisions that have been debated and considered on the floor of the House at one time or another and there have been hearings by the Committee on Foreign Affairs, which I think the gentleman has a crucial interest and maybe even a membership on, is that not true?

Mr. WHEAT. The gentleman states it correctly. We will in fact be debating the bill verbatim that was written by members of the other party in the other body.

Mr. GRAY of Pennsylvania. May I ask another question?

Mr. WHEAT. Certainly.

Mr. GRAY of Pennsylvania. With regard to the item read by the gentleman with regard to the rule and its constitutionality, it is my understanding that this writing is intended primarily to protect States rights and local governments' rights under the Constitution with regard to how they handle their financial affairs. It is not designed in any way, shape or form to give State government and local government the ability to regulate international commerce, but it is designed primarily to express the intent that we, in no way, want to interfere with the judgment of any State legislature, any council which decides how it wants to regulate its own financial affairs with regard to things such as pension funds is that not correct?

Mr. WHEAT. That is my understanding, that is the intent, is not to provide any new additional authority to State and local governments but merely not to preempt actions that they may have in fact taken with regard to this issue at this point, nor actions that they contemplate taking in the future.

Mr. GRAY of Pennsylvania. If the gentleman would further yield, so that is what you would be doing, you would be protecting the right of Governors like Tom Kean of New Jersey, a Republican Governor, or Governor Deukmejian of California, a Republican Governor, who have said that they have a special concern about how their States handle their pension funds and investments; is that not correct?

Mr. WHEAT. The rights of all States and local municipalities would be protected under the House resolution we would be adopting today.

Mr. GRAY of Pennsylvania. I was wondering, I would think many of our colleagues who, for many years, have been very concerned about Federal activities intervening in State and local governments and who have been arguing for greater State and local control would now be concerned about such a statement of intent since clearly what this is intended to do is to say that any action we take is not intended to preempt State and local governments from handling their own personal or their own jurisdictional financial af-

fairs. So I would hope that everyone would understand that and that many of the gentlemen from the other side of the aisle who have been leaders in this country for several decades arguing about the Federal Government's intrusion into State and local affairs, would understand that this is a clear statement of that which they have argued for many, many years.

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

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

Mr. WHEAT. I would be happy to yield to the gentleman from Illinois immediately after I yield to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding.

I would simply say in response to the constitutional question that the bill does not amend the Constitution because it cannot do so. So the Constitution is still the Constitution. And if a State or local government is doing something that is unconstitutional, it is still unconstitutional, I say to the gentleman from Illinois. The bill does not change that situation one bit; he knows it and I know it; we all know it.

With respect to the availability of the printed material, let me say it has never been the practice, as far as I know, since I have been here to print up the Senate amendment and distribute it as an original bill. The only way that is available is in the engrossed copy or when it is printed in the Record on the Senate side. What we are doing here today is totally in order, and that is to take up the Senate amendment.

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

Mr. WHEAT. I would be happy to yield some of this side's time to the distinguished gentleman from Illinois.

Mr. HYDE. I will try to be brief. I thank my friend for yielding.

I appreciate the constitutional instruction from the chairman of the Committee on Foreign Affairs that we are not trying to amend the Constitution. I had discerned that myself from reading this document. But I suggest the gentleman has never addressed what rights the States have to regulate foreign commerce because the Constitution says Congress shall have the right and the power to regulate foreign commerce. You are saying you are safeguarding the States' rights. They have no rights to regulate foreign commerce. While this does not amend the Constitution, as a matter of fact, it does not have the force of law, it is the sense of the House. But I suggest to you that in the plain reading of the English language in the Constitution, article I, section 8, it is the non-sense of the House, not the sense of the House.

I thank my friend for yielding.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield 5 min-

utes to the gentleman from Texas [Mr. LELAND].

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

Mr. LELAND. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the rule before this body. Millions of our constituents have devoted countless time and energy to help place our great Nation on the side of justice and freedom in South Africa. Their tireless efforts to end United States support for the racist and inhuman Government of South Africa have resulted in the passage of anti-apartheid ordinances and laws in about 20 States and 80 cities throughout our country, including my home city of Houston, TX.

On June 18, 1986, the House of Representatives responded to the mandate of the American people by approving a comprehensive sanctions package authored by my good friend and colleague from California, RON DELLUMS, that would have ended all United States investment in and trade with South Africa. Subsequently, the other body approved a less stringent and less comprehensive measure against South Africa.

While the other body's language fails to end all commercial activity between the United States and South Africa, it does demonstrate to South Africa and the world the end of United States political support of a racist regime.

I am, however, particularly concerned, as I'm sure many of my colleagues are, over the other body's statutory silence on the question of Federal preemption over more stringent local and State ordinances and laws.

The rule before us has my strong support because its language clearly states that it is not the intention of this body to preempt or supercede any local and State laws referring to South Africa.

In the absence of statutory language in the other body's text, it is essential that we in this body establish a legislative history of intent not to preempt or supercede local and State anti-apartheid ordinances and laws.

I am concerned that without the clarifying language of intent contained in this rule, we risk losing the significant advanced by the American people on local and State levels.

On a question of such magnitude, in which the American people have repeatedly and unequivocally called for an end to the oppression and violence that is apartheid, it is unconscionable for us—their elected Federal representatives—to ignore their mandate.

As members of the House of Representatives we must emphatically state—for the record—that it was and is not our intention for the legislation soon before us to negate, in any form or fashion, any and all local and State anti-apartheid measures, ordinances

and laws which resulted from the tireless efforts of millions of our constituents struggling to help bring peace and freedom to South Africa.

I would like to again commend my colleague of course from Missouri who has led us with the rule itself, has given us an incredible opportunity here to make that statement. I would also like to commend again the gentleman from California [Mr. DELLUMS], for his leadership in this matter, for providing us on balance the real debate on the issue of apartheid and how it is that we should challenge it.

I thank the Speaker and urge all my colleagues to join me in supporting this rule.

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

THE SPEAKER pro tempore (Mr. DANIEL). The gentleman yields back 1 minute.

Mr. TAYLOR. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. PARRIS].

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

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Speaker, every Member of this Chamber believes apartheid is an abhorrent policy. I am one of those, however, who have some lingering concern about the effectiveness of sanctions to eliminate that situation, or to improve the situation that exists in South Africa.

I ask for this time this morning, Mr. Speaker, and I rise in opposition to the process that is being utilized in this measure as I speak. This matter was not on the whip notice which is traditionally given to us at the end of the previous week so that we might know what will be considered by this body. This matter was not on the printed agenda, it was placed on the agenda only last evening at something around 10 o'clock p.m. by the leadership who only decided yesterday that they would accede to the Senate version of this legislation. The point is that we are asked to vote on a very important matter when there is not even a copy available on the floor of this Chamber, as we engage in this debate. We do not have a copy of the Senate version of this bill in the Cloakroom. The staff does not have a copy to give to us. It was not printed in the CONGRESSIONAL RECORD and the document room indicates it does not have a copy available. The Senate bill is 70 pages long and nobody has a copy of it to even look at as we discuss this matter. There isn't even a summary available for review.

Mr. Speaker, there is something fundamentally wrong with the legislative process when the greatest deliberative body of the strongest nation in the free world is asked to take some critically important action without even having the simple expediency of a piece of paper to read to see what it says that we are about to do. I suggest to you this resolution reads that we

"concur in the Senate amendment and the Senate amendment shall be considered as having been read." The reason we do not read it is because nobody has got one. How do we know what we are about to do?

The bill as passed by the House was enormously different than the version adopted by the Senate. Who can tell me whether it says in the Senate version that we must negotiate only with the African National Council which has a large Communist representation in its membership? That's what the House bill provided. Who can tell me whether the Senate version says there must be immediate disinvestment without any opportunity for the extension of economic credit for health, or for humanitarian concerns or for any other reason? Does anybody know what we asked to vote for here this morning?

Mr. DELLUMS. Mr. Speaker, will my colleague yield?

Mr. PARRIS. I would be glad to yield to my distinguished friend.

Mr. DELLUMS. I appreciate my distinguished colleague yielding, and I in no way wish to challenge the gentleman's concern with respect to process. But I would just say I know that my colleague has been here long enough to know that we do not print Senate amendments other than the day that they are passed in the Senate and then printed in the RECORD. That is tradition. That is a matter of fact.

Mr. PARRIS. I would simply say to my friend that, had I been informed that this matter was coming up this morning, I would hope, in the face of an important consideration on the drug abuse problem of yesterday on which we spent all day and until 10:30 last night, had I known that we were not going to approach the problem, if you will, of tax reform which I am trying to do a little study about, had it not been for the fact that we are going into the continuing resolution next week and the reconciliation act which represents the expenditure of one-half trillion dollars, on which I have been spending some time, I would have tried, had time permitted, to look at this matter. But nobody ever told any of us; not just me that this matter was pending and would be considered this morning. I am not the only person around here who did not know until last night at 10 o'clock that this matter was coming up because the leadership did not know. Had we been given some kind of reasonable notice, then those of us who were unable to address our attention to this matter at an earlier time would be in a different situation. The situation we have here today is totally unconscionable, regardless of the merits of the issue addressed by this legislation. How can we as the elected leadership of the citizens of the United States take some action as critically important to the continent of Africa and the citizens of South Africa, black or white, as this without even knowing what we are

doing and without an adequate time for consideration or debate? I respectfully submit that that is exactly what we are doing here this morning.

Now, on the question of constitutionality or unconstitutionality, I would say to my friend, the chairman of the Committee on Foreign Affairs, if you believe this matter is clearly unconstitutional, which it obviously is, then we ought not to vote for it. It is not a question of whether we are amending the Constitution. This resolution says it is not the intent of this Congress to limit or preempt the District of Columbia to restrict or otherwise regulate any financial or commercial activity respecting South Africa.

□ 1000

What that means, Mr. Speaker, is that every political jurisdiction in this Nation can restrict the sale of Ford auto parts unless it disinvests its presence in South Africa. That is in direct opposition to article 1, section 8 of the Constitution and should therefore be rejected.

I think the consideration of this proposal under this process this morning is simply outrageous.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule and in support of the House passage of this measure.

I wish we were voting on a conference report that was closer to the version that the House passed earlier this year. The amendment of the gentleman from California was the toughest sanctions bill that we have ever considered in the House, and we passed it.

I spent 10 days in South Africa during August, and I come back with the conviction that economic leverage, strong economic leverage, as mandatory and as universal as we can achieve is the last hope that we have to avoid a holocaust in South Africa of great bloodshed and suffering.

The debate is not whether some in South Africa will suffer, including some blacks will suffer, from sanctions. The question is whether or not that economic hardship can be used as leverage for the change that must come for majority rule in that country. That is where things must go. The question is: Is this Nation, is this Congress, going to put itself squarely on the side of that change and use the powers that are available to us to help bring it about?

There cannot be change in South Africa without sacrifice of the white majority, those who have controlled the destiny there for too long. If we can do it with economic pressure, we will gain much in that regard. For too long we have searched for and found excuses not to act, but our failure to

act will be recorded against us for long into the future.

I hope the House will take this opportunity to move one small step in the right direction. The decision now will be up to the President whether or not he wants a peaceful and rapid change to majority rule in South Africa.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for one moment, I want to add my voice to those who have gone before me, and not to talk about the oppressive laws of South Africa. I think we could get a total majority in this House, a total vote, against those laws.

What I am talking about is not the constitution of South Africa, but the Constitution of the United States. And I would ask us for a moment to take a look at what we are doing here. I might take just a moment to give a short lesson in constitutional law.

The several States of this Nation came together 200 years ago and granted certain powers to the Federal Government. Specifically, those powers not specifically granted to the Federal Government are reserved to the States, and that is what those of us who believe so strongly in States' rights are talking about.

But even those of us who are so strongly in favor of States' rights do understand that there are some specific powers that were granted to the Federal Government. I read to you: "The Congress shall have the power to regulate commerce with foreign nations."

Even 200 years ago our forefathers recognized the importance of speaking with one voice. If we want to expand the sanctions, let us do it from Washington. We are the United States speaking to the Union of South Africa about an oppressive regime. We are not the District of Columbia, the State of Florida, the State of Texas or the State of Pennsylvania.

Can you imagine in other situations how confusing it would be for the world for the 50 States and the District of Columbia to be speaking and espousing the public policy of this United States as it applies to foreign nations? It is wrong. It is unconstitutional, and it damages the image that this country wishes to portray to the entire world in dealing with foreign countries.

Mr. WHEAT. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I hope to speak during the debate on the bill itself about the fundamental justification for the adoption of this legislation. During the course of the debate on the rule, I

simply want to confine myself to commenting on the issue of preemption.

I want to make the point that in addition to the language included in the rule before us which makes it clear that it is the intent of the House that the adoption of the legislation on South Africa not preempt State and local authorities from taking their own actions with respect to South Africa, that there has been a memorandum prepared at my request by the law division of New York City which makes it very clear, I think, that with but one exception, there is nothing in the bill that came out of the Senate which would preempt the right of State and local governments to take their own actions concerning apartheid.

I am including the memorandum at this point as a way of further bolstering the legislative history on this issue.

The memorandum follows:

THE CITY OF NEW YORK,
LAW DEPARTMENT,
New York, NY September 11, 1986.
MEMORANDUM

To: Hon. STEPHEN SOLARZ, Member of Congress.

From: Paul T. Rephen, Chief, Division of Legal Counsel.

Re: Status of State and Local Anti-Apartheid Legislation under the Proposed Comprehensive Anti-Apartheid Act of 1986.

You have asked for our view as to the effect of the proposed Comprehensive Anti-Apartheid Act of 1986, as approved by the Senate, on the ability of state and local governments to continue to enforce their anti-apartheid legislation. Such legislation generally limits the power of government to enter into contracts with certain companies doing business in South Africa or requires divestiture of stockholdings in those companies. For the reasons explained below, it is our view that if the Senate bill in its current form is enacted into law, state and local governments will continue to be able to enforce their laws, except with respect to contracts that are federally-aided.

The Senate considered the effect of its bill on state and local laws during a debate on August 15, 1986. The issue was raised when Senators D'Amato and Moynihan introduced an amendment that would have preserved the right of state and local governments to apply their anti-apartheid legislation to federally-aided contracts, as long as the state or local government assumed any increase in the cost of a contract resulting from the application of its law. Senator D'Amato explained that early this year the United States Department of Transportation had withheld approval of funding for highway contracts by the City of New York on the ground that application of the City's Local Law 19, which provides for the award of a contract to other than the lowest bidder in certain circumstances where the lowest bidder does not agree to refrain from doing business with the agencies that enforce apartheid, conflicts with federal competitive bidding requirements. Senator D'Amato also noted that Congress had provided relief to the City by enacting legislation that would enable the City to apply Local Law 19 to its federally-aided contracts through the end of the current federal fiscal year, September 30, 1986. The purpose of the D'Amato/Moynihan amendment to the Senate version of the Comprehensive

Anti-Apartheid Act was to make this protection permanent, and to extend it to all state and local governments that have adopted similar legislation. As Senator D'Amato observed, such legislation has been enacted by at least 25 local governments.

Senator Lugar opposed the D'Amato/Moynihan amendment on the ground that the proposed federal legislation should preempt state and local legislation concerning South Africa. When Senator Pell commented that the legislation should not interfere with divestiture programs that have been adopted by some states, Senator Lugar responded that this matter would have to be resolved by the courts, but the D'Amato-Moynihan amendment "muddies the water with regard to the preemption issue." After this discussion, a vote was taken on the amendment, and it was defeated by a vote of 64-35, with one abstention.

Senators D'Amato and Moynihan then offered another amendment, which was adopted by the Senate. This amendment, now § 606 of the Senate bill, provides:

"Notwithstanding section 210 of Public Law 99-348 or any other provision of law—

"(1) no reduction in the amount of funds for which a State or local government is eligible or entitled under any Federal law may be made, and

"(2) no other penalty may be imposed by the Federal Government,

by reason of the application of any State or local law concerning apartheid to any contract entered into by a State or local government for 90 days after the date of enactment of this Act."

Senator D'Amato explained that this amendment gives local governments that have passed anti-apartheid legislation 90 days after the date of enactment of the proposed federal law "to change their laws," and said that it "prevents any loss of Federal funds that might result from the passage of the anti-apartheid legislation on a local basis."

The amendment adopted by the Senate appears to allow state and local governments to continue to apply their local anti-apartheid legislation to federally-financed contracts for a period of up to 90 days following the enactment of the proposed federal law, while at the same time allowing the state and local governments time to exclude federally-funded contracts from the operation of their legislation.

By adopting this amendment, it would appear that the Senate did not intend to preempt all state or local laws concerning South Africa. Rather, the Senate bill only precludes states and localities from applying such laws to contracts funded by the federal government. Senator D'Amato's comments in support of his and Senator Moynihan's amendment indicate that the amendment's purpose was to permit states and localities to continue to enforce their statutes dealing with South Africa except in the case of federally funded contracts. We have consulted with Senator D'Amato, and he confirms this interpretation of his amendment.

I believe the adoption of the rule will make it crystal clear the House does not intend that this legislation on South Africa preempt the right of State and local authorities to take action on South Africa, and this memorandum of law makes it clear that neither did the Senate intend to do so either, regardless of some passing observations that may have been made by one Member of the other body during the course of the debate.

Mr. SHAW. Mr. Speaker, will the gentleman yield to me?

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

Mr. SHAW. The question is not the point of talking about whether or not we are preempting the States rights. The problem is in the wording of the resolution itself. It said, and I read:

• • • The authority of any State or local government or the District of Columbia or of any Commonwealth, territory, or possession of the United States or political subdivision thereof to restrict or otherwise regulate any financial or commercial activity respecting South Africa.

That is all inclusive of the powers that have been specifically reserved to the Federal Government.

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

Mr. SOLARZ. I yield to the gentleman from Florida, the very distinguished chairman of the Foreign Affairs Committee.

Mr. FASCELL. Mr. Speaker, the answer is obviously simple in the sense that if the States and local governments do not have authority, then they do not have it under the Constitution. So it does not make any difference how you read this language. It is immaterial, because it cannot change the Constitution.

If the States are now doing something unconstitutional, then it is unconstitutional. This legislation does not clothe them with any additional power.

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

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, we simply do not have enough time, this rule does not allow enough time for us to debate the ramifications of the Senate bill adequately.

I want to make three points. The pain and suffering that colleagues on the other side of the aisle say is necessary to bring about positive change in South Africa is going to be much more widespread than we anticipate because of this legislation.

Yesterday in my office, I had 12 people from Inkatha come to visit me and talk to me about these sanctions. To a man or woman, they were opposed to these sanctions. They represent 1.3 million black South Africans. They represent Chief Buthelezi, the Chief of the Zulu tribes, 6 million black South Africans. They said they do not want these sanctions.

So many of my colleagues have been misguided into believing that the previous sanctions that have been imposed by the administration have changed such things as the pass laws. Those people yesterday told me the pass laws were changed because of internal pressure from blacks coming to the cities in large numbers to such a degree that the South African Government could not cope and they changed the pass laws out of necessity.

Not because of our sanctions. Our bludgeoning the South African Government is not going to change apartheid; what is going to change apartheid, according to INCATHA, is for us to help the economic plight of the blacks so that they can grow in strength and continue to put pressure internally upon that Government to bring about change. That is what they asked us to do.

□ 1010

What will these sanctions bring to the South African blacks? First of all, we are going to see in the coal mines 145,000 blacks lose their jobs. The Gray bill would have done that. But this bill, the bill coming out of the Senate, will cut agricultural exports, among other things, totaling 446,000 jobs. Each one of those people feeds five to six other South African blacks. That means 2.2 million South African blacks will be without sustenance. That does not include the other industries that are related to these industries that will be adversely affected.

In addition to that, the South African National Congress, the African National Congress, is going to be the beneficiary and we all know they are controlled by the Communists. Nineteen of the thirty members of the Executive Committee of the African National Congress are members of the South African Communist Party, and they want violent revolution. Joe Slovo, the head of their military wing, has talked consistently about a violent revolution and overthrow of that Government.

If we put these people out of work, if they cannot feed their kids, they are going to be ripe for that revolutionary rhetoric from the Communists and they are going to fall right into that trap and we are going to see a blood-letting like you will not believe. Not because of leaving them alone, but because of what we are doing.

My colleagues say if we do not do something there will be a revolution. I say to you these sanctions will cause a bloody revolution, and we do not want that to happen.

Let us just talk about how it is going to affect the United States of America. Nobody talks about that. The strategic minerals that are vital for the security of this country and our industrial health come from South Africa. Only 5 percent of their exports are strategic minerals. What makes anyone think they are going to sell us strategic minerals that are vital to our economic health and our defense if we embargo products that they want to sell to us in large quantities? Ninety-nine percent of the manganese that we use in steel production comes from South Africa. The only other place we can get it in quantity is from the Soviet Union.

Now the cost of steel is going to go up directly proportionate to the cost of manganese. Platinum, which is vital to this country, the catalytic convert-

ers, 80 percent of it for the free world comes from South Africa. We are going to cut that off.

Let us get back to the steel. The cost of automobiles is going to go up, the cost of farm implements is going to go up, the cost of constructing buildings is going to go up. Let us talk about agriculture. Two years ago South Africa bought 2.7 million metric tons of corn. They bought more wheat this year than the Soviet Union has and they are cash buyers.

My colleagues, we cannot afford to lose any more agricultural markets. So if you look at the bottom line, the bottom line is we are going to hurt the very people we want to help. We are going to play into the hands of the Communists. Strategic minerals that are vital to the security of this country are going to have to deal with the Soviets to get if the African National Congress takes over South Africa, if the Communists have their way and they might very well succeed.

Finally, the farmers, and I have a lot of them in the Sixth Congressional District of Indiana, are going to be without another market. We cannot afford that. Now if you think that is not a big problem, go out and talk to them. If you think that is not a big problem to auto workers, the unfair competition from overseas and how this is going to translate into higher auto costs, go out and talk to them.

So you are not only hurting the black South Africans, you are hurting American industry and business and the farmers as well.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

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

Mr. WEISS. Mr. Speaker, let us speak plainly. For its black majority, South Africa is a totalitarian state without a free press, without the rule of law. South Africans are prevented from assembling peaceably even to bury the victims of official murder.

The bill before us today is not all that I would have wished. It does not provide for full disinvestment as the bill I cosponsored, which was sponsored by our distinguished friend and colleague, Mr. DELLUMS from California, and adopted by this House on June 18 provided. Its impact on South African Government will be only incremental. But it is, nonetheless, an important step in the right direction. It is a step in the direction to which the American people have been pushing us over the course of these past months and years.

In that context, let me address the issue of preemption. There has been reference to Republican Governors of California and of New Jersey whose States, among many other States and localities, have undertaken to prevent financial involvement with South Africa. The city of New York has a

regulation which provides that any company desiring to bid for New York City business has to certify that it is not doing business with South Africa.

The Secretary of the U.S. Department of Transportation has ruled that because of that provision, the city of New York shall receive a reduced amount of Federal assistance from DOT. That is wrong. No city or State should be penalized for adhering to a higher moral standard than the Federal Government in regard to the evil of apartheid. The language in this resolution sets forth the clear congressional intent to allow the States and localities to decide whom they will do business with.

It has been made necessary to include such a sense of Congress because one important Member of the other body has seen fit to make a statement which would suggest otherwise. It is absolutely essential, for the record to be clear, that the right of the cities, localities, and the State governments of this country to make their own determination to stop doing business with South Africa is in no way intended to be preempted or superseded by this legislation.

These local initiatives are in the best tradition of local government in America. They do not undermine or interfere with the Federal Government's control over foreign policy. On the contrary they complement it.

Mr. Speaker, the time for decisive action on South Africa is now. In recent weeks we have seen the level of repression and official murder increase to unprecedented levels. The South African authorities have made it plain that they will not be moved by words of condemnation, or "quiet diplomacy," or "constructive engagement."

I urge the adoption of the bill before us today. We must send a strong signal which will be heard by the black majority in South Africa and by our European allies—and by those who cling to power in South Africa itself.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I get the feeling that we have kind of a clever little game being played out here about the bill that we are bringing to the floor, and I just want to try to make a little legislative history here myself.

I intend to vote for the Senate amendments, but I intend to vote for them because they are in fact a balanced approach to this problem. A balanced, constitutional approach to the problems that we face in South Africa. A part of that balance is that Congress is saying flatly that we are making a determination of national foreign policy relating to South Africa. It is a unified policy that is not to be changed by States or localities or universities or whatever.

We are in fact saying that we are preempting the ability of others to set

their own foreign policies. Now, when we put language in this particular rule that causes some of us who are going to vote for the Senate approach a little bit of a problem because what this is an attempt to do is to say something different than that which the bill is that they are bringing to the floor. I think it is extremely important for some of us who are going to vote for this bill to say flatly that it is our intention to vote for a bill that does in fact set a unified foreign policy and a unified policy with regard to the commerce of this Nation that is in line with article 1, section 8 of the Constitution. That is exactly what I think we intend to do out here. I want the legislative history to be clear.

What we are doing in this rule is simply a sense of the House. It has absolutely nothing to do with the statutory language which is in the Senate bill. The statutory language of the Senate bill makes absolutely clear that we are preempting the ability of others outside the national government to set foreign policy. Foreign policy should be in the hands of the Congress and it should stay there.

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

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

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, I have in my hand the Senate bill. Can the gentleman point to a single paragraph, a single sentence or a single word in the Senate bill which explicitly preempts the right of State and local governments to take action on South Africa?

Mr. WALKER. Let me say to the gentleman I will go back to what the gentleman from Florida has told us here a few minutes ago.

□ 1020

The Constitution makes that clear. We do not have to put language in to do that. The Constitution makes clear that when we set policy and when we tell the States they must come into compliance with the Federal law, we are in fact acting under the Constitution. The gentleman from Florida is absolutely right there, and that is the language in the bill to which I refer.

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

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

Mr. GRAY of Pennsylvania. Mr. Speaker, let me say to my colleague, the gentleman from Pennsylvania, that I just want to understand what he is saying. I think I do. I might disagree, but I just want to make sure I understand.

The gentleman is telling us he is for legislation—

The SPEAKER pro tempore (Mr. DANIEL). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEVINE].

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

Mr. LEVINE of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise also today to discuss the legislative history and to support the rule as well as the bill, H.R. 4868, as amended.

While the language of this bill will not be nearly as strong as the language that I would like to see nor as strong as the language that this body sent over to the other body, it does remain a powerful policy statement on one of the most important moral issues of our times—apartheid, the ability of an individual to exercise his or her fundamental human rights, the right to vote, the right to live where they choose, and the right to be treated as a full citizen in the land of their birth.

The overwhelming bipartisan support in Congress for sanctions reflects our legitimate concern over South Africa and our frustration with the appalling administration inaction on this issue.

But there is a very important point that has been discussed in the context of this debate and in the context of this rule that I would like to emphasize in the remainder of my remarks. Many State and local governments have taken the lead on South African sanctions. In fact, they have been instrumental in creating the momentum for action at the Federal level when the Federal Government lagged behind some of the leadership on the State and local levels.

My own State of California, for example, recently passed a landmark law mandating the divestiture of stock in companies operating in South Africa.

This rule that we are voting on today includes language protecting such laws. We include important language protecting such laws by clearly indicating that it was not the intent of Congress in passing legislation to preempt State and local actions on South Africa. That language in this rule is critical if we are to ensure that States have the right to determine their own investment policies.

Mr. Speaker, I urge my colleagues to support the rule and the bill, as amended, and specifically to understand the legislative history contained in this rule, that we oppose preemption and that we are protecting State and local laws.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH], a member of the committee.

(Mr. ROTH asked and was given permission to extend his remarks, and include extraneous matter.)

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, just as the Bible and the Constitution or any other legislation passed by this House, this legislation is open to interpretation. Today the House is agreeing to the South African sanctions bill adopted by the other body. In so doing, we adopt the intent and legislative history of its authors.

This bill was debated for 3 days on the floor of the other body and the authors who penned various provisions in the bill made clear their intent.

As ranking member of the International Economic Policy and Trade Subcommittee which has jurisdiction for trade sanctions, I would like to add to the record a reiteration of congressional intent with respect to the provisions of new loans and investments:

PROHIBITIONS ON NEW LOANS TO, AND NEW INVESTMENTS IN, SOUTH AFRICAN ENTITIES

H.R. 4868, passed by the Senate on August 15, 1986, prohibits U.S. persons from extending new financing to public and private sector South African entities whether in the form of loans; purchase of stock, bonds, or assets. The specific exceptions to these broad prohibitions, discussed here and established by the bill, represent a reasoned decision in each case that U.S. nationals, rather than South Africans, would suffer unjustified financial harm absent the exceptions.

1. PREEXISTING AND RESTRUCTURED LOANS

A. Description of restructured debt

In August 1985, South Africa declared a moratorium on payment of short-term debt owed by South African residents to foreign creditors. South African debt outstanding and subject to the moratorium totalled approximately \$14 billion. The reason for the suspension of payments was that South Africa lacked the aggregate foreign exchange for South African private and public sector debtors to meet all payments owed in foreign exchange when due.

Such a unilateral suspension of payments clearly was untenable from the viewpoint of the creditors, who immediately began pressing the South African authorities to resume repayments on an orderly schedule at the earliest possible date, and made clear that no new foreign exchange would be provided. The result of these efforts was as follows:

South Africa provided to its public and private sector debtors a repayment of 5 percent of the principal amounts covered by the moratorium and maturing, beginning April 15, 1986.

South Africa committed to provide foreign exchange to South African debtors so they could continue to make interest payments on the debt. Moreover, South Africa agreed that interest could be charged and paid at up to a 1 percent spread over the rates then in place, reflecting increasing risk on the credits.

South Africa agreed that the remainder of outstanding principal would be paid June 30, 1987.

South Africa further provided that: (1) the foregoing commitments would apply even where a creditor chose to substitute one private sector borrower for another on outstanding debt (for example, a creditor could substitute a more creditworthy borrower); and (2) the South African government (through the Public Investment Commissioners [PIC]) would assume a private sector debt directly if the creditor so chose

(for example, during such time as a substitution of one private debtor for another is being arranged).

B. Need for statutory exception

H.R. 4868 allows restructured loans, under the foregoing arrangements, to remain outstanding, and, if appropriate, for further restructurings to be arranged that are aimed at achieving full repayment to foreign creditors. Failure to make these exceptions to the prohibitions on loans to the private and public sector in South Africa, would grant a windfall financial benefit to South Africa, since South Africa could refuse to make the repayments.

As no South Africa loan presently is in default, U.S. creditors at this time would have no legal basis on which to demand payment—by litigation or otherwise—on the loans; rather, the effect would be outright debt forgiveness to South Africa.

Moreover, even if there were some legal basis for suit now, or in the future, the expenses of international litigation and the limited amount of South African assets located outside South Africa on which a recovery might be sought (relative to the aggregate outstanding debt) indicate that U.S. creditors would suffer extensive losses from which South Africa directly would gain.

Accordingly, the exceptions to the prohibition on loans to South African residents created for rescheduled loans (including the substitution of debtors on outstanding loans) avoids unjustified financial losses to creditor institutions, and has a corresponding financial cost to South Africa.

2. SUSTAINING FINANCIAL VIABILITY OF U.S. CORPORATIONS REMAINING IN SOUTH AFRICA

H.R. 4868 prohibits new investments in South African companies but makes an exception for certain financial transactions by, and with respect to, the South African business operations of U.S. companies. H.R. 4868 does not, directly or indirectly, require any U.S. company to divest its South African business interests (either through the prohibition on new investments or loans to South African entities). To do so could lead to extraordinary losses to the U.S. companies, the assumption of those businesses by others, and thus the absence from South Africa of a continuing important force for social change.

However, H.R. 4868 does limit investments by U.S. companies in their South African offices, branches, or subsidiaries solely to: reinvestment of profits¹ and investment necessary to maintain continuing operations. Thus, U.S. companies can continue to conduct their businesses in South Africa at the current level of operations. This includes U.S. financial institutions which, consistent with the ban on new loans to South African companies, may reemploy their local currency assets through, for example, local currency loans to private sector companies. Indeed, absent such authority, the financial institution would soon be in liquidation and the bill effectively would result in divestment. Again, liquidation of local assets could lead to unjustifiable losses to U.S. companies.

Thus H.R. 4868 has permitted U.S. corporations to remain in operation in South Africa, although under clear constraints on the permissible growth of those businesses. To do otherwise would cause unjustified financial harm to U.S. companies while removing an important force for change in South Africa.

¹ Indeed, as profits largely cannot be remitted, inability to reinvest the profits would serve only to benefit South Africa.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. SILJANDER], the ranking member of the Subcommittee on Africa.

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

Mr. SILJANDER. Mr. Speaker, I have just a couple of quick points to make on this issue that we have discussed over and over and over again here in the Congress. This procedure is a little bit peculiar, if nothing else. We have not been in session at 9 o'clock in the morning since I can remember, let alone on a Friday and let alone on a Friday when the night previously we were in session until nearly midnight.

It is pretty clear that there is a ramrod approach to get the sanctions bill through in enough time so we can override the President's veto. Manipulation is nothing new on the floor of the Congress. Manipulation relative to this issue is nothing new. Unfortunately, many in this Congress insist on ramroding this issue that has tremendous implications not only for the blacks in South Africa but indeed for all of America and the Western World.

Let it be stated very clearly that this approach, the Senate approach, while some may call it a balanced approach and some may call it a moderate approach, is a very tough approach indeed. It is far more tough than the Gray approach, in my opinion, that was debated on this floor not too many months ago.

If a black woman who makes rugs in South Africa were in any way whatsoever subsidized by the South African Government, she could not export those rugs to the United States. Those involved in handicrafts and in so many black entrepreneurship who are subsidized in one way or another by the Government of South Africa could not under this bill export their products to the United States. Under this bill, if the business of a black entrepreneur in South Africa, by any remote stretch of the imagination, were subsidized by the government in any indirect fashion, he could not export his goods to America.

Under this bill intelligence cooperation would be cut off. We could certainly go on for many, many hours with what I perceive to be the problems with this bill. But I would ask two simple questions of those who are promoting this approach of sanctions. I would ask just two questions, and if those questions could be responded to in a reasonable fashion, I would vote with them without question.

The first question I would ask is this: How specifically will sanctions stop the killing in South Africa? After all, that has been an initial presentation of the speeches—the deaths in South Africa and the racial apartheid in that country. How specifically will sanctions deal with those two issues?

The second question is this: If blacks in South Africa were so overwhelmingly supportive of sanctions against South Africa, than why do not the blacks themselves go on a general strike for 2 weeks? They are legally involved in labor unions in South Africa, and the blacks could easily within 2 weeks, as I said, stymie the entire economy of South Africa. They could do more in 2 weeks than would be required by years of sanctions by the entire trading West against the Government of South Africa. There could be an entire economic stymie in 2 weeks.

Why, then, if the blacks are so supportive of sanctions in South Africa, as you contend, why do not the blacks just walk off their jobs themselves? We have not heard a response because frankly there is not one.

By destroying the very wheels that turn the economy, we will remove the very force the blacks themselves are using to forge change in South Africa.

Let me ask one other question before I close. What if sanctions do not work? What if the sanctions that we propose in this bill will not encourage or create change in the apartheid system in South Africa? What then? Where would the United States be in terms of our ability to negotiate, to use pressure to encourage change? We will have yielded that away completely.

So in all compassion, I would just ask those who are supporting this approach to answer those two basic questions. And may I close by repeating those questions. How specifically, not with emotionalism but with practical reality, will sanctions stop the apartheid in South Africa and stop the Killing? And, No. 2, why do blacks themselves not engage in an internal economic stymie of their own country, which could easily be done in only a few weeks?

So, Mr. Speaker, I would encourage the membership of the Congress to look again at those two very important and very crucial questions.

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

Mr. SILJANDER. I am happy to yield to the gentleman from Texas.

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

[Mr. FIELDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. SILJANDER. Mr. Speaker, I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GRAY].

□ 1030

Mr. GRAY of Pennsylvania. Mr. Speaker, the issue before us now is whether or not we will adopt a rule that will allow consideration of a sanctions bill written by the Republican leadership of the Senate, passed by the Senate over 1 month ago, 84 to 14,

bipartisanly, that has been published, that has been available for anybody who wanted to do their homework and read it, and particularly for those who are on the Foreign Affairs Committee.

It seems ridiculous now to argue that we cannot take a vote because we have not done our homework or we do not have a copy or we do not know how to read the language.

Second, it seems to me the argument about constitutionality is absolutely a ludicrous and absurd one, for clearly anyone who reads this language, as the distinguished gentleman from Florida, the chairman of the Foreign Affairs Committee has pointed out, there is no change of the Constitution. There is a statement of intent.

The gentleman from Pennsylvania [Mr. WALKER] is absolutely right when he described what the issue was with regard to intent, and that is whether or not by passage of this bill are we preempting States and local governments from taking certain actions within their jurisdictions? Clearly, the answer to that is one which is in doubt, because, first, the Senate bill mentions nothing about preemption; so therefore, by voting for this rule, you are saying that you are allowing States to do as they please.

I am sure the gentleman from Pennsylvania [Mr. WALKER] would agree with me that the Lieutenant Governor, Mr. Scranton, who just recently said he would not like to invest pension funds in companies in South Africa, and the State senate and the State house in Pennsylvania, he would not want to deny them the right to determine how to make their investments. That is essentially what the issues is with regard to the Constitution.

Thus, when you vote for this rule, all you will be saying is that I want to allow Pennsylvania, I want to allow California, I want to allow Virginia, I want to allow Maryland to determine what to do with their pension funds.

So the issue is clear. Let us not cloud it up with any gamesmanship about, "I can't read, I need a copy, or there is a constitutional question."

Let us push the Senate bill and give it to the President and make a statement and light a candle for those oppressed.

Mr. RANGEL. Mr. Speaker, I rise in strong support of H.R. 4868, the Anti-Apartheid Act of 1986. I would especially like to extend my support for the provision in the rule which expressly states that local antiapartheid initiatives will not be preempted by this act.

Local commercial and economic restrictions on companies which do business in South Africa are the prerogative of State and municipal governments. At least 25 localities across the country have enacted laws which restrict businesses from engaging in financial relationships with South Africa. These laws reflect the will of the people in those localities that the United States should not do business with South Africa.

I would suggest, Mr. Speaker, that it is the duty of the Members of this body to submit to

the will of our constituents who have chosen to enact local antiapartheid laws. We cannot, and should not, ignore the sentiment of the American people by unilaterally declaring their will to be somehow misguided or misinformed. Our constituents know what they want, Mr. Speaker, and it is evident that they want us out of South Africa.

We must send a signal to South Africa that we are absolutely committed to ending our economic and commercial relationship with apartheid. This commitment requires the participation of our society at every level. The Federal Government should work in tandem with State and local governments, and the business community must respond to the concerns of consumers and the academic community.

Spiritual leaders, elected officials, the legal community, and our financial institutions must join the growing moral consensus that is reflected in the antiapartheid initiatives of local governments. The bottom line is that the people have spoken, and we must answer them.

Let us defeat any attempt to preempt local antiapartheid laws. Let the people have their say.

Mr. BIAGGI. Mr. Speaker, I rise to lend my strong support to the rule and the bill, H.R. 4868, the Anti-Apartheid Act of 1986. This rule and the legislation are critical and must be passed at this time to provide sufficient time for another vote should the President exercise his option to veto the bill.

It is critical that Congress complete action on this legislation and express its substantive opposition to the repugnant policy of apartheid in South Africa. The distinguished aspect of the rule is that, upon its adoption, the House will agree to an important provision which says that nothing contained in H.R. 4868 shall be deemed to, in any way, limit, preempt, or affect actions taken by State or local governments regarding financial or commercial dealing with South Africa.

That is the proper position for the Congress to take. The fact is that a number of local jurisdictions, including and especially my home city of New York, have passed their own laws calling for the divestment of pension funds invested in companies doing business in South Africa. That is responsible action and it must be encouraged to continue.

If the United States is going to make an impact in putting an end to apartheid in South Africa, it must do more than merely express moral indignation. It must exercise economic muscle to extract change. This cannot be done unless all levels of government are allowed to participate. Therefore, I urge support of the rule.

Mr. DIXON. Mr. Speaker, I rise in strong support of the rule. The clarifying language that the rule includes is critical to establishing legislative history on this issue.

It is not the intent of this bill to preempt or affect in any fashion the authority of any State or local government to restrict or otherwise regulate any financial or commercial activity with respect to South Africa.

About 20 States and 80 cities have taken the lead in passing divestiture laws, including my State—the State of California. We are not here to preempt State and municipal laws on divestiture or contracts, nor are we giving them the right to dictate foreign policy. We

should not preempt the rights of States like the State of California to determine where to invest \$13 billion of their pension or public funds. It is not the jurisdictional purpose of this bill to intrude or intervene in the internal affairs of a State or local government.

Mr. Speaker, there is a deepening crisis in South Africa and it is time to respond to the unambiguous appeals of thousands of South Africa's black majority who are pleading for us to take a stronger stand. It is time to take a stand and answer the calls of thousands of Americans who urge emphatically for sanctions against South Africa.

I believe H.R. 4868 may not go far enough, but it is a beginning and a new direction in our foreign policy in South Africa. More importantly, it is time we demonstrated our commitment to the principles of freedom and democracy not only in South Africa, but throughout the world.

The Senate bill is silent on the question of the preemption issue, but I strongly believe our rule clarifies this issue and establishes legislative history. I encourage my colleagues to support this rule.

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

Mr. WHEAT. Mr. Speaker, just to make it very clear what the rule actually does in its second section on preemption, it is not the intent of the committee, it is not the intent of this body, to pass any legislation which grants any new constitutional authority. It is merely our intent to make it clear that this legislation does not impact upon authority that States and local governments already have. If the State of California has the right to pass legislation affecting their own funds in regard to the situation in South Africa, then they continue to have that authority. If the State of Pennsylvania has the authority, then they continue to have that authority.

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

Mr. WHEAT. No; I will not yield at this time.

If the University of Mississippi system has that authority, then they will continue to have that authority, and this legislation has no impact upon the legal or constitutional authority of any State or local municipality.

The gentleman has asked some very good questions about what will happen in South Africa, and admittedly this bill cannot guarantee peace in South Africa. This bill does not guarantee an end to apartheid in South Africa, but it does guarantee one thing, that the rest of the world, especially those suffering in South Africa, will know that this Congress witnessed the evil and would not turn away.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

Mr. SPEAKER pro tempore (Mr. DANIEL). The question is on the resolution.

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

Mr. BROOMFIELD. 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.

Mr. SPEAKER pro tempore. 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 292, nays 92, not voting 47, as follows:

[Roll No. 380]

YEAS—292

Akaka	Fish	Luken
Alexander	Flippo	Lungren
Anderson	Florio	MacKay
Andrews	Foglietta	Manton
Annunzio	Foley	Martin (IL)
Anthony	Ford (TN)	Martin (NY)
Applegate	Fowler	Martinez
Aspin	Frank	Matsui
AuCoin	Franklin	Mavroules
Barnard	Frenzel	Mazzoli
Barnes	Fuqua	McCain
Bates	Gallo	McCloskey
Bedell	Garcia	McColum
Beilenson	Gaydos	McCurdy
Bennett	Gejdenson	McEwen
Bereuter	Gibbons	McGrath
Berman	Glickman	McHugh
Bevill	Gonzalez	McKernan
Bliley	Gordon	McMillan
Boehlert	Gradison	Meyers
Boggs	Gray (IL)	Mica
Boland	Gray (PA)	Mikulski
Bonior (MI)	Green	Miller (CA)
Bonker	Gregg	Miller (WA)
Borski	Guarini	Mineta
Bosco	Gunderson	Mitchell
Brown (CO)	Hall (OH)	Moakley
Bruce	Hamilton	Mollohan
Bryant	Hatcher	Montgomery
Bustamante	Hawkins	Moody
Byron	Hayes	Morrison (CT)
Carper	Hefner	Morrison (WA)
Carr	Henry	Mrazek
Chandler	Hertel	Murphy
Chappell	Hillis	Murtha
Clay	Hopkins	Natcher
Clinger	Horton	Neal
Coats	Howard	Nelson
Collins	Hoyer	Nichols
Conte	Hubbard	Nowak
Conyers	Hughes	Oakar
Cooper	Hutto	Oberstar
Coughlin	Ireland	Obey
Courter	Jacobs	Olin
Coyne	Jeffords	Ortiz
Daniel	Jenkins	Panetta
Darden	Jones (NC)	Pease
Daschle	Jones (TN)	Penny
Davis	Kanjorski	Perkins
de la Garza	Kaptur	Pickle
Dellums	Kasich	Price
Derrick	Kastenmeier	Pursell
Dicks	Kemp	Rahall
Dingell	Kennelly	Rangel
DioGuardi	Kildee	Ray
Dixon	Kindness	Regula
Donnelly	Kleczka	Reid
Dorgan (ND)	Kolbe	Richardson
Dowdy	Kolter	Rinaldo
Downey	Kostmayer	Roberts
Duncan	LaFalce	Robinson
Durbin	Lantos	Rodino
Dwyer	Latta	Roe
Dymally	Leach (IA)	Roemer
Dyson	Leath (TX)	Rose
Early	Lehman (FL)	Rostenkowski
Eckart (OH)	Leland	Roth
Edgar	Lent	Roukema
Edwards (CA)	Levin (MI)	Rowland (CT)
English	Levine (CA)	Rowland (GA)
Erdreich	Lewis (CA)	Roybal
Evans (IA)	Lipinski	Russo
Evans (IL)	Lloyd	Sabo
Fascell	Long	Savage
Fazio	Lowry (WA)	Saxton
Feighan	Lujan	Scheuer
		Schneider

Schuetz
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
Staggers
Stallings
Stangeland

Stark
Stokes
Studds
Swift
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torrice
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Waldon
Walgren
Watkins
Weaver

Weber
Weiss
Wheat
Whitley
Whittaker
Whitten
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NAYS—92

Archer	Gingrich	Porter
Armey	Hall, Ralph	Quillen
Badham	Hammerschmidt	Ridge
Bartlett	Hansen	Ritter
Barton	Hendon	Rogers
Bateman	Hiler	Schaefer
Bentley	Holt	Shaw
Bilirakis	Hunter	Shumway
Boulter	Hyde	Shuster
Broomfield	Johnson	Siljander
Burton (IN)	Kramer	Skeen
Callahan	Lagomarsino	Slaughter
Cheney	Lewis (FL)	Smith, Denny
Coble	Lightfoot	(OR)
Coleman (MO)	Lott	Smith, Robert
Combest	Lowery (CA)	(NH)
Craig	Mack	Smith, Robert
Crane	Madigan	(OR)
Dannemeyer	Marlenee	Solomon
Daub	McCandless	Spence
DeLay	Michel	Stenholm
DeWine	Miller (OH)	Strang
Dickinson	Molinar	Stump
Dornan (CA)	Monson	Sundquist
Dreier	Moorhead	Sweeney
Eckert (NY)	Myers	Swindall
Edwards (OK)	Nielson	Taylor
Emerson	Oxley	Vander Jagt
Fawell	Packard	Vucanovich
Fiedler	Parris	Walker
Fields	Pashayan	Wolf
Gekas	Petri	

NOT VOTING—47

Ackerman	Crockett	Moore
Atkins	Ford (MI)	Owens
Boner (TN)	Frost	Pepper
Boucher	Gephardt	Rudd
Boxer	Gilman	Schroeder
Breaux	Goodling	Snyder
Brooks	Grotberg	St Germain
Brown (CA)	Hartnett	Stratton
Burton (CA)	Huckaby	Synar
Campbell	Jones (OK)	Thomas (CA)
Carney	Livingston	Towns
Chapman	Loeffler	Waxman
Chapple	Lundine	Whitehurst
Cobey	Marky	Williams
Coelho	McDade	Young (AK)
Coleman (TX)	McKinney	

[Roll No. 380]

□ 1045

Messrs. DICKINSON, GINGRICH, PACKARD, and RALPH M. HALL changed their votes from "yea" to "nay."

Mr. FRENZEL changed his vote 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.

□ 1055

GENERAL LEAVE

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just adopted.

The SPEAKER pro tempore. (Mr. DANIEL). Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

Mr. ECKERT of New York. Mr. Speaker, I was surprised to learn this morning that the RECORD lists me as not voting on final passage of the Omnibus Drug Act of 1986 last evening. That is not accurate. It must be a mechanical mishap.

I was present in the Chamber, cast a vote in the affirmative and voted not only on final passage but on all bills yesterday. I would like the RECORD to reflect my statement, and I ask unanimous consent that these remarks be recorded in the permanent RECORD immediately following that vote on final passage of H.R. 5484.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. HORTON. Mr. Speaker, last night during final passage of the omnibus drug bill of 1986, I was standing next to the gentleman from New York, Mr. FRED ECKERT, when the vote was taken. I saw the gentleman take his voting card out and cast his vote on final passage.

I know from my personal conversation during the vote that he had voted "yes."

I learned this morning that the RECORD showed that he had not voted. That is not accurate; he was present; he did vote; I was a witness to that.

Mr. Speaker, I ask unanimous consent that my remarks be recorded in the permanent RECORD immediately following the vote on the Omnibus Drug Act of 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT AND SUBCOMMITTEE ON MERCHANT MARINE OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT ON WEDNESDAY, SEPTEMBER 17, 1986, DURING THE 5-MINUTE RULE

Mr. BOSCO. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries'

Subcommittee on Fisheries and Wildlife Conservation and the Environment, in conjunction with the Subcommittee on Merchant Marine, and by itself, have permission to sit during the consideration of legislation under the 5-minute rule on Wednesday, September 17, 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANTI-APARTHEID ACT OF 1986

Mr. FASCELL. Mr. Speaker, pursuant to House Resolution 548, I move to take from the Speaker's table 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 a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 548, the Senate amendment is considered as having been read.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert:

SHORT TITLE

Section 1. This Act may be cited as the "Comprehensive Anti-Apartheid Act of 1986".

TABLE OF CONTENTS

Sec. 2. The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Purpose.

TITLE I—POLICY OF THE UNITED STATES WITH RESPECT TO ENDING APARTHEID

- Sec. 101. Policy toward the Government of South Africa.
- Sec. 102. Policy toward the African National Congress, etc.
- Sec. 103. Policy toward the victims of apartheid.
- Sec. 104. Policy toward other countries in Southern Africa.
- Sec. 105. Policy toward "frontline" states.
- Sec. 106. Policy toward a negotiated settlement.
- Sec. 107. Policy toward international cooperation on measures to end apartheid.
- Sec. 108. Policy toward necklacing.
- Sec. 109. United States Ambassador to meet with Nelson Mandela.
- Sec. 110. Policy toward the recruitment and training of black South Africans by United States employers.

TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

- Sec. 201. Scholarships for the victims of apartheid.
- Sec. 202. Human rights fund.
- Sec. 203. Expanding participation in the South African economy.
- Sec. 204. Export-Import Bank of the United States.
- Sec. 205. Labor practices of the United States Government in South Africa.
- Sec. 206. Welfare and protection of the victims of apartheid employed by

the United States.

- Sec. 207. Employment practices of United States nationals in South Africa.
- Sec. 208. Code of Conduct.
- Sec. 209. Prohibition on assistance.
- Sec. 210. Use of the African Emergency Reserve.
- Sec. 211. Prohibition on assistance to any person or group engaging in "necklacing".
- Sec. 212. Participation of South Africa in agricultural export credit and promotion programs.

TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

- Sec. 301. Prohibition on the importation of krugerrands.
- Sec. 302. Prohibition on the importation of military articles.
- Sec. 303. Prohibition on the importation of products from parastatal organizations.
- Sec. 304. Prohibition on computer exports to South Africa.
- Sec. 305. Prohibition on loans to the Government of South Africa.
- Sec. 306. Prohibition on air transportation with South Africa.
- Sec. 307. Prohibitions on nuclear trade with South Africa.
- Sec. 308. Government of South Africa bank accounts.
- Sec. 309. Prohibition on importation of uranium and coal from South Africa.
- Sec. 310. Prohibition on new investment in South Africa.
- Sec. 311. Termination of certain provisions.
- Sec. 312. Policy toward violence or terrorism.
- Sec. 313. Termination of tax treaty and protocol.
- Sec. 314. Prohibition on United States Government procurement from South Africa.
- Sec. 315. Prohibition on the promotion of United States tourism in South Africa.
- Sec. 316. Prohibition on United States Government assistance to, investment in, or subsidy for trade with, South Africa.
- Sec. 317. Prohibition on sale or export of items on Munition List.
- Sec. 318. Munitions list sales, notification.
- Sec. 319. Prohibition on importation of South African agricultural products and food.
- Sec. 320. Prohibition on importation of iron and steel.
- Sec. 321. Prohibition on exports of crude oil and petroleum products.
- Sec. 322. Prohibition on cooperation with the armed forces of South Africa.
- Sec. 323. Prohibition on sugar imports.

TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

- Sec. 401. Negotiating authority.
- Sec. 402. Limitation on imports from other countries.

Sec. 403. Private right of action.

TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

- Sec. 501. Additional measures.
- Sec. 502. Lifting of prohibitions.
- Sec. 503. Study of health conditions in the "homelands" areas of South Africa.
- Sec. 504. Reports on South African imports.
- Sec. 505. Study and report on the economy of southern Africa.
- Sec. 506. Report on relations between other industrialized democracies and

South Africa.

- Sec. 507. Study and report on deposit accounts of South African nationals in United States banks.
- Sec. 508. Study and report on the violation of the international embargo on sale and export of military articles to South Africa.
- Sec. 509. Report on Communist activities in South Africa.
- Sec. 510. Prohibition on the Importation of Soviet Gold Coins.
- Sec. 511. Economic support for disadvantaged South Africans.
- Sec. 512. Report on the African National Congress.

TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

- Sec. 601. Regulatory authority.
- Sec. 602. Congressional priority procedures.
- Sec. 603. Enforcement and penalties.
- Sec. 604. Applicability to evasions of Act.
- Sec. 605. Construction of Act.
- Sec. 606. State or local anti-apartheid laws, enforce.

DEFINITIONS

SEC. 3. As used in this Act—

- (1) the term "Code of Conduct" refers to the principles set forth in section 208(a);
- (2) the term "controlled South African entity" means—
- (A) a corporation, partnership, or other business association or entity organized in South Africa and owned or controlled, directly or indirectly, by a national of the United States; or
- (B) a branch, office, agency, or sole proprietorship in South Africa of a national of the United States;
- (3) the term "loan"—
- (A) means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including—
- (i) overdrafts,
- (ii) currency swaps,
- (iii) the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after the date of enactment of this Act,
- (iv) the purchase of a loan made by another person,
- (v) the sale of financial assets subject to an agreement to repurchase, and
- (vi) a renewal or refinancing whereby funds or credits are transferred or extended to the Government of South Africa or a South African entity, and
- (B) does not include—
- (i) normal short-term trade financing, as by letters of credit or similar trade credits;
- (ii) sales on open account in cases where such sales are normal business practice; or
- (iii) rescheduling of existing loans, if no new funds or credits are thereby extended to a South African entity or the Government of South Africa;
- (4) the term "new investment"—
- (A) means—
- (i) a commitment or contribution of funds or other assets, and
- (ii) a loan or other extension of credit, and
- (B) does not include—
- (i) the reinvestment of profits generated by a controlled South African entity into that same controlled South African entity or the investment of such profits in a South African entity;
- (ii) contributions of money or other assets where such contributions are necessary to enable a controlled South African entity to operate in an economically sound manner, without expanding its operations; or
- (iii) the ownership or control of a share or interest in a South African entity or a controlled South African entity or a debt or

equity security issued by the Government of South Africa or a South African entity before the date of enactment of this Act, or the transfer or acquisition of such a share, interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a South African entity, a controlled South African entity, or the Government of South Africa;

(5) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States or is an alien lawfully admitted for permanent residence in the United States, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); or

(B) a corporation, partnership, or other business association which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(6) 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; and

(7) the term "South African entity" means—

(A) a corporation, partnership, or other business association or entity organized in South Africa; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a person that resides or is organized outside South Africa; and

(8) 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.

PURPOSE

SEC. 4. The purpose of this Act is to set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial, democratic form of government. This Act sets out United States policy toward the Government of South Africa, the victims of apartheid, and the other states in southern Africa. It also provides the President with additional authority to work with the other industrial democracies to help end apartheid and establish democracy in South Africa.

TITLE I—POLICY OF THE UNITED STATES WITH RESPECT TO ENDING APARTHEID

POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA

SEC. 101. (a) United States policy toward the Government of South Africa shall be designed to bring about reforms in that system of government that will lead to the establishment of a nonracial democracy.

(b) The United States will work toward this goal by encouraging the Government of South Africa to—

(1) repeal the present state of emergency and respect the principle of equal justice under law for citizens of all races;

(2) release Nelson Mandela, Govan Mbeki, Walter Sisulu, black trade union leaders, and all political prisoners;

(3) permit the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) establish a timetable for the elimination of apartheid laws;

(5) negotiate with representatives of all racial groups in South Africa the future political system in South Africa; and

(6) end military and paramilitary activities aimed at neighboring states.

(c) The United States will encourage the actions set forth in subsection (b) through economic, political, and diplomatic measures as set forth in this Act. The United States will adjust its actions toward the Government of South Africa to reflect the progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection (a).

POLICY TOWARD THE AFRICAN NATIONAL CONGRESS, ETC.

SEC. 102. (a) United States policy toward the African National Congress, the Pan African Congress, and their affiliates shall be designed to bring about a suspension of violence that will lead to the start of negotiations designed to bring about a nonracial and genuine democracy in South Africa.

(b) The United States shall work toward this goal by encouraging the African National Congress and the Pan African Congress, and their affiliates, to—

(1) suspend terrorist activities so that negotiations with the Government of South Africa and other groups representing black South Africans will be possible;

(2) make known their commitment to a free and democratic post-apartheid South Africa;

(3) agree to enter into negotiations with the South African Government and other groups representing black South Africans for the peaceful solution of the problems of South Africa;

(4) reexamine their ties to the South African Communist Party.

(c) The United States will encourage the actions set forth in subsection (b) through political and diplomatic measures. The United States will adjust its actions toward the Government of South Africa not only to reflect progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection 101(a) but also to reflect progress or lack of progress made by the ANC and other organizations in meeting the goal set forth in subsection (a) of this section.

POLICY TOWARD THE VICTIMS OF APARTHEID

SEC. 103. (a) The United States policy toward the victims of apartheid is to use economic, political, diplomatic, and other effective means to achieve the removal of the root cause of their victimization, which is the apartheid system. In anticipation of the removal of the system of apartheid and as a further means of challenging that system, it is the policy of the United States to assist these victims of apartheid as individuals and through organizations to overcome the handicaps imposed on them by the system of apartheid and to help prepare them for their rightful roles as full participants in the political, social, economic, and intellectual life of their country in the post-apartheid South Africa envisioned by this Act.

(b) The United States will work toward the purposes of subsection (a) by—

(1) providing assistance to South African victims of apartheid without discrimination by race, color, sex, religious belief, or political orientation, to take advantage of educational opportunities in South Africa and in the United States to prepare for leadership positions in a post-apartheid South Africa;

(2) assisting victims of apartheid;

(3) aiding individuals or groups in South Africa whose goals are to aid victims of apartheid or foster nonviolent legal or political challenges to the apartheid laws;

(4) furnishing direct financial assistance to those whose nonviolent activities had led to their arrest or detention by the South African authorities and (B) to the families of those killed by terrorist acts such as "necklacings";

(5) intervening at the highest political levels in South Africa to express the strong desire of the United States to see the development in South Africa of a nonracial democratic society;

(6) supporting the rights of the victims of apartheid through political, economic, or other sanctions in the event the Government of South Africa fails to make progress toward the removal of the apartheid laws and the establishment of such democracy; and

(7) supporting the rights of all Africans to be free of terrorist attacks by setting a time limit after which the United States will pursue diplomatic and political measures against those promoting terrorism and against those countries harboring such groups so as to achieve the objectives of this Act.

POLICY TOWARD OTHER COUNTRIES IN SOUTHERN AFRICA

SEC. 104. (a) The United States policy toward the other countries in the Southern African region shall be designed to encourage democratic forms of government, full respect for human rights, an end to cross-border terrorism, political independence, and economic development.

(b) The United States will work toward the purposes of subsection (a) by—

(1) helping to secure the independence of Namibia and the establishment of Namibia as a nonracial democracy in accordance with appropriate United Nations Security Council resolutions;

(2) supporting the removal of all foreign military forces from the region;

(3) encouraging the nations of the region to settle differences through peaceful means;

(4) promoting economic development through bilateral and multilateral economic assistance targeted at increasing opportunities in the productive sectors of national economies, with a particular emphasis on increasing opportunities for nongovernmental economic activities;

(5) encouraging, and when necessary, strongly demanding, that all countries of the region respect the human rights of their citizens and noncitizens residing in the country, and especially the release of persons persecuted for their political beliefs or detained without trial;

(6) encouraging, and when necessary, strongly demanding that all countries of the region take effective action to end cross-border terrorism; and

(7) providing appropriate assistance, within the limitations of American responsibilities at home and in other regions, to assist regional economic cooperation and the development of interregional transportation and other capital facilities necessary for economic growth.

POLICY TOWARD "FRONTLINE" STATES

SEC. 105. It is the sense of the Congress that the President should discuss with the governments of the African "frontline" states the effects on them of disruptions in transportation or other economic links through South Africa and of means of reducing those effects.

POLICY TOWARD A NEGOTIATED SETTLEMENT

SEC. 106. (a)(1) United States policy will seek to promote negotiations among representatives of all citizens of South Africa to determine a future political system that would permit all citizens to be full participants in the governance of their country. The United States recognizes that important

and legitimate political parties in South Africa include several organizations that have been banned and will work for the unbanning of such organizations in order to permit legitimate political viewpoints to be represented at such negotiations. The United States also recognizes that some of the organizations fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations.

(2) To this end, it is the sense of the Congress that the President, the Secretary of State, or other appropriate high-level United States officials should meet with the leaders of opposition organizations of South Africa, particularly but not limited to those organizations representing the black majority. Furthermore, the President, in concert with the major allies of the United States and other interested parties, should seek to bring together opposition political leaders with leaders of the Government of South Africa for the purpose of negotiations to achieve a transition to the postapartheid democracy envisioned in this Act.

(b) The United States will encourage the Government of South Africa and all participants to the negotiations to respect the right of all South Africans to form political parties, express political opinions, and otherwise participate in the political process without fear of retribution by either governmental or nongovernmental organizations. It is the sense of the Congress that a suspension of violence is an essential precondition for the holding of negotiations. The United States calls upon all parties to the conflict to agree to a suspension of violence.

(c) The United States will work toward the achievement of agreement to suspend violence and begin negotiations through coordinated actions with the major Western allies and with the governments of the countries in the region.

(d) It is the sense of the Congress that the achievement of an agreement for negotiations could be promoted if the United States and its major allies, such as Great Britain, Canada, France, Italy, Japan, and West Germany, would hold a meeting to develop a four-point plan to discuss with the Government of South Africa a proposal for stages of multilateral assistance to South Africa in return for the Government of South Africa implementing—

(1) an end to the state of emergency and the release of the political prisoners, including Nelson Mandela;

(2) the unbanning of the African National Congress, the Pan African Congress, the Black Consciousness Movement, and all other groups willing to suspend terrorism and to participate in negotiations and a democratic process;

(3) a revocation of the Group Areas Act and the Population Registration Act and the granting of universal citizenship to all South Africans, including homeland residents; and

(4) the use of the international offices of a third party as an intermediary to bring about negotiations with the object of the establishment of power-sharing with the black majority.

POLICY TOWARD INTERNATIONAL COOPERATION ON MEASURES TO END APARTHEID

SEC. 107. (a) The Congress finds that—

(1) international cooperation is a prerequisite to an effective anti-apartheid policy and to the suspension of terrorism in South Africa; and

(2) the situation in South Africa constitutes an emergency in international relations and that action is necessary for the protection of the essential security interests of the United States.

(b) Accordingly, the Congress urges the President to seek such cooperation among all individuals, groups, and nations.

POLICY TOWARD NECKLACING

SEC. 108. It is the sense of the Congress that the African National Congress should strongly condemn and take effective actions against the execution by fire, commonly known as "necklacing", of any person in any country.

UNITED STATES AMBASSADOR TO MEET WITH NELSON MANDELA

SEC. 109. It is the sense of the Senate that the United States Ambassador should promptly make a formal request to the South African Government for the United States Ambassador to meet with Nelson Mandela.

POLICY TOWARD THE RECRUITMENT AND TRAINING OF BLACK SOUTH AFRICANS BY UNITED STATES EMPLOYERS

SEC. 110. (a) The Congress finds that—

(1) the policy of apartheid is abhorrent and morally repugnant;

(2) the United States believes strongly in the principles of democracy and individual freedoms;

(3) the United States endorses the policy of political participation of all citizens;

(4) a free, open, and vital economy is a primary means for achieving social equality and economic advancement for all citizens; and

(5) the United States is committed to a policy of securing and enhancing human rights and individual dignity throughout the world.

(b) It is the sense of the Congress that United States employers operating in South Africa are obliged both generally to actively oppose the policy and practices of apartheid and specifically to engage in recruitment and training of black and colored South Africans for management responsibilities.

TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

SCHOLARSHIPS FOR THE VICTIMS OF APARTHEID

SEC. 201. (a) Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A)(i) Of the amounts authorized to be appropriated to carry out this section for the fiscal years 1987, 1988, and 1989, not less than \$4,000,000 shall be used in each such fiscal year to finance education, training, and scholarships for the victims of apartheid, including teachers and other educational professionals, who are attending universities and colleges in South Africa. Amounts available to carry out this subparagraph shall be provided in accordance with the provisions of section 802(c) of the International Security and Development Cooperation Act of 1985.

"(ii) Funds made available for each such fiscal year for purposes of chapter 4 of part II of this Act may be used to finance such education, training, and scholarships in lieu of an equal amount made available under this subparagraph.

"(B)(i) In addition to amounts used for purposes of subparagraph (A), the agency primarily responsible for administering this part, in collaboration with other appropriate departments or agencies of the United States, shall use assistance provided under this section or chapter 4 of part II of this Act to finance scholarships for students pursuing secondary school education in South Africa. The selection of scholarship recipients shall be by a nationwide panel or by regional panels appointed by the United States chief of diplomatic mission to South Africa.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act for the fiscal years 1987, 1988, and 1989, up to an aggregate of \$1,000,000 may be used in each such fiscal year for purposes of this subparagraph.

"(C)(i) In addition to the assistance authorized in subparagraph (A), the agency primarily responsible for administering this part shall provide assistance for inservice teacher training programs in South Africa through such nongovernmental organizations as TOPS or teachers' unions.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act, up to an aggregate of \$500,000 for the fiscal year 1987 and up to an aggregate of \$1,000,000 for the fiscal year 1988 may be used for purposes of this subparagraph, subject to standard procedures for project review and approval."

(b) The Foreign Assistance Act of 1961 is amended by inserting after section 116 the following new section:

"SEC. 117. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.—In providing assistance under this chapter or under chapter 4 of part II of this Act for disadvantaged South Africans, priority shall be given to working with and through South African nongovernmental organizations whose leadership and staff are selected on a nonracial basis, and which have the support of the disadvantaged communities being served. The measure of this community support shall be the willingness of a substantial number of disadvantaged persons to participate in activities sponsored by these organizations. Such organizations to which such assistance may be provided include the Educational Opportunities Council, the South African Institute of Race Relations, READ, professional teachers' unions, the Outreach Program of the University of the Western Cape, the Funda Center in Soweto, SACHED, UPP Trust, TOPS, the Wilgespruit Fellowship Center (WFC), and civic and other organizations working at the community level which do not receive funds from the Government of South Africa."

HUMAN RIGHTS FUND

SEC. 202. (a) Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1984 and" and inserting in lieu thereof "1984,"; and

(2) by inserting after "1985" a comma and the following: "and \$1,500,000 for the fiscal year 1986 and for each fiscal year thereafter".

(b) Section 116 of such Act is amended by adding at the end thereof the following new subsection:

"(f)(1) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, not less than \$500,000 shall be used for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protesters and prisoners, and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies such as—

"(A) removal of black populations from certain geographic areas on account of race or ethnic origin,

"(B) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

"(C) residence restrictions based on race or ethnic origin,

"(D) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

"(E) restrictions which make it impossible for black employees and their families to be

housed in family accommodations near their place of employment.

"(2)(A) No grant under this subsection may exceed \$100,000.

"(B) The average of all grants under this paragraph made in any fiscal year shall not exceed \$70,000.

"(g) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, \$175,000 shall be used for direct assistance to families of victims of violence such as 'necklacing' and other such inhumane acts. An additional \$175,000 shall be made available to black groups in South Africa which are actively working toward a multi-racial solution to the sharing of political power in that country through nonviolent, constructive means."

EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

SEC. 203. (a) The Congress declares that—

(1) the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses,

is an affront to the values of a free society.

(b) The Congress hereby—

(1) applauds the commitment of nationals of the United States adhering to the Code of Conduct to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

(c) Notwithstanding any other provision of law, the Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans.

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 204. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

(1) by striking out "(9) In" and inserting in lieu thereof "(9)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end thereof the following:

"(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (c) of subparagraph (A) shall not apply to exports to or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans."

LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

SEC. 205. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans,

(2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their long-term employment services on behalf of the United States Government, and

(3) for the employment services of South Africans arranged by contract,

should represent the best of labor practices in the United States and should serve as a model for the labor practices of nationals of the United States in South Africa.

(b) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall promptly take, without regard to any provision of law, the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the Code of Conduct. Nothing in this section shall be construed to grant any employee of the United States the right to strike.

WELFARE AND PROTECTION OF VICTIMS OF APARTHEID BY THE UNITED STATES

SEC. 206. (a) The Secretary of State shall acquire, through lease or purchase, residential properties in the Republic of South Africa that shall be made available, at rents that are equitable, to assist victims of apartheid who are employees of the United States Government in obtaining adequate housing. Such properties shall be acquired only in neighborhoods which would be open to occupancy by other employees of the United States Government in South Africa.

(b) There are authorized to be appropriated \$10,000,000 for the fiscal year 1987 to carry out the purposes of this section.

EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA

SEC. 207. (a) Any national of the United States that employs more than 25 persons in South Africa shall take the necessary steps to insure that the Code of Conduct is implemented.

(b) No department or agency of the United States may intercede with any foreign government or foreign national regarding the export marketing activities in any country of any national of the United States employing more than 25 persons in South Africa that is not implementing the Code of Conduct.

CODE OF CONDUCT

SEC. 208. (a) The Code of Conduct referred to in sections 203, 205, 207, and 603 of this Act is as follows:

(1) desegregating the races in each employment facility;

(2) providing equal employment opportunity for all employees without regard to race or ethnic origin;

(3) assuring that the pay system is applied to all employees without regard to race or ethnic origin;

(4) 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 by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;

(6) taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health; and

(7) implementing fair labor practices by 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) It is the sense of the Congress that in addition to the principles enumerated in

subsection (a), nationals of the United States subject to section 207 should seek to comply with the following principle: taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

(1) supporting the unrestricted rights of black businesses to locate in urban areas;

(2) influencing other companies in South Africa to follow the standards of equal rights principles;

(3) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and make provision for adequate housing for families of employees within the proximity of workers' employment; and

(4) supporting the rescission of all apartheid laws.

(c) The President may issue additional guidelines and criteria to assist persons who are or may be subject to section 207 in complying with the principles set forth in subsection (a) of this section. The President may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

(d) The President may require all nationals of the United States referred to in section 207 to register with the United States Government.

(e) Notwithstanding any other provision of law, the President may enter into contracts with one or more private organizations or individuals to assist in implementing this section.

PROHIBITION ON ASSISTANCE

SEC. 209. No assistance may be provided under this Act to any group which maintains within its ranks any individual who has been found to engage in gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

USE OF THE AFRICAN EMERGENCY RESERVE

SEC. 210. Whenever the President determines that such action is necessary or appropriate to meet food shortages in southern Africa, the President is authorized to utilize the existing, authorized, and funded reserve entitled the "Emergency Reserve for African Famine Relief" to provide food assistance and transportation for that assistance.

PROHIBITION ON ASSISTANCE TO ANY PERSON OR GROUP ENGAGING IN "NECKLACING"

SEC. 211. No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law to any individual, group, organization, or member thereof, or entity that directly or indirectly engages in, advocates, supports, or approves the practice of execution by fire, commonly known as "necklacing".

PARTICIPATION OF SOUTH AFRICA IN AGRICULTURAL EXPORT CREDIT AND PROMOTION PROGRAMS

SEC. 212. Notwithstanding any other provision of this Act or any other provision of law, the Secretary of Agriculture may permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels, and under similar terms and conditions, as other countries that have traditionally purchased United States agricultural commodities and the products thereof.

TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

PROHIBITION ON THE IMPORTATION OF KRUGERRANDS

SEC. 301. No person, including a bank, 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.

PROHIBITION ON THE IMPORTATION OF MILITARY ARTICLES

SEC. 302. No arms, ammunition, or military vehicles produced in South Africa or any manufacturing data for such articles may be imported into the United States.

PROHIBITION ON THE IMPORTATION OF PRODUCTS FROM PARASTATAL ORGANIZATIONS

SEC. 303. (a) Notwithstanding any other provision of law, no article which is grown, produced, manufactured by, marketed, or otherwise exported by a parastatal organization of South Africa may be imported into the United States, (1) except for agricultural products during the 12 month period from the date of enactment; and (2) except for those strategic minerals for which the President has certified to the Congress that the quantities essential for the economy or defense of the United States are unavailable from reliable and secure suppliers and except for any article to be imported pursuant to a contract entered into before August 15, 1986; Provided, That no shipments may be received by a national of the United States under such contract after April 1, 1987.

(b) For purposes of this section, the term "parastatal organization" means a corporation or partnership owned or controlled or subsidized by the Government of South Africa, but does not mean a corporation or partnership which previously received start-up assistance from the South African Industrial Development Corporation but which is now privately owned.

PROHIBITION ON COMPUTER EXPORTS TO SOUTH AFRICA

SEC. 304. (a) No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use by any of the following entities of the Government of South Africa:

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

(5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research.

(6) The administering authorities for controlling the movements of the victims of apartheid.

(7) Any apartheid enforcing agency.

(8) Any local, regional, or homelands government entity which performs any function of any entity described in paragraphs (1) through (7).

(b)(1) Computers, computer software, and goods or technology intended to service computers may be exported, directly or indirectly, to or for use by an entity of the Government of South Africa other than those set forth in subsection (a) only if a system of end use verification is in effect to ensure that the computers involved will not be used for any function of any entity set forth in subsection (a).

(2) The Secretary of Commerce may prescribe such rules and regulations as may be necessary to carry out this section.

PROHIBITION ON LOANS TO THE GOVERNMENT OF SOUTH AFRICA

SEC. 305. (a) No national of the United States may make or approve any loan or other extension of credit, directly or indirectly, to the Government of South Africa or to any corporation, partnership or other organization which is owned or controlled by the Government of South Africa.

(b) The prohibition contained in subsection (a) shall not apply to—

(1) a loan or extension of credit for any education, housing, or humanitarian benefit which—

(A) is available to all persons on a nondiscriminatory basis; or

(B) is available in a geographic area accessible to all population groups without any legal or administrative restriction; or

(2) a loan or extension of credit for which an agreement is entered into before the date of enactment of this Act.

PROHIBITION ON AIR TRANSPORTATION WITH SOUTH AFRICA

SEC. 306. (a)(1) The President shall immediately notify the Government of South Africa of his intention to suspend the rights of any air carrier designated by the Government of South Africa under the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, to service the routes provided in the Agreement.

(2) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of South Africa under the Agreement to provide service pursuant to the Agreement.

(3) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation not to permit or otherwise designate any United States air carrier to provide service between the United States and South Africa pursuant to the Agreement.

(b)(1) The Secretary of State shall terminate the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, in accordance with the provisions of that agreement.

(2) Upon termination of such agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals from engaging in air transportation with respect to the United States.

(3) The Secretary of Transportation shall prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned, directly or indirectly, or controlled by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

(c) The Secretary of Transportation may provide for such exceptions from the prohibition contained in subsection (a) or (b) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(d) For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

PROHIBITIONS ON NUCLEAR TRADE WITH SOUTH AFRICA

SEC. 307. (a) Notwithstanding any other provision of law—

(1) The Nuclear Regulatory Commission shall not issue any license for the export to South Africa of production or utilization facilities, any source or special nuclear material or sensitive nuclear technology, or any component parts, items, or substances which the Commission has determined, pursuant to section 109b. of the Atomic Energy Act, to be especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes;

(2) the Secretary of Commerce shall not issue any license for the export to South Africa of any goods or technology which have been determined, pursuant to section 309(c) of the Nuclear Non-Proliferation Act

of 1978, to be of significance for nuclear explosive purposes for use in, or judged by the President to be likely to be diverted to, a South African production or utilization facility;

(3) the Secretary of Energy shall not, under section 57b.(2) of the Atomic Energy Act, authorize any person to engage, directly or indirectly, in the production of special nuclear material in South Africa; and

(4) no goods, technology, source or special nuclear material, facilities, components, items, or substances referred to in clauses (1) through (3) shall be approved by the Nuclear Regulatory Commission or an executive branch agency for retransfer to South Africa,

unless the Secretary of State determines and certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of South Africa is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, or otherwise maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities, as defined in the Nuclear Non-Proliferation Act of 1978.

(b) Nothing in this section shall preclude—

(1) any export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission or the Department of Commerce or the Department of Energy; or

(2) assistance for the purpose of developing or applying International Atomic Energy Agency or United States bilateral safeguards, for International Atomic Energy Agency programs generally available to its member states, for reducing the use of highly enriched uranium in research or test reactors, or for other technical programs for the purpose of reducing proliferation risks, such as programs to extend the life of reactor fuel and activities envisaged by section 223 of the Nuclear Waste Policy Act of 1982 or which are necessary for humanitarian reasons to protect the public health and safety.

(c) The prohibitions contained in subsection (a) shall not apply with respect to a particular export, retransfer, or activity, or a group of exports, retransfers, or activities, if the President determines that to apply the prohibitions would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security of the United States and, if at least 60 days before the initial export, retransfer, or activity is carried out, the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth that determination, together with his reasons therefor.

GOVERNMENT OF SOUTH AFRICA BANK ACCOUNTS

SEC. 308. (a) A United States depository institution may not accept, receive, or hold a deposit account from the Government of South Africa or from any agency or entity owned or controlled by the Government of South Africa except for such accounts which may be authorized by the President for diplomatic or consular purposes. For purposes of the preceding sentence, the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

(b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF URANIUM AND COAL FROM SOUTH AFRICA

SEC. 309. (a) Notwithstanding any other provision of law, no—

- (1) uranium ore,

- (2) uranium oxide,
- (3) coal, or
- (4) textiles,

that is produced or manufactured in South Africa may be imported into the United States.

(b) This section shall take effect 90 days after the date of enactment of this Act.

PROHIBITION ON NEW INVESTMENT IN SOUTH AFRICA

SEC. 310. (a) No national of the United States may, directly or through another person, make any new investment in South Africa.

(b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

(c) The prohibition contained in this section shall not apply to a firm owned by black South Africans.

TERMINATION OF CERTAIN PROVISIONS

SEC. 311. (a) This title and sections 501(c) and 504(b) shall terminate if the Government of South Africa—

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and

(5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

(b) The President may suspend or modify any of the measures required by this title or section 501(c) or section 504(b) thirty days after he determines, and so reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that the Government of South Africa has—

(1) taken the action described in paragraph (1) of subsection (a),

(2) taken three of the four actions listed in paragraphs (2) through (5) of subsection (a), and

(3) made substantial progress toward dismantling the system of apartheid and establishing a nonracial democracy, unless the Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution disapproving the determination of the President under this subsection.

(c) It is the policy of the United States to support the negotiations with the representatives of all communities as envisioned in this Act. If the South African Government agrees to enter into negotiations without preconditions, abandons unprovoked violence against its opponents, commits itself to a free and democratic post-apartheid South Africa under a code of law; and if nonetheless the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National Congress, the Pan African Congress or other organizations—

(1) refuse to abandon unprovoked violence during such negotiations; and

(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law,

then the United States will support negotiations which do not include these organizations.

POLICY TOWARD VIOLENCE OR TERRORISM

SEC. 312. (a) United States policy toward violence in South Africa shall be designed to bring about an immediate end to such violence and to promote negotiations concluding with a removal of the system of apartheid and the establishment of a non-racial democracy in South Africa.

(b) The United States shall work toward this goal by diplomatic and other measures designed to isolate those who promote terrorist attacks on unarmed civilians or those who provide assistance to individuals or groups promoting such activities.

(c) The Congress declares that the abhorrent practice of "necklacing" and other equally inhumane acts which have been practiced in South Africa by blacks against fellow blacks are an affront to all throughout the world who value the rights of individuals to live in an atmosphere free from fear of violent reprisals.

TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 313. The Secretary of State shall terminate immediately the following convention and protocol, in accordance with its terms, the Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 314. On or after the date of enactment of this Act, no department, agency or any other entity of the United States Government may enter into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

SEC. 315. None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in South Africa.

PROHIBITION ON UNITED STATES GOVERNMENT ASSISTANCE TO, INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA

SEC. 316. None of the funds appropriated or otherwise made available by any provision of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in South Africa and for participation in exhibitions and trade fairs in South Africa.

PROHIBITION ON SALE OR EXPORT OF ITEMS ON MUNITIONS LIST

SEC. 317. (a) Except as provided in subsection (b), no item contained on the United States Munition List which is subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any item which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and which the President determines is exported solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(c) The President shall prepare and submit to Congress every six months a report describing any license issued pursuant to subsection (b).

MUNITIONS LIST SALES, NOTIFICATION

SEC. 318. (a) Notwithstanding any other provision of this Act, the President shall:

(i) notify the Congress of his intent to allow the export to South Africa any item

which is on the United States Munition List and which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and

(ii) certify that such item shall be used solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(b) The Congress shall have 30 calendar days of continuous session (computed as provided in section 906(b) of title 5, United States Code) to disapprove by joint resolution of any such sale.

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD
SEC. 319. Notwithstanding any other provision of law, no:

(1) agricultural commodity, product, by-product of derivative thereof,

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF IRON AND STEEL

SEC. 320. Notwithstanding any other provision of law, no iron or steel produced in South Africa may be imported into the United States.

PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS

SEC. 321. (a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

PROHIBITION ON COOPERATION WITH THE ARMED FORCES OF SOUTH AFRICA

SEC. 322. No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence. Each such activity shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947.

PROHIBITIONS ON SUGAR IMPORTS
SEC. 323. (a)(1) Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of the Republic of South Africa may be imported into the United States after the date of enactment of this Act.

(2) The aggregate quantity of sugars, sirups, and molasses that—

(A) are products of the Philippines, and
(B) may be imported into the United States (determined without regard to this paragraph) under any limitation imposed by law on the quantity of all sugars, sirups, and molasses that may be imported into the United States during any period of time occurring after the date of enactment of this Act,

shall be increased by the aggregate quantity of sugars, sirups, and molasses that are products of the Republic of South Africa which may have been imported into the United States under such limitation during such period if this section did not apply to such period.

(b)(1) Paragraph (c)(i) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended—

(A) by striking out "13.5" in the item relating to the Philippines in the table and inserting in lieu thereof "15.8", and

(B) by striking out the item relating to the Republic of South Africa in the table.

(2) Paragraph (c) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended by adding at the end thereof the following new subparagraph:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this headnote—

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced, and

"(B) no allocation may be made to the Republic of South Africa,

in allocating any limitation imposed under any paragraph of this headnote on the quantity of sugars, sirups, and molasses described in items 155.20 and 155.30 which may be entered."

TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

NEGOTIATING AUTHORITY

SEC. 401. (a) It is the policy of the United States to seek international cooperative agreements with the other industrialized democracies to bring about the complete dismantling of apartheid. Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments. The net economic effect of such cooperative should be measurably greater than the net economic effect of the measures imposed by this Act.

(b)(1) Negotiations to reach international cooperative arrangements with the other industrialized democracies and other trading partners of South Africa on measures to bring about the complete dismantling of apartheid should begin promptly and should be concluded not later than 180 days from the enactment of this Act. During this period, the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

(2) The President shall, not less than 180 days after the date of enactment of this Act, submit to the Congress a report containing—

(A) a description of United States efforts to negotiate multilateral measures to bring about the complete dismantling of apartheid; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.

(c) If the President successfully concludes an international agreement described in subsection (b)(1), he may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of sections 301 through 310 to conform with such agreement.

(d) Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 30 days before the day on which he enters into such agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document

containing a copy of the final legal text of such agreement, together with—

(A) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interest of United States foreign policy and as to why the proposed administrative action is required or appropriate to carry out the agreement; and

(3) a joint resolution approving such agreement has been enacted within 30 days of transmittal of such document to the Congress.

(e) It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures against South Africa of the same type as are imposed by this Act.

LIMITATION ON IMPORTS FROM OTHER COUNTRIES

SEC. 402. The President is authorized to limit the importation into the United States of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition against any national of the United States imposed by or under this Act.

PRIVATE RIGHT OF ACTION

SEC. 403. (a) Any national of the United States who is required by this Act to terminate or curtail business activities in South Africa may bring a civil action for damages against any person, partnership, or corporation that takes commercial advantage or otherwise benefits from such termination or curtailment.

(b) The action described in subsection (a) may only be brought, without respect to the amount in controversy, in the United States district court for the District of Columbia or the Court of International Trade. Damages which may be recovered include lost profits and the cost of bringing the action, including a reasonable attorney's fee.

(c) The injured party must show by a preponderance of the evidence that the damages have been the direct result of defendant's action taken with the deliberate intent to injure the party.

TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

ADDITIONAL MEASURES

SEC. 501. (a) It shall be the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made within twelve months of the date of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.

(b) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within twelve months of the date of enactment of this Act, and every twelve months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—

(1) an assessment of the extent to which the Government of South Africa has taken the steps set forth in section 101(b) of this Act;

(2) an analysis of any other actions taken by the Government of South Africa in ending the system of apartheid and moving toward a nonracial democracy; and

(3) the progress, or lack of progress, made in reaching a negotiated settlement to the conflict in South Africa.

(c) If the President determines that significant progress has not been made by the Government of South Africa in ending the system of apartheid and establishing a non-racial democracy, the President shall include in the report required by subsection (b) a recommendation on which of the following additional measures should be imposed:

(1) a prohibition on the importation of steel from South Africa;

(2) a prohibition on military assistance to those countries that the report required by section 508 identifies as continuing to circumvent the international embargo on arms and military technology to South Africa;

(3) a prohibition on the importation of food, agricultural products, diamonds, and textiles from South Africa;

(4) a prohibition on United States banks accepting, receiving, or holding deposit accounts from South African nationals; and

(5) a prohibition on the importation into the United States of strategic minerals from South Africa.

(d) A joint resolution which would enact part or all of the measures recommended by the President pursuant to subsection (c) shall be considered in accordance with the provisions of section 602 of this Act.

LIFTING OF PROHIBITIONS

SEC. 502. (a) Notwithstanding any other provision of this Act, the President may lift any prohibition contained in this Act imposed against South Africa if the President determines, after six months from the date of the imposition of such prohibition, and so reports to Congress, that such prohibition would increase United States dependence upon any member country or observer country of the Council for Mutual Economic Assistance (C.M.E.A.) for the importation of coal or any strategic and critical material by an amount which exceeds by weight the average amounts of such imports from such country during the period 1981 through 1985.

(b)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall prepare and transmit to the Congress a report setting forth for each country described in subsection (a)—

(A) the average amount of such imports from such country during the period of 1981 through 1985; and

(B) the current amount of such imports from such country entering the United States.

(2) Thirty days after transmittal of the report required by paragraph (1) and every thirty days thereafter, the President shall prepare and transmit the information described in paragraph (1)(B).

STUDY OF HEALTH CONDITIONS IN THE "HOMELANDS" AREAS OF SOUTH AFRICA

SEC. 503. The Secretary of State shall conduct a study to examine the state of health conditions and to determine the extent of starvation and malnutrition now prevalent in the "homelands" areas of South Africa and shall, not later than December 1, 1986, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of such study.

REPORT ON SOUTH AFRICAN IMPORTS

SEC. 504. (a) Not later than 90 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the extent to which the United States is dependent on the importation from South Africa of—

- (1) chromium,
- (2) cobalt,

- (3) manganese,
- (4) platinum group metals,
- (5) ferroalloys, and
- (6) other strategic and critical materials (within the meaning of the Strategic and Critical Materials Stock Piling Act).

(b) The President shall develop a program which reduces the dependence, if any, of the United States on the importation from South Africa of the materials identified in the report submitted under subsection (a).

STUDY AND REPORT ON THE ECONOMY OF SOUTHERN AFRICA

SEC. 505. (a) The President shall conduct a study on the role of American assistance in southern Africa to determine what needs to be done, and what can be done to expand the trade, private investment, and transport prospects of southern Africa's landlocked nations.

(b) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a).

REPORT ON RELATIONS BETWEEN OTHER INDUSTRIALIZED DEMOCRACIES AND SOUTH AFRICA

SEC. 506. (a) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing a detailed assessment of the economic and other relationships of other industrialized democracies with South Africa. Such report shall be transmitted without regard to whether or not the President successfully concluded an international agreement under section 401.

(b) For purposes of this section, the phrase "economic and other relationships" includes the same types of matters as are described in sections 201, 202, 204, 205, 206, 207, sections 301 through 307, and sections 309 and 310 of this Act.

STUDY AND REPORT ON DEPOSIT ACCOUNTS OF SOUTH AFRICAN NATIONALS IN UNITED STATES BANKS

SEC. 507. (a)(1) The Secretary of the Treasury shall conduct a study on the feasibility of prohibiting each depository institution from accepting, receiving, or holding a deposit account from any South African national.

(2) For purposes of paragraph (1), the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the findings of the study required by subsection (a).

STUDY AND REPORT ON THE VIOLATION OF THE INTERNATIONAL EMBARGO ON SALE AND EXPORT OF MILITARY ARTICLES TO SOUTH AFRICA

SEC. 508. (a) The President shall conduct a study on the extent to which the international embargo on the sale and exports of arms and military technology to South Africa is being violated.

(b) Not later than 179 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study required by subsection (a), including an identification of those countries engaged in such sale or export, with a view to terminating United States military assistance to those countries.

REPORT ON COMMUNIST ACTIVITIES IN SOUTH AFRICA

SEC. 509. (a) Not later than 90 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate an unclassified version of a report, prepared with the assistance of the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the National Security Advisor, and other relevant United States Government officials in the intelligence community, which shall set forth the activities of the Communist Party in South Africa, the extent to which Communists have infiltrated the many black and nonwhite South African organizations engaged in the fight against the apartheid system, and the extent to which any such Communist infiltration or influence sets the policies and goals of the organizations with which they are involved.

(b) At the same time the unclassified report in subsection (a) is transmitted as set forth in that subsection, a classified version of the same report shall be transmitted to the chairmen of the Select Committee on Intelligence of the Senate and of the Permanent Select Committee on Intelligence of the House of Representatives.

PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS

SEC. 510. (a) No person, including a bank, may import into the United States any gold coin minted in the Union of Soviet Socialist Republics or offered for sale by the Government of the Union of Soviet Socialist Republics.

(b) For purposes of this section, 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.

(c) Any individual who violates this section or any regulations issued to carry out this section shall be fined not more than five times the value of the rubles involved.

ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS

SEC. 511 (a) Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a)(1) Up to \$40,000,000 of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1987 and each fiscal year thereafter shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on non-racial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs.

(2) Up to \$3,000,000 of the amounts provided in each fiscal year pursuant to subsection (a) shall be available for training programs for South Africa's trade unionists.

(b) Assistance provided pursuant to the section shall be made available notwithstanding any other provision of law and shall not be used to provide support to organizations or groups which are financed or controlled by the Government of South Africa. Nothing in this subsection may be construed to prohibit programs which are

consistent with subsection (a) and which award scholarships to students who choose to attend South African-supported institutions."

(b) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prepare and transmit to the Congress a report describing the strategy of the President during the five-year period beginning on such date regarding the assistance of black Africans pursuant to section 535 of the Foreign Assistance Act of 1961 and describing the programs and projects to be funded under such section.

REPORT ON THE AFRICAN NATIONAL CONGRESS

SEC. 512. (a) Not later than 180 days after the date of enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report on actual and alleged violations of the Foreign Agents Registration Act of 1938, and the status of any investigation pertaining thereto, by representatives of governments or opposition movements in Sub-Saharan Africa, including, but not limited to, members or representatives of the African National Congress.

(b) For purposes of conducting any investigations necessary in order to provide a full and complete report, the Attorney General shall have full authority to utilize civil investigative demand procedures, including but not limited to the issuance of civil subpoenas.

TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

REGULATORY AUTHORITY

SEC. 601. The President shall issue such rules, regulations, licenses, and orders as are necessary to carry out the provisions of this Act, including taking such steps as may be necessary to continue in effect the measures imposed by Executive Order 12532 of September 9, 1985, and Executive Order 12535 of October 1, 1985, and by any rule, regulation, license, or order issued thereunder (to the extent such measures are not inconsistent with this Act).

CONGRESSIONAL PRIORITY PROCEDURES

SEC. 602. (a)(1) The provisions of this subsection apply to the consideration in the House of Representatives of a joint resolution under sections 311(b), 401(d), and 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Affairs of the House of Representatives.

(3)(A) At any time after the joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(b)(1) The provisions of this subsection apply to the consideration in the Senate of a joint resolution under section 311(b), 401(d), or 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Relations of the Senate.

(3) A joint resolution described in this section shall be considered in the Senate in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate; and

(B) amendments to the joint resolution are in order.

(c) For purposes of this subsection, the term "joint resolution" means only—

(A) in the case of section 311(b), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the report described in section 311(b) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on the report of the President containing the determination required by section 311(b) of the Comprehensive Anti-Apartheid Act of 1986, disapproves of such determination.", with the date of the receipt of the report inserted in the blank;

(B) in the case of section 401(d)(3), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the document described in section 401(d)(2) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on the text of the international agreement described in section 401(d)(3) of the Comprehensive Anti-Apartheid Act of 1986, approves of such agreement.", with the date of the receipt of the text of the agreement inserted in the blank; and

(C) in the case of section 501(d), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the determination of the President pursuant to section 501(c) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on a determination of the President under section 501(c) of the Comprehensive Anti-Apartheid Act of 1986, approves the President's determination.", with the date of the receipt of the determination inserted in the blank.

(d) As used in this section, the term "legislative day" means a day on which the House of Representatives or the Senate is in session, as the case may be.

(e) This section is enacted—

(1) as an exercise of the rulemaking powers of the House of Representatives and the Senate, and as such it is deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the

case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

ENFORCEMENT AND PENALTIES

SEC. 603. (a)(1) The President with respect to his authorities under section 601 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 this Act and such regulations, licenses, and orders.

(2) In ensuring such compliance, the President may—

(A) require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction described in this Act either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which a foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this Act; and

(B) conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) Except as provided in subsection (d)—

(1) any person that violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be subject to a civil penalty of \$50,000;

(2) any person, other than an individual, that willfully violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than \$1,000,000;

(3) any individual who willfully violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than \$50,000, or imprisoned not more than 10 years, or both; and

(4) any individual who violates section 301(a) or any regulations issued to carry out that section shall, instead of the penalty set forth in paragraph (2), be fined not more than 5 times the value of the krugerrands or gold coins involved.

(c)(1) 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 knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice, shall be fined not more than \$10,000, or imprisoned not more than 5 years, or both.

(2) Paragraph (1) shall not apply in the case of a violation by an individual of section 301(a) of this Act or of any regulation issued to carry out that section.

(3) 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)(1) Any person who violates any regulation issued under section 208(d) or who, in a registration statement or report required by the Secretary of State, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall be subject to a

civil penalty of not more than \$10,000 imposed by the Secretary of State. The provisions of subsections (d), (e), and (f) of section 11 of the Export Administration Act of 1979 shall apply with respect to any such civil penalty.

(2) Any person who commits a willful violation under paragraph (1) shall upon conviction be fined not more than \$1,000,000 or imprisoned not more than 2 years, or both.

(3) Nothing in this section may be construed to authorize the imposition of any penalty for failure to implement the Code of Conduct.

APPLICABILITY TO EVASIONS OF ACT

SEC. 604. 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.

CONSTRUCTION OF ACT

SEC. 605. Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in this Act.

STATE OR LOCAL ANTI-APARTHEID LAWS, ENFORCE

SEC. 606. Notwithstanding section 210 of Public Law 99-349 or any other provision of law—

(1) no reduction in the amount of funds for which a State or local government is eligible or entitled under any Federal law may be made, and

(2) no other penalty may be imposed by the Federal Government,

by reason of the application of any State or local law concerning apartheid to any contract entered into by a State or local government for 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes.

Before the gentleman from Florida is recognized, would the gentleman from California [Mr. DIXON] take the chair.

The SPEAKER pro tempore (Mr. DIXON). The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the matter which I bring before the House today is intended to assist in the formulation of a bipartisan United States policy toward South Africa, encouraging that Government to dismantle its system of apartheid.

During the 99th Congress, the House has passed several bills imposing sanctions on South Africa—none have been enacted into law. By approving the motion which I offer today, we have a real opportunity to have United States policy toward South Africa enacted into law. Both Houses of Congress have recognized the need for a change in U.S. policy. The motion I offer today is intended to bring about a change in that policy.

On June 18, the House passed a strong sanctions bill, H.R. 4868. The Senate amendment to that bill, while not as strong as the House bill, is a good bill. It will send a strong bipartisan message to the Government and people of South Africa.

I know many Members would like to strengthen the bill. It is important for the Congress to send a strong message South Africa but it is equally important to send a message which has the support of both Houses. In light of the shortness of time remaining in this session and in light of the need to expedite sending this important legislative policy initiative to the President, H.R. 4868, as amended by the Senate, is the most appropriate vehicle at this time.

Let me briefly discuss the resolution contained in the rule, House Resolution 548. During the debate on this matter statements were made that this legislation preempts State and local anti-apartheid laws. The resolution House Resolution 548 simply states that it is not the intent of the House of Representatives that this bill limit or preempt State of local financial or commercial activity respecting South Africa.

Mr. Speaker, I urge adoption of the motion.

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

(Mr. BROOMFIELD asked and was given permission to revise and extend his remarks, and to include extraneous materials.)

Mr. BROOMFIELD. Mr. Speaker, in the face of a steadily deteriorating situation at home, and an increasingly united opposition abroad, the South African Government continues to cling to the debilitating system of apartheid. Let no one claim that there is confusion on this point: The Congress, the administration, and the American people deplore the system of apartheid and the human toll that lies in its wake.

Today, the House considers whether or not to accept the Senate amendment to H.R. 4868, the Anti-Apartheid Act of 1986. This amendment, of course, is substantially different from the bill passed by the House in late June. I believe it is a better bill than the more extreme legislation passed by the House. However, in my judgment, the House should have appointed conferees to work out the differences in the respective bills with our Senate colleagues. I believe that many constructive changes could have emerged from a conference.

□ 1105

However, the Democrat leadership in the House has apparently chosen to accept in its entirety the Senate bill.

I want to say, Mr. Speaker, in fairness, there are a number of aspects of this bill before us that will, if enacted, do a great deal of good. For example, title II contains provisions earmarking funds for scholarships for the victims of apartheid. It sets forth guidelines for assistance to disadvantaged South Africans. It earmarks funds for the promotion of human rights and takes steps to encourage blacks to use Export Import Bank facilities.

In addition, it does not require disinvestment, but requires U.S. companies to comply with a rigorous set of fair employment principles.

These are positive actions that provide assistance to nonwhite South Africans while maintaining numerous benefits to the black majority associated with the presence of the American business community in that country.

In other titles, the bill clearly sets forth U.S. policy toward South Africa. It calls for negotiations to reach international agreements incorporating sanctions against South Africa. Lastly, it prohibits after 90 days, the enforcement of State and local anti-apartheid laws with respect to contracts funded in whole or in part by the Federal Government.

Mr. Speaker, it seems to me in response to this latter point that our Democrat colleagues included in the rule we just adopted a most unusual and probably unconstitutional provision. Section 2 of the rule provides that upon adoption of H.R. 4868, the House shall be considered to have adopted a House resolution containing a statement of intent of the House regarding the issue of preemption. Mr. Speaker, this is a highly unusual and alarming procedural twist which appears to attempt to reshape the bill passed by the other body without going to conference. The language of the rule appears to try to rewrite our Constitution to allow States and localities to independently conduct their own foreign policies.

I want to conclude by saying it is unfortunate that this unusual procedural situation has developed. It can only jeopardize the bill's acceptance by the President. The White House has notified me this morning that the President is strongly opposed to enactment of this legislation in its present form.

Mr. WOLPE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. LELAND].

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

Mr. LELAND. Mr. Speaker, today we are considering legislation that will put the United States on the legislative record against the continuation of South Africa's brutal and oppressive policy of racism.

Unfortunately, the legislation before us today is not as comprehensive as the legislation passed earlier by this body on June 18, 1986, which would have put an end to all United States investment in and trade with South Africa.

South Africa is the only country in the world that judges how much freedom, justice, or property a person is entitled to strictly on the basis of his or her color. After decades of this racial oppression by the minority government in Pretoria the American public—and many in the world community—has now developed a clear and unequivocal abhorrence to the continuation of apartheid and any action, or inaction, on the part of the United States that could in any way support the maintenance of this hideous and violent policy.

There has been some difference of opinion among Members of Congress on the effect of the implementation of economic sanctions on Pretoria's continuation of apartheid. Yet there are many, and the number is steadily growing, who believe that apartheid has been allowed to exist far too long and the only nonviolent action that will help facilitate the demise of that hideous policy is the implementation of economic sanctions.

The bill before us today is an initial step to legislatively demonstrate to South Africa and the world our great Nation's strong disapproval of apartheid. Although I would have liked to see this bill strengthened in conference, I recognize the political realities and time constraints of Congress and the White House. People in South Africa are dying every day. The United States cannot morally and politically afford to support our current political and commercial relationship with South Africa. It is for this reason, that I reluctantly support this legislation which has a strong chance of becoming law soon rather than fighting now to achieve a definitive anti-apartheid bill that would not pass the other body or be signed by the President.

I was very concerned, however, over the other body's statutory silence on the question of Federal preemption over more stringent and comprehensive local and State anti-apartheid ordinances and laws already approved by about 20 States and 80 cities. Because of my concern not to negate the results achieved by millions of Americans on the local and State levels, I actively worked with other Members of the Congressional Black Caucus to ensure that the rule for consideration of this bill would explicitly state this body's intention not to preempt local and State anti-apartheid ordinances. The inclusion of this language in the rule already adopted by the House helps us establish a legislative history of our intent not to preempt the advances against apartheid made on the local and State levels. I would like to reiterate the wording of that rule at this point in my statement:

Resolved, That in passing the bill, H.R. 4868, as amended by the Senate, it is not the intent of the House of Representatives that the bill limit, preempt, or affect, in any fashion, the authority of any State or local government, or the District of Columbia, or of any commonwealth territory, or possession of the United States, or political subdivision thereof to restrict, or otherwise regulate any financial, or commercial activity respecting South Africa.

Although this does not ensure the retention of the significant gains made by Americans across our great Nation, it does allow us to go on the record stating our intention not to supersede local and State anti-apartheid ordinances and laws.

The inclusion of this language in the rule is significant in protecting the strides already made in the struggle to end apartheid.

I, therefore, rise in support of the measure before us which I am hopeful will become law soon and help accelerate the collapse of apartheid in South Africa. Thank you.

Mr. WOLPE. Mr. Speaker, I yield myself 6 minutes.

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

Mr. WOLPE. Mr. Speaker, the legislation that is before us would impose tough, effective sanctions against

South Africa; sanctions which would enable American policy to turn away from the failure of so-called constructive engagement.

The bill is not as strong as the original House version, and not as strong as many of us had hoped for. While the legislation does not go as far as we would have liked, there is no quarrel that it is effective and that House passage of its original legislation, in the form of the stronger substitute offered by the gentleman from California [Mr. DELLUMS], has played a key role in moving this process forward to where we are today.

I want to pay tribute to the gentleman from California [Mr. DELLUMS], the gentleman from Pennsylvania [Mr. GRAY], the author of the original House version of the legislation, and to so many others such as Mr. SOLARZ, Mr. WHEAT, Mr. LELAND, Mr. FISH, Mr. MILLER, Mr. ROEMER, and Mr. GILMAN, all of whom have had a key role in providing the leadership to the anti-apartheid movement nationally and within this body.

H.R. 4868, as amended by the Senate, bans imports of textiles, agricultural products, coal, uranium, and steel from South Africa, as well as any products produced, manufactured, marketed, or otherwise exported by South African para-statal agencies. It bans virtually all new investment of U.S. dollars in South Africa, and the overwhelming majority of new loans.

It ends landing rights for South African-owned aircraft in the United States, and vice versa. It contains a number of lesser sanctions, including legislative codification of the sanctions contained in the President's Executive orders of September 9 and October 11 of 1985.

Furthermore, the sanctions may not be lifted unless and until South Africa meets four of five stiff conditions aimed at fostering a negotiated political settlement with the representatives of the black majority and the dismantling of the apartheid system.

Finally, the bill threatens further sanctions within a year if the South African Government has not made substantial progress in ending apartheid and establishing a nonracial democracy.

Mr. Speaker, as chairman of the Subcommittee on Africa, I want to state my own view that there is nothing whatever in this bill that seeks to preempt or supersede State and city laws and policies which seek to ensure that the funds of those entities are used and invested in a socially responsible manner with respect to apartheid. In this regard, I would like to insert in the RECORD an excellent editorial by Gerald Warburg, foreign policy adviser to Senator ALAN CRANSTON, which was published in today's Los Angeles Times:

[From the Los Angeles Times, Sept. 12, 1986]

DIVESTITURE WILL SURVIVE

(By Gerald Warburg)

Will the South Africa sanctions legislation pending in Congress undermine California's new anti-apartheid law? Can federal authority require local governments to profit from apartheid against their will?

The answer to both vexing questions is yes, according to proponents of a sweeping federal preemption doctrine recently advanced by Sen. Richard G. Lugar (R-Ind.).

The specter that enacting the pending congressional measure on anti-apartheid trade sanctions would strike down broader state divestiture legislation has alarmed grass-roots activists. At stake is the fate of as many as 20 state statutes and more than 80 city and county regulations that address the South Africa issue.

There is valid reason for concern when one hears the views of Lugar, the respected Foreign Relations Committee chairman: "When we get into anti-apartheid law, the federal government is speaking for the nation . . . we cannot have individual states and cities establishing their own foreign policies."

Lugar rests his case on the presumptive constitutional grant of federal supremacy in international affairs, and concludes that any federal legislation on South Africa—no matter how limited its scope—preempts all state legislation on the matter.

But before the activists' concern turns to panic, the full record needs to be scrutinized. There is no reason for California to back away from the strong measures adopted in Sacramento. Lugar's is a minority opinion—one unlikely to prevail if pressed in a legal challenge.

"When I use a word, it means just what I choose it to mean," says the Queen in "Alice In Wonderland." So it often is with lawmakers struggling to place their own interpretation on legislation during the drafting process. Lugar currently is advancing his own preemption thesis as a selling point to persuade the White House and corporate leaders to live with the Senate bill, which Lugar maintains would at least get local authorities off their backs on the emotionally charged South Africa issue.

Yet the "Lugar bill" actually is a cut-and-paste job of legislation drafted by a half-dozen senators. These co-authors utterly rejected Lugar's interpretation, as the following statements culled from the long and tortured legislative history of the South Africa debate illustrate.

William Proxmire of Wisconsin, senior Democrat on the Banking Committee: "We have no intention of preempting state divestment laws."

Alan Cranston of California, Democratic floor manager of the measure: "Courts always recognize the distinction between the state as market participant and the state as a market regulator . . . we have no intention of compelling sovereign states to invest in companies that they do not wish to invest in."

Edward M. Kennedy of Massachusetts, senior Democrat on the Judiciary Committee: "The law is clear that this legislation will not preempt the kind of state and local action against apartheid that has occurred throughout this country."

Advocates of total preemption make much of a vote last month against an amendment by Sen. Alfonse M. D'Amato (R-N.Y.). But this amendment pertained only to a special contracting issue (whereby federal funds for New York City might be withheld if local authorities, acting against companies still in

South Africa, ignored U.S. civil-rights and budget laws requiring acceptance of low-bid contracts). D'Amato said explicitly that this debate "had nothing to do with divestiture."

Those who wish that the federal legislation explicitly preempted local divestiture have failed to win their point in the congressional debate. The only effort to legislate a total ban on state laws pertaining to South Africa, an amendment introduced by Sen. William V. Roth Jr. (R-Del.), was withdrawn in the face of very strong opposition. The final legislative product has no substantive provisions whatsoever on preemption. And it is totally silent on the divestiture issue. This is grasping at straws to maintain, as Lugar has, that the bill "occupies the field" on all South Africa-related matters.

While Lugar is correct that the Constitution yields supremacy to Washington in conducting foreign relations, the Supreme Court has defended repeatedly the right of states to manage their own funds—even if their trusteeship involves choices affecting international affairs.

As is often the case, Washington lawmakers have followed, not led, local governments, churches and university activities in addressing the South Africa issue. The federal courts are unlikely to sustain an illogical assertion that congressional action, which imposes trade sanctions but is silent on divestiture and preemption, could force states to keep their IBM stock. Yet, because of the stir created by Lugar's assertions, proponents of sanctions will move to enact new provisions that would make the case for total preemption legally untenable.

The bottom line is that local authorities already have a clear legal right (and moral obligation) to exercise discretion in how they invest their money. While a minority may wish that the emerging federal law would immobilize grass-roots action, wishing isn't going to make it so.

There are over 19 States, 68 cities, and 10 counties whose total divestment from securities of companies with operations in South Africa already amounts to some \$18.5 billion and many other States and localities are considering similar action. Among the leaders in divestment are my own home State of Michigan, New Jersey, West Virginia, Nebraska, Rhode Island, Connecticut, New Mexico, and, most recently, California.

In passing their bills, they do not seek—these municipalities and State governments—to regulate the activities of other private or government entities. These bills are therefore markedly different from the bill we will be voting on today. They do not violate any express constitutional mandate, treaty, executive agreement, or with the possible exception of rules governing bidding for Federal contracts, any Federal statutes.

If anything, they are consistent in principle with the national policy toward South Africa, and apartheid, articulated in the provisions of this bill.

I would also note that in many respects, the bill now before us is very similar to the bill passed by this House last year, the first session of this Congress.

If you go back to that debate, you will note that there was not a single suggestion made in the entire course

of that debate by Members of either side of this aisle that the legislation has anything to do whatsoever with an effort at preempting or superseding State and local laws.

In closing, Mr. Speaker, I want to make a special plea to the President. Please, Mr. President, heed the overwhelming bipartisan consensus that exists in this Congress and among the American people.

We, the Congress, are saying by the passage of this legislation that we do not want America any longer to be an accomplice to apartheid. We are also saying to the South African Government that they must understand that their hope of maintaining the system of apartheid in place, their hope of preserving minority rule in South Africa, is pure fantasy.

That their delay in negotiating with the credible black leadership, their delay in freeing Nelson Mandela, and unbanning the African National Congress, and entering into direct negotiations with the ANC and other representative groups within South Africa, will meet only with increasing economic pressure and growing international isolation.

Mr. President, throughout the world, people are puzzled by how different our approach has been to South Africa and to other cases of oppression and inhumanity around the world. They see how the United States has responded in the cases of Nicaragua and Cuba and Afghanistan and Poland and Libya and by contrast that with the way we have responded in South Africa.

There is a perception that we are pursuing a double standard, and it is that perception that is eroding America's moral authority and political influence around the world.

Mr. President, do not resist this sanctions effort. Instead, please use the influence and authority of your office to reinforce the bipartisan national consensus that is being expressed by the passage of this legislation by this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, 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.)

□ 1115

Mr. MILLER of Washington. Mr. Speaker, this is a constructive and responsible measure. This legislation, which enjoys the overwhelming support of both Houses of the U.S. Congress, is the strongest message yet that the American people want substantial progress toward ending apartheid now. This action makes clear our position on apartheid today as it preserves our hopes for the future of democracy in South Africa.

I believe this is an appropriate message to come from the United States.

As the leader in the struggle for freedom and democracy in the world, as the leader in the fight against Communist oppression, we must be vigorous in our opposition to racist and political oppression.

The worldwide yearning for freedom and self-determination demands no less of us.

I am especially pleased, Mr. Speaker, that this measure expands on the positive approach I suggested over a year ago and which was adopted by this House. That is the linking up with and supporting groups working for democracy and a peaceful end to apartheid. I thank the gentleman.

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

Mr. WOLPE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. GRAY].

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

Mr. GRAY of Pennsylvania. Mr. Speaker and colleagues, I rise today in support of the resolution before us. I would have welcomed the opportunity to go to conference to strengthen this legislation, because I believe the position taken by the House was the correct position in light of the increased oppression and tyranny of apartheid that we have seen in the last 18 months. But unfortunately, we do not have the opportunity to go to conference and yet at the same time ensure that there will be a sanctions bill that can be signed into law, and the Congress can have the opportunity to vote on whether or not to override a Presidential veto. Thus, even though I would have preferred the House position, I rise today to urge all of my colleagues to support this resolution.

I do so with mixed feelings, because many of the provisions of this resolution which were written by the distinguished chairman of the Committee on Foreign Affairs of the other body, a Republican, I might add, were provisions that we wrote 5 years ago: No new investment, no bank loans, fair employment practices.

Clearly the situation in South Africa has progressed far beyond where it was 5 years ago. Thus, we need a more powerful signal, a more powerful restriction of the economic fuel for the political engine of apartheid.

However, in the interest of getting sanctions passed which would clearly show to the 28,000,000 black majority that we stand with them, will clearly say to our allies we want to restrict economic activity with the racist regime and at the same time put us strategically and morally in the correct position on human rights, I urge my colleagues to support the resolution before us.

This bill will maintain pressure on South Africa. It is not designed to knock down the economy of South Africa. It is perhaps designed to knock some sense into the Botha regime and

apartheid. It is not going to bring about startling change overnight, just as our sanctions against Poland, Libya, Nicaragua, Afghanistan, and 16 other nations have not brought startling change.

But what it will say to the entire world is that the American people do not want to provide economic support for apartheid. It is important that we collectively, bipartisanly say that. We were willing to light candles for those oppressed in Poland. If we pass this legislation, and if we are willing to override a veto, today, we will light a candle for those oppressed in South Africa as well. That is the position that this great democracy should have in the world.

We must not simply talk about democratic values, but we must implement them as we have done in other places in the world.

There are those who will say, "Sanctions do not work." Well, why is it we have them in 20 other countries in the world? They will say, "Sanctions hurt, they hurt the very people you are trying to help." Well, interestingly they never said that in Poland, they never said it in Iran, they never said it in Afghanistan, they never said it in Kampuchea, or North Korea. So why have that as the standard in South Africa?

But more importantly, they overlook the one important fact of racism in South Africa—sanctions may hurt, but apartheid kills.

Right now, as we debate, there are people who cannot even bury their dead who have been killed by the violence of Apartheid.

So, yes, there may be some pain. Bishop Tutu has acknowledged that and Reverend Boesak has also acknowledged that.

When I was there with my colleague, Congressman FAUNTROY, and Congresswoman LYNN MARTIN from this Republican side of the aisle, in January, even the labor leaders said, "Yes, restrictions will hurt, but we are prepared to endure that hurt if it means that our day of liberation and freedom may come closer because you raise the cost of apartheid for the minority who is living off of our oppression."

So, yes, sanctions may hurt but, remember when you vote today that apartheid kills.

Therefore, I urge you to vote so that we can stand with those oppressed.

Let us pass this measure and send it to the President of the United States and then override his veto if he will not lead a bipartisan consensus of the American Congress.

The SPEAKER pro tempore (Mr. DIXON). The gentleman from Florida has 16½ minutes remaining and the gentleman from Michigan [Mr. BROOMFIELD] has 24 minutes remaining.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE].

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

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

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

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, like all people should, I abhor apartheid but I rise in opposition to this legislation, although I am certainly under no illusions about the eventual outcome of the vote we will be taking today. And I do feel compelled to make a few remarks.

That additional sanctions are going to be imposed on South Africa seems beyond doubt. But what is equally beyond reasonable doubt is the fact that sanctions can only make a bad situation even worse. Throughout the several years that Congress has debated sanctions against South Africa, not one concrete argument has been produced in support of the contention that a de facto disengagement of American involvement in South Africa holds out the promise of anything better for that country.

A recent editorial in the Wall Street Journal declared that congressional advocates of sanctions against South Africa have seemingly embraced "the strange idea that economic collapse will somehow confer unity and true democracy" in such an extremely diverse and racially divided country.

I would suggest that South Africa defies neat and easy categorization. It is a country possessing attributes of both the first world and the Third World. And the salient reality about Southern Africa as a whole is that the political, social, and economic fabric of that region is such that sanctions or punitive actions taken against South Africa will also spill over into each of the neighboring countries. And all of this will take place with no likelihood that the apartheid system will be in any significant way either changed or done away with.

A recent editorial in the Washington Post suggested that many advocates of sanctions against South Africa are only now—somewhat belatedly—coming to the realization that sanctions against one country in Southern Africa really mean sanctions against all countries in that region.

The editorial went on to make the even more ominous observation that the South African Government, for its own perverse reasons, may even welcome such pressure in order "to show it can endure Western sanctions and dish out tougher ones itself." In fact, South Africa has already started with Zimbabwe and Zambia.

South Africa has begun demonstrating just how steep the cost of sanctions can be by recently levying an import tax on all goods bound for Zimbabwe and Zambia that traverse South Africa. According to the new regulations, importers in Zimbabwe and Zambia are required to place a cash deposit equal to 125 percent of South African customs duties on all goods bound for those two countries that are being shipped via South African-controlled facilities. Over time, the enforcement of such a requirement can only have a devastating impact on the economies of those two countries.

Throughout the many congressional debates on South Africa, I have always empha-

sized that we must resist the temptation of dealing with South Africa purely from an attitude of malice. And so I approach this vote today with a feeling of profound regret.

We must stand ready to help the South African people achieve change in a manner that does not foreclose their future—the continent of Africa is already littered with the wreckage of too many failed revolutions and ruined economies. Unfortunately, this bill isn't the way to do it.

Mr. Speaker, I would also like to speak to the intent of this bill and any report language concerning outstanding obligations and current investments.

Mr. Speaker, in defining the term "loan" and "investment" in H.R. 4868, our colleagues in the U.S. Senate gave careful thought to the real and practical effect that the imposition of sanctions would have both on South Africa and on the United States. The Senate reached two broad conclusions about the ban on new loans and new investments that are embodied in H.R. 4868: Loans outstanding to South African residents are not prohibited—nor is rescheduling of such loans—and South African business operations of United States companies, including those of United States financial institutions, are not required to be terminated or reduced at this time. These conclusions are based on the sound judgment that imposing extraordinary losses on United States creditors and investors by making them in effect write off all or most of these financial or corporate assets injures those Americans and benefits South Africa: South Africa would continue to have full use of those financial resources and enterprises.

I commend the wisdom of these provisions of the Senate bill.

One of the purposes of H.R. 4868 is to codify the provisions of the Executive orders President Reagan issued last fall with respect to South Africa. To implement those Executive orders, the Departments of Treasury, Commerce, and others issued a variety of regulations. To the greatest extent possible, those regulations should be relied upon in implementing H.R. 4868.

For example, the Executive orders and the regulations issued under them do not bar U.S. financial institutions for making rand-denominated loans to the private sector. This is permitted so long as the making of these loans do not involve any transfers of new funds by the financial institution to its South African subsidiary. This practice of redeploying local assets is fully consistent with the ban on new investment contained in this bill.

Mr. CRANE. Mr. Speaker, once again the House of Representatives has the opportunity to stop an emotionally driven legislative effort that will have the unfortunate impact of hurting the very people that it is trying to help—the blacks in South Africa. While from a moral standpoint this legislation certainly has a commendable objective, the sad reality is that it will not help to bring about a peaceful change in South Africa. In fact, it is likely to do just the opposite, further adding to the unrest and violence that already plagues that country. Consequently, each of us will have to live with the fact that the black

South African will suffer to pay for our moral crusade. I, for one, do not want to live with that burden.

Repeatedly during the debate on the House sanctions bill, I heard proponents of the bill claim that the blacks in South Africa are willing to suffer to bring about an end to apartheid. That is easy to say from the comfort of a Capitol Hill office, but a recent Sunday Times—London—poll of 615 blacks throughout South Africa, indicates that nearly two-thirds are opposed to suffering and violence as a means to end apartheid. Furthermore, the polls revealed the 44 percent of the blacks surveyed thought they would be hurt personally by sanctions, as opposed to only 17 percent who thought they would not be hurt. Clearly then, those who claim that the blacks are willing to suffer the consequences of our sanctions are not representing the people who will do the actual suffering.

Those factions that support unrest and violence in South Africa as a means to end apartheid are also the very ones that stand to benefit from the turmoil that would accompany the fall of the Government. My fear is that the United States will act unwisely, and as a result, we will deliver the people of South Africa to a future which promises only the tragic shackles of economic chaos, civil war, and Soviet dominated totalitarianism.

The Reverend John Gugucha, director of a private black religious outreach program in South Africa, recently warned that "one man, one vote" in South Africa would lead to totalitarianism as it has in other African nations. "We have all seen what has happened in other African states," said Mr. Gugucha. "It's one man, one vote—once. Government by the majority tribe and then the minority tribes have no snowball's chance in hell of coming to power." Without exception, no Member of this body could possibly want to be responsible for condemning all South Africans to such a bleak and hopeless future. However, economic sanctions may well do precisely that.

Mr. Speaker, over the years I have warned proponents of economic sanctions against South Africa of the likely impact of such sanctions on South Africa, the neighboring African states, and on the United States. I have repeatedly cited black leaders in South Africa, such as Lucy Mvubelo of the black National Union of Clothing Workers and Chief Buthelezi of the Zulus, who genuinely believe that economic sanctions will only add to the unrest and violence, and will ultimately do more harm than good for the blacks in that country. Today I am again raising my concerns, this time citing a liberal member of the South African Parliament as my source.

Helen Suzman was first elected to the South African Parliament in 1953. As an opposition member of parliament, she has long been an articulate and outspoken critic of the Govern-

ment's policy of apartheid. Although she is morally opposed to the system of apartheid, as am I, she warns:

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse within a short time thereafter, are sadly misinformed * * *. Far more likely is a retreat into a siege economy, more oppression and more violence.

Based on this fear, Mrs. Suzman concludes:

Unpalatable as it may seem to the sanctions lobby, the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy.

In spite of the warnings from within South Africa, by pressing forward with economic sanctions against South Africa, we will again fall victim to the arrogant philosophy that "the U.S. Government knows what is best for your country despite what you might think otherwise." In the meantime, sanctions will surely reverse the progress that the Government of South Africa has recently made. This progress can be in part attributed to the positive example set by United States firms engaged in business in South Africa.

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.

For these very reasons, and in the face of warnings from a wide array of prominent South Africans, black and white, liberal and conservative, it remains a mystery to me why United States legislators still feel a need to take the moral high ground and impose severe sanctions against South Africa. Congress should carefully evaluate the action we are about to take before we realize Reverend Gugucha's ominous prediction that:

As soon as the American people impose sanctions, they will pat themselves on the back and turn their attention to other trouble spots in the world, and blacks in South Africa will be left to pick up the pieces.

If you really want to vote your conscience today, do not vote in favor of punitive sanctions which are sure to bring pain and suffering to the very people we are trying to help. Instead, let's work together to bring about a positive and peaceful end to apartheid in South Africa. With determination, and serious consideration as to what will be in the best interest of the people of South Africa, I am confident that we can work out a solution that we will not have to feel guilty and re-

sponsible for in the future. I urge my colleagues to oppose the Senate sanctions legislation.

Mr. Speaker, I submit for the RECORD a letter from Raymond J. Celada, senior specialist in American public law, CRS, Library of Congress.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, September 10, 1986.

To: House Committee on Foreign Affairs;
Subcommittee on Africa. Attn: Steve Weissman.

From: American Law Division.

Subject: Preemption of State and Local Laws by Federal Legislation Respecting South Africa.

Following our conversation earlier today, I discovered that one of my colleagues, Johnny Killian, previously prepared a paper on the above subject in connection with another South Africa sanctions bill. Although it is not dispositive of the present situation, it covers in detail the major points raised during our discussion, including our conclusion regarding the importance of the scope of the eventual federal law and statements made during its consideration. Although isolated statements made by individual members in the course of debate are not given much weight by the courts in determining congressional intent, statements by the chairman of the committee which reported the legislation are considered more persuasive of legislative intent. Accordingly, in light of Chairman Lugar's remarks of August 15, 1986, supportive of across-the-board preemption, and absent any probative contrary evidence a court holding in accord with that conclusion is not an unlikely eventuality. In the circumstances as you described them to me, your only recourse at this time is to fill House consideration of the Senate bill with as many corresponding statements by the chairman and leading spokespersons on South African sanctions and hope that these prove persuasive with the courts. The latter may not tilt the balance against preemption but, given the uncertainties that mine the legal landscape, it gives you a chance, to prevail.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. COATS].

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

Mr. COATS. Mr. Speaker, I rise in support of the bill that is before us today. I think it is a sensible and workable compromise of a very difficult and divisive issue before this Congress. There is no doubt in my mind that the House version went much too far. While disinvestment may have sent the right message, it is the wrong remedy. It works against those that we are trying to help and I think for that reason alone it was good that we adopted the Senate proposal. The Senate proposal is superior because it imposes both sanctions and incentives. The incentives and sanctions work together to provide a carrot and stick approach that I think has the best chance of bringing about a workable solution to the problem that we face. The Senate version is sensible, workable, it recognizes the positive contributions that investment, United States investment in South Africa have brought toward the people of that

country. The incentives provided in the legislation are directed toward those very necessary first steps that the South African Government must take to end apartheid and bring about needed reform. This carrot and stick approach is one that can pass Congress this session. It can impact positively on South African policy this year, and hopefully it is one that can bring about much-needed change in the South African Government.

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

Mr. WOLPE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding.

I thank the Speaker.

Mr. Speaker, several weeks ago to the shock and surprise of many of our colleagues in the House, millions of American people around the country and, I might add, this gentleman, the author of the amendment in the nature of a substitute, the Congress of the United States in a voice vote passed it.

This gentleman suddenly found himself in a very interesting place, the winner of the floor of the Congress on a major issue of our time.

Now I came to the floor with no illusions, Mr. Speaker and Members of the House, and my distinguished colleagues. I thought that we would achieve a significant vote, but I did not come to the floor thinking that it would win; but only coming to the floor to try to fashion a solution, not that I thought that would pass the House of Representatives, be enacted by the Congress of the United States, signed into law by the President; but a bill that I thought would do the job, that is to bring South Africa to their senses.

But lo and behold, by some extraordinary fluke my colleagues found themselves stumbling into integrity, falling into principle and finding themselves on the correct side of history.

For that I thank all of them. But we now find ourselves confronted with a piece of legislation that has some substantial difference from that piece of legislation. I did not have any thought that it would pass, but my hope was that we could move back the fear barrier. Most of us as politicians operate in an incredible atmosphere of fear: "if I take this stance, will my constituents understand? If I take this position, will I be opposed in the next election? What will this do for my future?"

So in enacting what we did, we moved back the fear barrier. Many politicians and people around the country realized that out of idealism many things could happen. I think history would look back upon this moment and they will say that even though we are not at this moment confronted with the bill that we brought, because we had no illusion

about the Senate enacting it, but our hope was to force the Senate to do more than they would normally have done. History will record that we were correct. But a number of things have moved around the country, including the great State of California, a conservative Republican Governor, about the business almost at this very moment of signing into law perhaps the most significant piece of divestiture legislation ever enacted by any State in this entire United States, I think as a direct result of what the House of Representatives did when the smoke cleared and this aggressive piece of legislation had indeed passed the House.

I would like to state clearly and unequivocally, Mr. Speaker, I am not happy about the legislation that comes to the floor.

□ 1130

I am concerned about the issue of preemption. I would have liked to see us go to conference and resolve that problem. I am not happy about the definition of new loans and new investments, that even watered down the version of the bill that was an alternative when our piece of legislation passed.

So there is not a great deal in this bill.

I took the different route. I said, why do we not go to conference and fight for a stronger bill and come up with a piece of legislation whose objective not was simply to pass a piece of paper. Our objective here is not ultimately to pass legislation, but to bring down apartheid in South Africa. And that what we do ought to always be evaluated against that backdrop. And if we believe on principle and integrity, that the legislation did not do that, then we should fight for something stronger.

But that position did not fail, Mr. Speaker. My colleagues felt, and I think it is a very important view, that Mr. Botha and Pretoria should not be able to celebrate as a result of no bill coming through, so that we should keep the momentum. It is out of that consensus that we find ourselves with the Senate bill.

We have now stated the House intent on the issue of preemption, so that is to some extent satisfying. We are now moving forward with some continued momentum of the issue of sanctions that brings us to this moment.

I would like to say that in January, if it is the will of our constituency, we will be back. We will fight again for a stronger piece of legislation, not simply because our objective is to pass a piece of legislation, but to bring significant sanctions that will ultimately bring down apartheid because it is the greatest human rights issue of our time.

In conclusion, Mr. Chairman, I am willing to see this bill go forward, not because it is a satisfactory response to

one of the most terrible situations on the face of this Earth, but it is the only thing that we have at this moment, and it ought to pass to keep the momentum going forward.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana, Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I cannot believe what I just heard, that apartheid is the greatest human rights violation and horrible atrocity of our time. What about communism? What about millions of people who are dying in Ethiopia as a result of communism? I do not understand why we do not talk about that once in a while, but we do not.

But apartheid is repugnant, and I am opposed to it just as your folks are. It should be changed.

But I think we are involved today in an orgy of self-righteousness that is going to hurt the very people that we purport to want to help.

Has anybody been listening? Six hundred thousand South African blacks are going to lose their jobs. They each feed a family of five. That is 3 million people who are going to be without sustenance. The African National Congress that you want to recognize is controlled by the Communists, and the Soviet Union gave them \$8 million in weapons last year. They want violent revolution. Those 3 million people who will not be able to eat or survive without some kind of sustenance, a job, are going to be ripe for revolutionary talk in a very short time. We are playing right into the hands of the ANC and the South African Communist Party and the Soviet bloc.

They want South Africa because of its vital minerals, because it provides a mechanism to strangle the West. Ninety-nine percent of our manganese and 88 percent of our platinum comes from South Africa needed for industry and defense of this country, and yet we are playing right into their hands.

I talked to the Inkatha people in my office yesterday, 12 of them, and they said exactly what I just told you. Not me speaking, the people from the Zulu tribe in Inkatha, 1.3 million South African blacks. It is going to hurt them severely. It is going to hurt the very people we want to help. I do not know if anybody else was listening earlier, but it is going to hurt America, too.

We were elected to represent America. Think about that just a little bit. Ninety-nine percent of our manganese comes from there which is used for steel, which is used for automobiles, which is used for farm implements, things that are vital to industry and economic health in this country. Yet we are going to charge the American people more money for those implements, which is going to cause inflation and possibly a loss of jobs. And the only other place you can get those

minerals in quantity is from, you guessed it, the Soviet Union.

What about our farmers? Did anybody hear that a while ago? Two point seven million metric tons of corn was purchased by South Africa 2 years ago. We cannot afford to lose more markets. Our farmers are in the tank right now. Yet we are going to cut off another market. The South African Government has bought more wheat this year than the Soviet Union has, and they are a cash buyer. Did you hear that?

You go home and explain that to your farmers, to your auto workers, to the people in industry, because it is going to come back to haunt us. People say they will sell us the vital minerals because the bill allows us to buy them. Only 5 percent of their exports are in those minerals. If we embargo the others, they are not going to give us those minerals, and it is going to come back to haunt the United States of America.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. SHUMWAY].

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

Mr. SHUMWAY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I recognize the fact that we have before this body this day a great policy dilemma, one that is difficult for all of us to see a clear way in, and certainly one which is difficult for all Americans. Certainly the impact of the decision made here today will have significant and far-reaching overtones, moral and political and otherwise, not just for this country but for nations around the world.

But as we deliberate this issue, I think there are some basic questions that we should keep in mind, and I would just like to suggest these to Members and perhaps we can think about them as we go through this debate.

The first is, are we giving any recognition to what appears to me to be a strong likelihood that economic sanctions will turn out to be a two-way street? That is when South Africa cuts off the sales of precious metals to the United States and those metals are available to no other country in the world except the Soviet Union. What do we do then. And can there be any question that the South Africans would not so retaliate. I think there cannot be such a question.

Second, Mr. Speaker, I would suggest that we should ask ourselves, do we have any understanding of the impact of sanctions on other nations in the southern African hemisphere? Now we know there are many employees of South African firms that come from Botswana, from Zimbabwe, from Zambia, from other places, even Mozambique. If our purpose is to force the collapse of that South African economy, and I do believe it is in spite

of the protestations of that purpose, do we realize that it is going to take other nations down with it and the implications of those nations falling?

Third, Mr. Speaker, is there any recognition given to the progress made thus far, including the repeal of pass laws? Is there any understanding on our part of measures taken by South African businesses, both American and domestically-owned, to aid the cause of minorities, including application of the Sullivan principles?

Is there any concern about the apparent hypocrisy of our own self-righteous indignation about apartheid when we have not eliminated racism here in our own society? Or how about the irony in this congressionally suggested foreign policy of making great efforts to achieve friendly relations, for example, with Red China while bashing a long-term reliable ally, South Africa.

It seems to me, Mr. Speaker, that these are questions we should have foremost in our minds as we embark upon this debate, and that we would serve our purpose of policy in this country far better by striving to find ways to provide economic incentives for South Africa to help that country build up its economy and provide jobs for those who need them the most and social equality for those who are entitled to it, rather than tear down that economy as this kind of policy will eventually culminate in.

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

Mr. SHUMWAY. I yield to the gentleman from the District of Columbia.

□ 1140

Mr. FAUNTROY. I thank the gentleman for yielding to me.

Mr. Speaker, the gentleman does raise serious questions. First, it is apparent that South Africa will respond by imposing sanctions on the neighboring front line nations. The question is what do we do about it.

The gentleman, I think, does know that the diamonds, the ferro-manganese, the platinum the precious metals that South Africa sells did not stop at the line of the border of South Africa. Those precious metals are available in all the front line nations. But they cannot produce and market them around the world because of the destabilization efforts of the South African Government in bombing and murdering and destroying the trade routes which would allow them to move them out and reduce our dependency upon this racist regime alone for these precious metals.

We ought to think in terms of a supplemental program that would assist the front line nations not only in developing their trade and developing routes, but also in bringing the technology and human resources to extract from the soil those same resources which we so vitally need.

Mr. BROOMFIELD. Mr. Speaker, I yield 30 additional seconds to the gen-

tleman from California [Mr. SHUMWAY] to respond.

Mr. SHUMWAY. I thank the gentleman for the additional time.

Mr. Speaker, I appreciate the gentleman's suggestion and I really think that it goes hand-in-hand with the idea that I expressed in conclusion. That is we should be seeking ways to build up our neighbors and allies in South Africa not to bash them by trying to bring ruin and devastation to their economy.

I made no reference to diamonds but I did feel very strongly about those rare metals that we do obtain from South Africa. We have heard time and again from good authority that if we do not buy them from that nation they are only available from one other source and that is a source that we do not want to trade with. I think therefore that we need to keep that particular effect of sanctions in mind as we go ahead with this debate.

Mr. WOLPE. Mr. Speaker, I yield 4½ minutes to the gentleman from New York [Mr. SOLARZ].

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

Mr. Speaker, I doubt in the short run that this bill will bring an end to the killing in South Africa. I rather doubt that it will result in the abolition of apartheid. I rather doubt that it will lead to the release of the political prisoners in that country, and I rather doubt that it will produce negotiations between the Government of South Africa and the legitimate black leadership of the nation.

The sad truth is that the situation in South Africa is likely to get much worse before it gets much better. But what this bill will do is to make it clear that the United States is on the side of change rather than the status quo. That the United States is not prepared to continue doing business as usual with the apartheid regime in South Africa. That the United States is willing to join with the commonwealth and with the European community and with other industrialized nations around the world in applying additional economic pressure to the racist regime in Pretoria.

This bill will make it clear that the United States has finally abandoned the policy of constructive engagement and replaced it with a new policy of constructive engagement in which we make it clear by deed as well as by word that we are opposed to the apartheid regime in South Africa.

For better or for worse, rightly or wrongly, a situation now exists where our willingness to impose sanctions against South Africa has become the litmus test of the sincerity of our opposition to apartheid. Without the adoption of this legislation, our rhetorical denunciations of apartheid will ring increasingly hollow.

Furhermore, even if this bill is unlikely to facilitate real change in South Africa in the short run, its

adoption is critical if apartheid is going to be abolished in the long run. In the absence of increasing internal and international pressure, the incentives for the Government of South Africa to abolish the apartheid would be de minimis. In this sense, I would recall the words of the ancient negro spiritual, "God gave Noah the rainbow sign, no more water, the fine next time."

I fear that in the absence of legislation like this the accumulated rage and resentment and repression in South Africa will produce a fire that will consume that entire country, the region in which it exists, and perhaps even the world. So I believe that the adoption of this legislation may well be the last, best hope for peaceful change in South Africa.

Those who oppose the bill say that it would hurt the very people that we want to help. I think this is a serious and significant argument. I want to say this morning that if in fact I believe that the black leadership of South Africa were opposed to this legislation, I would vote against it myself. But the fact of the matter is that virtually all of the recognized black leaders of that country are in favor of additional economic pressure against South Africa.

Nelson Mandela favors increased sanctions against South Africa, so does Oliver Tambo, so does the Bishop Tutu, so does Reverend Bosack, so does Dr. Matwana and the Committee of Ten in Soweto, and Cosato and Cusa, the two largest federations of black trade unions in South Africa which represent the overwhelming majority of organized black labor in that country are on record in favor of additional sanctions as well.

The United Democratic Front which represents 700 organizations and over 2 million blacks in South Africa is strongly in favor of increased economic pressure against the Government of South Africa. In view of the fact that the black leadership of South Africa and the black people of South Africa are asking us to impose sanctions against their government and against their country in order to facilitate the abolition of apartheid, I say that it would be politically cynical and morally presumptuous for us to take the position that we know what is in the best interests of the black people of South Africa better than they do themselves.

I say that by voting for this legislation we will be keeping faith with the black majority whom we say we want to help in South Africa, and so I call for the adoption of this bill today.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. PURSELL].

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

Mr. Speaker, I want to compliment the chairmen on both sides. I think that this is a bipartisan foreign policy issue and that there has been a healthy debate over the years on sanc-

tions against South Africa and apartheid. I was an original cosponsor of Congressman GRAY's bill when we introduced the first bill to implement sanctions with regard to apartheid.

I have been to Africa and I do not claim to be an African expert in foreign policy, but I think, in terms of human justice, it is reprehensible that 28 million black people in Africa do not have the right to vote and do not have the right to move around Africa or anywhere else in the world.

I think apartheid is a major human rights issue. I suggest to some people who think that communism is equally as bad how very important it is that the United States takes the right position as a moral leader of the world on moral issues. I suggest that the African nations will look some day to the West or to the East and decide who has been a supporter in terms of constructive policy and who has worked with the African leaders on the economic, social, political, and cultural development of this Nation and this world.

I think the President's policy on constructive engagement really has not worked. I also believe that the Sullivan code is not enough either. I have met with Dr. Sullivan, I know him quite well and I have studied the Sullivan code. I think that is a step in the right direction. In conclusion, I also think this bill is a step in the right direction. I am sure we have more to do, but I ask the President, in all of my humble experience as a Member of this Congress for 10 years, to consider this bill carefully and to look at it favorably. I hope that he has the courage and conviction to say that we should change our foreign policy and support the sanctions issue here. The embodiment of some sanctions that are not that difficult to adhere to hopefully will improve the situation and will abolish apartheid.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ZSCHAU].

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

Mr. Speaker, I rise in strong support of this Anti-Apartheid Act of 1986 passed by the other body on August 15.

Last year, about this time, this body passed the conference report on H.R. 1460. It never became law, but some of its provisions, in fact, most of its provisions were implemented by the President by Executive order.

□ 1150

It was important that we did that last year because it made clear our abhorrence of the policy of apartheid, and that we were willing to back up our talk with actions. It was also important because it began to put pressure on the Government of South Africa.

We agreed at that time that we would monitor the situation and base future action on what occurred in the

intervening period. Although there have been some small steps taken to improve the situation, on balance the situation has deteriorated dramatically. Stronger action is necessary, and we must take that action now. This legislation increases the pressure. It is that stronger action that we should be taking.

But I believe it is a balanced approach. It imposes greater pressure on the Government of South Africa. It has some positive measures to help the lives of blacks in South Africa, and it retains the possibility of United States firms that are Sullivan code-compliant to continue to do work there, to not only help in the lives of South Africans but also to set an example for others.

I believe we should continue to monitor the situation, and those provisions for monitoring are contained in this legislation. Specific objectives are set out. In addition, we should seek the support of other nations around the world to join with us in these stronger actions taken to put pressure on the Government of South Africa in a balanced and responsible way in order to bring an end to apartheid.

Mr. WOLPE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding this time to me, and I congratulate him on this compromise.

I want to assure all my friends that women do not want those diamonds from South Africa. We would rather wear our fake diamonds.

Mr. Speaker, apartheid is the equivalent of nazism. The former Prime Minister, Dr. Verwoerd, the "architect of apartheid," said, and I quote: "Any further admission of Jews into South Africa will lead to the defiling of our white race."

There is strong evidence that these laws in South Africa were derived from the Nazi Nuremberg Laws. If you look at them, you will see that the race laws of South Africa prevent the nonwhite races from interbreeding; inhibition and limitations with regard to nonwhite races from employing or giving orders to whites; and the laws which deprive the nonwhite races of citizenship and of political rights and most civil rights in this land which is devoid of human rights.

The least we should be doing, Mr. Speaker, is passing this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield 1½ minutes to the gentleman from Louisiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Speaker, I rise in support of the bill before us, and I would take the time to ask a few simple questions.

Should our country bar trade with and take the profit out of apartheid? Yes. Support the bill.

Should we in the Congress stand mute and allow this administration to continue its policy of so-called constructive engagement? No. The record clearly shows that this administration will continue to honor the economic contract with South Africa while ignoring the moral contract with its citizens. Support the bill.

Will the policy of sanctions outlined in this bill be imposed without risk or pain? Of course not. But inaction is more risky to America and to South Africa and, in the long run, more painful to both. Support the bill.

Finally, unlike most Members, I grew up on a farm in the deep South during the fifties and saw a great region and a decent people attempt to finesse and temporize the horror of apartheid, using all the economic arguments and seemingly practical arguments utilized by the Government of South Africa and this administration. From personal experience I can tell you there is no turning back, no temporizing. We cannot knowingly continue to do business with a nation that treats a majority of its citizens like animals. Support the bill.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I rise in support of the bill, but I think it needs to be understood that those of us who are supporting this bill come from different perspectives on it from time to time.

I rise in support of a unified, coordinated, and comprehensive approach to foreign policy toward South Africa. That is what is contained in the bill that was brought to us by the other body.

The other body's specific intent in that bill was to keep the rest of the country; namely, State and local governments, and so on, from formulating their own foreign policy. Rather, their intent was to bring our whole foreign policy together in a coordinated kind of effort.

I think that is right. I think as this Nation expresses itself to the world, we ought to do it through the voices of the elected Representatives of this Congress, and that is the intent of the bill that we have before us. Many of us who support that bill are in fact supporting that approach to the foreign policy of this Nation, and I think it is extremely important that we understand that that is our intent.

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

The SPEAKER pro tempore [Mr. DIXON]. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

The Chair wishes to state that the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from Michigan [Mr. WOLPE] both have 6 minutes remaining.

Mr. WOLPE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MITCHELL].

[Mr. MITCHELL asked and was given permission to revise and extend his remarks.]

Mr. MITCHELL. Mr. Speaker, as a citizen of a nation born in revolution, as America was—we tend to forget that—I am proud to be a supporter of this legislation.

In 1960, when America came to grips with the ugly racism in this Nation, whether we liked it or not, whether we wanted to or not, we assumed the moral leadership of the world on the issue of a color bar, and it is for that reason, and that reason only, that nations around the world were puzzled and hurt and pained and disillusioned when our Government by word and deed supported the racist regime in South Africa and thereby kept millions of black people living out their lives in humiliation and degradation.

Is it any wonder that those black men and women in South Africa raised the question: How many years can a mountain exist before it is washed to the sea? How many years can some people exist before they are allowed to be free?

Mr. Speaker, these are the waning days for me in this Congress, and I feel proud of the action that this House will take. I will respect you forever for it, and I will respect you when you override the Presidential veto of this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

Very little mention has been made today of what the President's position is. He has stated continually that he is diametrically opposed to apartheid, but he believes that if we pull stakes and run, we are going to end up hurting the people we want to help very severely. He thinks we should stay in there and work and not cut and run, as he has said in the past.

One of his quotes is this: "If post-apartheid South Africa is to remain the economic locomotive of southern Africa, its strong and developed economy must not be crippled. Therefore," he said, "I urge the Congress and the countries of Western Europe to resist this emotional clamor for punitive sanctions."

And make no mistake about it, the South African sanctions contained in the Senate bill are punitive. For example, the Senate bill, as I said before, will ban the import into the United States of South African agricultural commodities and products. The impact on black employment in the agricultural area alone will be 446,000 jobs.

Banning the import into the United States of South African coal, iron and steel will have an impact on blacks of 145,000 jobs. The impact on the people that it will feed is 725,000 workers and their families. It is 2.2 million from agriculture alone, and we are not mentioning the other areas that are con-

nected with those industries. The bottom line is that more than 600,000 jobs will be lost, and the livelihoods of more than 3 million blacks will be affected.

As I said before, we are playing right into the hands of the South African Communist Party. The African National Congress is controlled by the Communists, and I believe we are setting the stage for a major, major disaster in South Africa by the actions we are taking here today.

□ 1200

Mr. Speaker, I urge my colleagues to reconsider their actions. I know this thing is on rails and it is probably going to pass overwhelmingly, but I wish you would really think of the ramifications to the people we are trying to help and to the people of the United States as well.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. CONTE].

[Mr. CONTE asked and was given permission to revise and extend his remarks.]

Mr. CONTE. Mr. Speaker, on June 18, I stood in this well and pleaded with my colleagues to support disinvestment as the last best hope to avoid a potential bloodbath in South Africa. Shortly after that speech, I put my money where my mouth is. I divested my portfolio of all stock of any company doing business in South Africa and, Mr. Speaker, it is going to be a hell of an expense, too.

Today we have an opportunity to vote for a Senate package that does not go far enough, but it is another step forward. I would prefer that today's vote be on sending a disinvestment package to the President, but that is not the reality. But we do have a sanctions package that puts the weight of this great country behind the effort to eliminate the evil and immoral system of apartheid. Sanctions hurt, you bet they hurt. But apartheid kills, and black leaders throughout Africa—including Archbishop Tutu, the United Democratic Front, and others—are calling for sanctions as the last defense against a holocaust of profound proportion in South Africa.

I urge my colleagues to vote for this bill, and I also urge that others join me in taking their own actions to convey their total opposition to apartheid by divesting stock they may hold.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, and my colleagues, on Thanksgiving evening in 1984 I took an action, together with a couple colleagues, Randall Robinson and Mary Francis Berry, that was a tribute to the wisdom of the Founding Fathers. They recognized that there might come times in the course of our de-

mocracy when the body politic might not respond to the legitimate concerns of even one citizen, so they guaranteed to us the right of peaceful assembly to petition the government for addressing grievances. When we have done that effectively in this country, it has done two things. It has raised consciousness and it has pricked the consciousness of the American people to take action.

I want to thank you all for responding to the legitimate concerns of millions of Americans, that we come down on the right side of this issue.

I urge, therefore, support for this measure, albeit weaker than that which ought to be done, as another step toward the elimination of this heinous system of apartheid in South Africa.

We in the Congressional Black Caucus look forward in the next Congress to providing other alternatives to strengthen the will of the coalition of consciousness around this world that this issue and this system be dismantled.

I thank the gentleman for yielding one minute of his precious time.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise today in strong support of the Senate's amended version of H.R. 4868.

Though this measure is not strong enough and not as strong as I would prefer, it is a step forward. The values of our country which we should seek to express in our policy toward South Africa are equality, freedom and justice for all men and women.

South Africa's brutal system of apartheid threatens the very core of those values. Racism is in direct conflict with these basic values. It is an evil which we have fought long and hard to rid ourselves of in this country, and as has been said before, we are still fighting it in this country and to be true to those values here at home we must be true to those values throughout the world.

The Government of South Africa is intent on continuing its practice of organized racism. A country like the United States, whose Constitution is based on equality for all cannot subject itself to continuing a relationship as usual with such system. By not having a strong, well defined policy with regard to South Africa, we are in effect, condoning that country's racist behavior.

The President's Executive order does little more than dance around the issue. Since the order was issued last year, Pretoria has stepped up its intimidation of the black population in South Africa. People are taken from their homes for no reason at all. Many families have no idea where their loved ones are, or even if they are alive. Hundreds are tortured and brutally killed. In light of this increase in violence, it is unconscionable that the

President would reissue his same do-nothing policy.

What does the President think his Executive order accomplishes? It surely does not express this country's values, and obviously has not put enough pressure on South Africa to force that country to abandon its racist practices.

Unlike the President's weak policy the Senate measure will raise the cost of South Africa practicing its policy of apartheid. It must be made clear, that the United States abhors apartheid and that if South Africa continues to practice these policies, they will totally alienate the rest of the world.

Again, this measure before us today is not as strong as I would prefer. However, the provisions contained in the Senate version would let Pretoria know, that the United States is committed to the total elimination of apartheid. Approval of this measure will let South Africa, as well as the rest of the world know, that the United States is committed to upholding those values on which our country is based, equality for all of mankind.

It is not time, as the gentleman from Louisiana said, to temporize or rationalize. It is time to act. It is time to act now. Vote for this bill and vote against the override when and if it comes.

Mr. BROOMFIELD. Mr. Speaker, I think we have had a very good debate on this subject. I think the House is obviously prepared to vote.

I want to indicate that my understanding from a phone call this morning from the White House is that the President does not like the bill in its present form. It is a clear signal, at least to me, this gentleman from Michigan, that he intends to veto the bill.

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

Mr. BROOMFIELD. I am glad to yield to the gentleman from New York.

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of the pending motion, a motion to agree to the Senate amendments to the bill and sending the South African sanctions legislation to the President without the possible delay of a House-Senate conference.

Mr. Speaker, the South African Government simply must be placed on notice that it cannot expect to carry on "business as usual" with the American people while a state of emergency continues and scant progress is made in the move toward powersharing in that country. This bill sends a strong signal reflecting the attitude of the American people toward the system now in place in South Africa. Just as we have sanctions in place against Nicaragua and the Soviet Union, against Syria and Iran, we should exercise this peaceful weapon of economic sanctions as a means of attempting

to influence the policies of another nation.

These sanctions include termination of the South African Airlines' landing rights, prohibiting importation of materials from South African Government-owned or controlled corporations, banning the importation of textiles, uranium, iron and steel, coal, and agricultural products. It bars new United States loans to South African businesses—except those owned by black South Africans. In addition to other important sanctions, it states that United States policy will be to impose more sanctions if South Africa does not make substantial progress toward ending apartheid in a year.

Mr. Speaker, this is a balanced, thoughtful piece of legislation.

A conference might result in some marginal improvements, but they would not be of any critical nature. It is important to take the opportunity presented to us to pass this bill now, without further delay. Accordingly, now, I urge my colleagues to vote in favor of the motion now pending.

Mr. BROOMFIELD. Mr. Speaker, I am sure, regardless of what happens today, we hope this bill does pass and it will do something to improve the situation in South Africa and that everyone will be much better off for it.

Mr. WOLPE. Mr. Speaker, to close the debate, I yield such time as he may consume to our distinguished Speaker, the gentleman from Massachusetts [Mr. O'NEILL].

(Mr. O'NEILL asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I rise in support of the motion.

Today, the House considers a vital matter of American purpose. Ever since World War II, our great country has offered itself as a force for freedom and independence in the world. We have opposed communism, and, at the same time, we have supported the end of European colonialism. We have fostered a third alternative, the alternative we enjoy here in America, the alternative of freedom and human liberty.

Today, we in the House vote on a measure that breathes life into our historic commitment to American values. We send to the President of the United States a document that clarifies our values, but, more than that, our determination to uphold these values.

Six years ago, this administration embarked on a new approach to South Africa. Rejecting the previous policy of public condemnation, it offered the carrot of constructive engagement. South Africa took the carrot, applauded the new administration's policy, and insisted on the right of that country's whites to monopolize supreme power over 22 million of its black citizens.

Constructive engagement, this policy of offering American sympathy to the

government in Pretoria, has been a failure. After 6 years of failure, in my opinion it is time to abolish that policy. It is one thing to experiment. That might be forgivable in the eyes of history. What is not forgivable is to continue with a policy that has proven itself a failure, morally as well as politically.

President Reagan has a unique opportunity in the next few days to serve as a champion of freedom. He has a chance to make it clear that this great country of ours is willing to once again pay the price of freedom. We are willing to sacrifice short-term economic gain to support our long-term values. We are willing to tell our brothers in South Africa, black and white and Asian, that our bill of rights is not only alive in this country, but a valued treasure for all humanity.

As an American, I hope our President will not veto this bill and will join the Congress of the United States in listening to the call from the millions of Americans in the towns and cities of our country to sign the sanctions bill and send Pretoria and the world a message:

When it comes to basic human principles, Americans always stand together.

Mr. WOLPE. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

(Mr. FORD of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, it is with mixed feelings that I consider the Senate bill on sanctions against South Africa. While my constituents and I would have rather be sending the Dellums disinvestment language to the President, the Senate bill we will be voting on today is a first step toward bringing reform to that nation.

The bill has several worthwhile provisions. It ends landing rights in this country for South African aircraft, prohibits most new investment in South Africa, and prohibits the import of uranium ore, coal, and steel coming from that nation. It also provides educational and housing assistance for black South Africans disadvantaged by apartheid.

Mr. Speaker, I will vote for today's bill, but with no strings attached as to whether this measure will preempt the authority of State and local municipalities to enact disinvestment legislation on South Africa. I encourage these entities to pull their investments from South Africa. While this Congress may not be able to pass disinvestment legislation this year, there is no reason for us to preempt those legislative bodies that can.

We have not heard the last on this issue. While we will almost certainly be considering an override in the next few weeks, I am hoping that the 100th Congress will bring about new pressure on the other body to approve dis-

investment. We must make the Pretoria government respect the rights of its black majority.

Mr. WOLPE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN].

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

Mr. SKEEN. Mr. Speaker, I rise in support of the bill.

Mr. GUNDERSON. Mr. Speaker, shortly after returning from my trip to South Africa in February 1985 this body began to debate and struggle with the important question of how the United States might be a constructive influence toward change in that country. Since that time, the situation in South Africa has deteriorated and grown increasingly violent, yet Congress has been unable to reach agreement on the issue of sanctions.

The question is out as to whether or not the United States can still make a difference in South Africa; whether the United States can still make a positive contribution to help to bring an end to apartheid and a renewal of peace.

However, in approving the measure before us today (H.R. 4868) we have an opportunity to speak with one voice in telling the people of South Africa and the world, that the citizens and Government of the United States disassociate themselves, clearly and without reservation, from the system of apartheid. In passing this bill, we will be passing a measure that can, and I am confident will, be signed into law. After 2 years of debate, we can finally signify to the merging and legitimate black majority population that America stands with them in their efforts to obtain justice.

The bill puts into permanent law all of the sanctions that President Reagan imposed on South Africa in his September 9, 1985 Executive order. Those were bans on: the importation of Krugerrands; the importation into the United States of arms, ammunition or military vehicles made in South Africa; the export of computer software and related items to South Africa for use by Government agencies, such as the police; loans by United States banks to the Government of South Africa; and the export to South Africa of nuclear power equipment and supplies.

Additional sanctions are established in an attempt to achieve short-term objects, such as the lifting of the current state of emergency, and long term, broader objectives, including the creation of a truly democratic form of government. Among the sanctions are included: a ban on the import of South African textiles, uranium and uranium ore, iron and steel, coal, and agricultural products; a prohibition on any form of cooperation between United States Government agencies and South African armed forces; a ban on new United States loans to South African businesses, the Pretoria government or any entity it controls; no new investments in South Africa by American business; and termination of a 1947 air travel agreement between the United States and South Africa.

The bill reaffirms the U.S. commitment to help the victims of apartheid through direct financial aid and other efforts. Funds are included for education scholarships, housing, and human rights programs aimed at helping

black South Africans help themselves overcome the weight of apartheid.

Sanctions can be waived if the South African Government undertakes five steps:

First, free African National Congress leader Nelson Mandela and all persons persecuted for their political beliefs or detained without trial;

Second, repeal the state of emergency and release all persons detained under it;

Third, legalize democratic political parties and permit all South Africans to join political parties, to express political opinions and participate in the political process;

Fourth, repeal the Group Areas Act and the Population Registration Act, which restrict where nonwhites live and work; and

Fifth, agree to enter into good-faith negotiations with truly representative black leaders without precondition.

While denouncing government violence perpetrated by Pretoria, we must also condemn acts of violence, such as the horrid "necklacing" carried out by black militants. H.R. 4868 calls on the African National Congress to strongly condemn these acts and take immediate action to bring a halt to this violence.

I am not so naive as to think that the passage of this bill guarantees an end to either apartheid, or the violence that has resulted from its enforcement. It is up to the people of South Africa, black and white, to bring about an end to the bloodshed and injustice plaguing their nation.

However, if our goal is to promote freedom and democracy throughout the world, and at a minimum establish communications with blacks in all of Africa; we cannot stand by and allow the 85 percent of the population in South Africa to be denied their similar rights to freedom and majority rule. I strongly urge my colleagues to join with me in supporting the passage of this bill, in the hope that we may best promote America's interests, the interests of the South African majority and the cause of peace.

Ms. MIKULSKI. Mr. Speaker, I rise to express my total opposition to apartheid and my support for complete United States divestment from South Africa.

In the past I called for the toughest sanctions against the apartheid regime. In May, the House paid heed to that call. I call for those sanctions again today.

It is most unfortunate that the President refuses to join the House of Representatives, the American people, and the Eminent Persons Group in expressing total abhorrence to apartheid. Apartheid enslaves black South Africans. It is evil. The United States will be an accessory to this evil until all ties are cut with the apartheid regime.

I continue to believe that we must send the strongest message possible to the South African regime that we oppose apartheid. I also believe that we must, as a nation, wait no longer to move decisively. It is unfortunate that the Senate package is the toughest sanctions bill we can pass and sustain over a veto.

The sanctions the President imposed last year have simply not done the job. We must send a stronger message. I urge my colleagues to accept the Senate amendments: a compromise, but a stronger message nonetheless.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 4868. The provisions of this

bill, although not as stringent as those originally passed by the House, will go a long way toward pressuring the South African Government to begin negotiating with recognized black leaders of that country to work toward a nonviolent resolution of the unconscionable political, economic and social structure of South Africa. Passage of this legislation is the least that we can do today. As Members of the U.S. Congress, we have been entrusted by the people of this Nation with a moral and political obligation to strive for equity and peace, not only in America, but throughout all regions of the world. It is far past the time for us to take decisive action to end the grossly unjust situation in South Africa.

There are many critical elements contained in H.R. 4868, but I will take time to point out one of the most important from the standpoint of West Virginia, the bill's ban on the importation of South African coal into the United States. In recent years, the amount of foreign coal entering this country has steadily increased. The infiltration of imported coal into domestic markets obviously displaces coal mining jobs in this country.

Leading the attack on coal field employment is South African coal which is produced under conditions very different than those maintained in this country. There are virtually no health and safety standards enforced in South African coal mines and the right of the primarily black miners to organize against the atrocious conditions they are forced to work in has consistently been denied. How can we not act against a system that not only submits its workers to inhumane and dangerous conditions, but also contributes to the unemployment and suffering of workers right here in America?

How can we not enact this legislation, as limited as it may be? How can we not do at least this, in an effort to help the downtrodden majority of South Africa reach a level of respect due all human beings? Our efforts heretofore have gone unheeded by those in power in South Africa. We have no course other than to pass this bill and stringently enforce its provisions. I urge its adoption.

Mr. BIAGGI. Mr. Speaker, as an original cosponsor of H.R. 4868, I rise in absolute support of this final version of this critically important legislation. If the Congress of the United States is going to take a stand on any foreign policy issue this year—and do so in a meaningful way—then it must take the kind of unequivocal stand against the evil of apartheid in South Africa that H.R. 4868 takes.

I would be the first to acknowledge that the bill before us today is not as strong as the House-passed version. I voted for that measure and stand by it. However, our objective in this process is to emerge with a final legislative product, not a one-House stand. The managers on the part of the House in the conference were able to negotiate from a position of strength because of the House vote in June.

The result is, we have not a compromise bill but a genuinely strong and viable piece of legislation to vote on today. The bill would provide for the following:

The bill would ban all new public and private sector loans or investments or other extensions of credit.

The bill bars the importation of uranium,

coal, textiles, iron, steel, ammunition, military vehicles, agricultural products and food from South Africa. These bans would take effect immediately, except the uranium, coal and textile bans which take effect 90 days after enactment.

The bill would also ban any imports from South African state-owned companies, either directly or indirectly through third countries.

This bill bans the export of all crude oil petroleum products and munitions to South Africa. In addition, it would ban exports of computers, computer software and computer services to the South African military, police or other entities responsible for enforcing apartheid.

The bill terminates the air services agreement now in effect with South Africa and ends all South African landing rights in the United States.

The bill earmarks \$40 million out of the Foreign Assistance Act economic support fund for assistance to South Africans disadvantaged by apartheid.

This legislation contains important penalties against those corporations which violate these sanctions. The absence of this provision would render this legislation meaningless in my judgment.

By enacting this measure, the United States is taking a strong stand. The message we convey is that we want no part of condoning the continued existence of apartheid in South Africa. We are able to exert genuine pressure to achieve peaceful change in this ravaged land. We must end our association with any elements who are in any way responsible for apartheid. Apartheid is a policy as abhorrent as any system the world has ever seen. It is a policy which imposes permanent subjugation on a group of people, namely the black majority in South Africa.

Mr. Speaker, there have been more than 100 legislative measures introduced this Congress to, in some way, condemn and/or end the normally repugnant system of apartheid in South Africa. I have cosponsored a number of those measures, including House Resolution 373, which would urge the South African Government to engage in meaningful political negotiations with their black majority; and H.R. 1460, a bill that passed this body last year to impose economic sanctions on South Africa. Today's measure is the strongest action yet, and it deserves our strong support. Simply put, apartheid and the bloody civil unrest it is spawning cannot be tolerated and this legislation will do more than merely mouth that message.

Mr. DANNEMEYER. Mr. Speaker. South Africa's racial policy of apartheid has been under attack since its institutionalization in 1948. More recently, world moral indignation has escalated to calls for direct action; that is, disinvestment. It is presumed that compelling corporations, banks, and other investors to cease their business activities in South Africa will force an end to apartheid. This is wishful thinking, and dangerously naive.

On June 19, the House of Representatives passed by voice vote a radical sanctions bill introduced by Mr. RON DELLUMS; allowing it to succeed without a fight was a calculated gamble since opponents of sanctions believe that such an extreme measure would never

pass the Senate or be signed by the President. Should the legislation become law, all United States companies owning interests in South Africa must divest themselves of those interests within 180 days.

It is estimated that some 300 American firms have \$1.8 billion in direct investments in South Africa, producing \$2.2 billion in annual trade. Were sanctions instituted, and they were only 20 percent effective, it is projected that 90,000 whites and 343,000 blacks would lose their jobs; if 50 percent effective, the total rises to 1.1 million South Africans who would be unemployed.

An alarming aspect of sanctions would be the potential prohibiting of the importation of strategic minerals vital to the United States, minerals vital to our basic economy as well as to our national defense effort. It has been estimated by some experts that the loss of these minerals might effectively result in forbidding the importation of foreign automobiles, repealing the Clean Air Act, and, of course, paying much higher prices for those minerals obtainable elsewhere. American imports from South Africa include: 56 percent of chromium, 33 percent of manganese (which is essential in the manufacture of tanks, ships, and aircraft), 67 percent of the platinum group minerals (which includes rhodium, used in making catalytic converters, which all cars sold in the United States must possess), 67 percent of industrial diamonds, and 44 percent of ferrochromium (used in making stainless steel). In many of these groups, including manganese, platinum, and vanadium, the only other major source is the Soviet Union. The loss—or greatly increased cost of having to purchase elsewhere—of these minerals would severely impact those industries most reliant upon them, including aerospace and defense industries in California.

Moreover, we would be unable to export our products to South Africa, currently amounting to about \$125 million annually, primarily in computers and other high-technology equipment. Fully 47 percent of all South African computer purchases is from the United States. Again, California would be hard hit.

The question is asked: Is it right to choose an economic argument over a moral one? Are jobs and economic growth in the United States more important than the freedom and human rights of blacks in South Africa? It is an easy question to ask, but an elusive one for proponents of sanctions to answer. What morality is inherent in disinvestment?

Polls taken among South African blacks indicate that between 68 and 74 percent oppose sanctions. Neighboring countries who rely on South Africa for between 50 and 100 percent of their electricity and for 40 to 70 percent of their trade would suffer with any decline in the South African economy. We should heed the lesson of Rhodesia/Zimbabwe. We applied sanctions against that nation 20 years ago because the white minority government refused to hand control over to blacks. Rhodesia subsequently fell and a black regime now rules. Unfortunately, Marxism has devastated the economy and the faction in power is intent upon destroying all political opposition. We find that, instead of freedom, there is widespread violence and blood-

shed. Is this what we have to look forward to in South Africa? It is important to note that not all blacks oppose the existing Government's program of reform. The Zulus, led by their Chief Mangosuthu Buthelezi, are opposed to the radical African National Congress, which is heavily infiltrated and controlled by Communists. The ANC is a terrorist group trained in the Soviet Union, East Germany, Libya, and Angola, and which has received millions of dollars in aid from the PLO.

Progress toward ensuring human, economic, social, and political rights for all South Africans has been slow. But progress is being made: The hated pass laws were abolished this summer, the policy of forced resettlement has been revoked, more extensive voting rights are being negotiated, and spending on education for blacks has increased 600 percent since 1980. These are steps in the right direction. Of course, anything less than immediate change fails to satisfy promoters of revolution.

The United States has an option: We can make a stupid and counter-productive symbolic gesture which injures ourselves, fails to deliver on its promise of freedom, and plays directly into the hands of the Soviets; or we can help an ally solve very basic problems and seek a solution which maximizes common sense and genuine progress and minimizes carnage and catastrophe.

Mr. HOWARD. Mr. Speaker, I rise in support of the H.R. 4868, the Anti-Apartheid Act of 1986, before us today. This legislation is an important and necessary step in bringing about the abolition of the apartheid regime in South Africa.

I would like to bring to the attention of the House the portion of the bill over which the Committee on Public Works and Transportation has jurisdiction; that is, the section prohibiting South African aircraft from landing in the United States. I am pleased that the legislation on the floor today contains this provision, which is identical to the earlier House-passed bill.

This is an important provision of the legislation 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 that Government's policies.

Again, I rise in support of the H.R. 4868 and urge its passage.

Mr. TALLON. Mr. Speaker, I rise once again to urge my colleagues to join me in strong support of legislation imposing sanctions on the white majority government of South Africa. This House now stands on the brink of historic legislation. Through H.R. 4868, the Anti-Apartheid Act, we will establish a national policy of opposition to South African racist governance by threat, violence and repression. One which defends essential democratic principles: the basic rights to vote and to participate on a one-person, one-vote basis in the

National Government. We will establish a policy that puts us clearly on the side of change in South Africa.

H.R. 4868 would prohibit new United States business investment in South Africa, ban some imports, including steel and other products from corporations controlled by the Government, and deny landing rights in the United States to the Government-owned South Africa Airways, along with imposing a number of other restrictions aimed at the Government and its commercial enterprises.

H.R. 4868 threatens additional, stronger sanctions unless South Africa makes substantial progress within a year to end its apartheid system of racial segregation. The measure also provides for rescinding the sanctions if the South African Government takes steps such as lifting segregationist rules, freeing anti-apartheid leader Nelson Mandela, legalizing all political parties and negotiating with black political leaders.

Importantly, this legislation allows States and local governments to continue to individually regulate financial or commercial activity with regard to South Africa. H.R. 4868 in no way preempts the efforts or decisions of State and local governments respecting South Africa.

These sanctions represent our first significant step to put moral force behind our rhetorical opposition to apartheid. If rhetoric would change the situation, the government would have long since folded, and there would be no apartheid today. But that has not happened. South Africa has continued its rule of institutionalized racism, sustained by United States companies.

The administration has come out quite soundly in support of the status quo in South Africa. Let us think for a moment what a status quo for South Africa means. Status quo in South Africa means repression of 22 million blacks who are deprived of the most basic rights such as the right to vote, to chose a job, an education or a place to live.

South Africa is the only nation on Earth that constitutionally enshrines racism by denying blacks the basic right to vote, the right to move about, freedom of association, equal protection under the law, virtually all of the constitutional freedoms that we know and cherish in this country.

Over the last 20 years some 3½ million blacks have been relocated by the Government, forcibly onto worthless patches of land. Eight million of them have been stripped of their citizenship. During the same period of time, U.S. investment has grown from about \$150 million to a current combined direct and indirect investment of \$14 billion. But as the American role has grown in South Africa, so has the tyranny of the South African Government.

Violence and Government repression have reached tragic new levels in South Africa. The news media carries daily reports of brutal and senseless attacks by the white government against the blacks of South Africa. We see blacks seeking political and humanitarian rights beaten and imprisoned. Meanwhile, the Government has prohibited almost all public dissent, closed opposition newspapers, and banned television and other press coverage of unrest and police actions.

Mr. Speaker, as the traditional leader of the free world, our Nation has to take a stand.

H.R. 4868 puts us squarely behind liberty and equality. And this is in our own interest because I am certain that blacks in South Africa will inevitably come to power. As a nation, we must be at that time in a posture to be able to say that we were on the right side of this most important social justice issue. I hope my colleagues will join me in sending this message of U.S. support for peace and democracy. It is a message we can all be proud of.

Mr. FRENZEL. Mr. Speaker, this vote on sanctions is a terribly hard one for me.

Essentially, all of us abhor apartheid, and want to do what is reasonable to hasten the demise of the system.

Essentially, I do not like sanctions, either. I do not like them as policy and I believe they are almost invariably unsuccessful.

Also, I believe that the Senate bill, on which we vote today, like the original House bill, and unlike the Dellums version, has as much protectionism as idealism as its basis. The usual suspects, the coal industry, the steel industry, and the textile industry have managed to isolate and protect their commercial interests in the name of human rights.

I am also troubled about the emphasis on only 1 of the 150 countries in the world which do not offer the basic human right of the democratic franchise to their people.

Apartheid is noxious, but so are the systems of dozens of other countries, many of them on the same continent. Free elections are the exceptions in this world, not the rule.

Despite my distaste for sanctions, I must now yield to a stronger distaste for apartheid. The democratic traditions of this country are too strong. The United States is too important as a symbol of freedom.

I shall, therefore, vote for the conference report not because I think it will change the conduct of the Botha government, but because I must. There is, at this time, no other way to express the strong feelings that demand expression now.

Mr. KEMP. Mr. Speaker, in considering sanctions against South Africa, our foremost concern at this time must be how we can help the black people of South Africa to achieve a full political democracy which fully protects human rights and human dignity for all.

Apartheid, in every form must end and is demonstrably evil. Thanks to our American Declaration of Independence, we can all agree on that. But there are many persuasive voices who tell us that the only way to build a new society is to tear down the old. I disagree, violence does not beget peace. Nor does poverty beget prosperity.

It would be tempting to disregard the substance of this bill and to vote for it as a symbol, a gesture of solidarity with the oppressed minorities in South Africa. I believe it would also be, on balance, politically popular to do so and I know this bill will pass. I don't question motives, that would be easy to do, but wrong. Because the result of this bill, I believe, would be to hurt the prospects for the emergence of a just, peaceful, and free democratic society in South Africa.

We must hate evil with a divine hatred. But we should always keep in mind what we want to build—this is ultimately more important than what we are against. Yet I see no plan, for how punitive sanctions against the South African people will help build a democracy in which everyone has an equal opportunity and

a society and economy in which everyone has a fair and free stake.

I want to join in devising such a plan. But I see no such plan connected in any way with this bill. I favor pressure in South Africa and have demonstrated by word and action my commitment to demolishing apartheid but I don't want anarchy and depression.

We do not build political democracy by tearing down economic opportunity. We do not improve the future for South African working people and their families by destroying their jobs. We do not improve the prospects for bringing the weight of world opinion to bear upon South Africa's unjust political system, by cutting that nation off from the rest of world society.

The way to help the people of South Africa is not to turn our back on the very principles which we proclaim as true not only for ourselves, but for all people everywhere—that human freedom, both political and economic, is the bedrock of political society. The future of the South African people will be best advanced through democratic self-determination, and free and growing economic opportunity, and I do favor a summit conference to help achieve that end.

I do not believe that the interests of the South African people, least of all South African blacks, are served by preventing new investment that creates jobs and increases their standard of living, as this bill would do. I do not believe that the people of South Africa are helped by prohibiting imports of any firm that receives any kind of Government subsidy. This would be equivalent to banning all agricultural products produced by American farmers although the bill hypocritically allows for subsidized grain sales to South Africa but not petroleum.

I can't believe it, but it's true.

I ask all people of good will on both sides of the aisle to join together in an effort to build up, not tear down. To be voices of reconciliation, not hatred. To bolster our natural love of human rights and human dignity which is in every conscience. Every person of good will can join in putting pressure for change toward observance of human right, but also in resisting pressure for violence and poverty. I agree that constructive employment is not enough, but we've sent signals, we are pressuring South Africa for an end to this evil.

I cast my vote against these ill-advised sanctions, and ask my colleagues that we begin together the vital work of reconstruction, reconciliation, and an end to racism in South Africa.

There are many of my colleagues and good friends who will not understand a vote against sanctions. I am profoundly sorry but I sincerely share the common goal of a summit conference on democratizing power, the release of Mandela, the repeal of the state of emergency, and repeal of the Group Areas and Population Registration Act. Let's eradicate apartheid not the economy.

Mr. WOLPE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DIXON). Pursuant to House Resolution 548, the previous question is considered as ordered.

The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] to concur in the Senate amendment.

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

Mr. BROOMFIELD. 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 pro tempore. 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 308, nays 77, not voting 46, as follows:

[Roll No. 381]

YEAS—308

Akaka	Erdreich	Leath (TX)
Alexander	Evans (IA)	Lehman (CA)
Anderson	Evans (IL)	Lehman (FL)
Andrews	Fascell	Leland
Annunzio	Fawell	Lent
Anthony	Fazio	Levin (MI)
Applegate	Feighan	Levine (CA)
AuCoin	Fiedler	Lewis (CA)
Barnard	Fish	Lewis (FL)
Barnes	Flippo	Lightfoot
Bateman	Florio	Lipinski
Bates	Foglietta	Lloyd
Bedell	Foley	Lowery (CA)
Beilenson	Ford (MI)	Lowry (WA)
Bennett	Ford (TN)	Lujan
Bentley	Fowler	Luken
Bereuter	Frank	MacKay
Berman	Franklin	Madigan
Bevill	Frenzel	Manton
Biaggi	Fuqua	Martin (IL)
Biiley	Gallo	Martin (NY)
Boehlert	Garcia	Martinez
Boggs	Gaydos	Matsui
Boland	Gejdenson	Mavroules
Bonior (MI)	Gekas	Mazzoli
Bonker	Gibbons	McCain
Borski	Gilman	McCloskey
Bosco	Gingrich	McCurdy
Broomfield	Glickman	McGrath
Brown (CO)	Gonzalez	McHugh
Bruce	Goodling	McKernan
Bryant	Gordon	McMillan
Bustamante	Gradison	Meyers
Byron	Gray (IL)	Mica
Carper	Gray (PA)	Mikulski
Carr	Green	Miller (CA)
Chandler	Gregg	Miller (WA)
Chapman	Guarini	Mineta
Chappell	Gunderson	Mitchell
Clay	Hall (OH)	Moakley
Clinger	Hamilton	Molinari
Coats	Hatcher	Mollohan
Coleman (MO)	Hawkins	Moody
Coleman (TX)	Hayes	Morrison (CT)
Collins	Hefner	Morrison (WA)
Conte	Henry	Murphy
Conyers	Hertel	Murtha
Cooper	Hiler	Natcher
Coughlin	Hillis	Neal
Courter	Hopkins	Nelson
Coyne	Horton	Nichols
Darden	Howard	Nowak
Daschle	Hoyer	Oakar
Daub	Hubbard	Oberstar
Davis	Hughes	Obey
de la Garza	Hutto	Olin
Dellums	Ireland	Ortiz
Derrick	Jacobs	Panetta
DeWine	Jeffords	Pashayan
Dicks	Jenkins	Pease
Dingell	Johnson	Penny
DioGuardi	Jones (NC)	Perkins
Dixon	Jones (TN)	Petri
Donnelly	Kanjorski	Pickle
Dorgan (ND)	Kaptur	Price
Dowdy	Kasich	Pursell
Downey	Kastenmeier	Rahall
Duncan	Kennelly	Ray
Durbin	Kildee	Regula
Dwyer	Kleczka	Reid
Dymally	Kolbe	Richardson
Dyson	Kolter	Ridge
Eckart (OH)	Kostmayer	Rinaldo
Edgar	LaFalce	Roberts
Edwards (CA)	Lagomarsino	Robinson
Edwards (OK)	Lantos	Rodino
English	Leach (IA)	

Roe	Smith (IA)	Vucanovich
Roemer	Smith (NE)	Waldon
Rose	Smith (NJ)	Walgren
Rostenkowski	Snowe	Walker
Roukema	Solarz	Watkins
Rowland (CT)	Spratt	Waxman
Rowland (GA)	Staggers	Weaver
Roybal	Stallings	Weber
Russo	Stangeland	Weiss
Sabo	Stark	Wheat
Savage	Stokes	Whitley
Saxton	Studds	Whitten
Scheuer	Swift	Williams
Schneider	Tallon	Wilson
Schuette	Tauke	Wirth
Schulze	Tauzin	Wise
Schumer	Thomas (GA)	Wolf
Seiberling	Torres	Wolpe
Sensenbrenner	Torricelli	Wortley
Sharp	Traficant	Wyden
Shelby	Traxler	Wylie
Sikorski	Udall	Yates
Sisisky	Valentine	Yatron
Skelton	Vento	Zing (MO)
Slattery	Viscosky	Zschau
Smith (FL)	Volkmer	

NAYS—77

Archer	Holt	Roth
Armey	Hunter	Schaefer
Badham	Hyde	Shaw
Bartlett	Kemp	Shumway
Barton	Kindness	Shuster
Bilirakis	Florio	Siljander
Boulter	Kramer	Skeen
Burton (IN)	Latta	Slaughter
Callahan	Lott	Smith, Denny
Cheney	Lungren	(OR)
Cobey	Mack	Smith, Robert
Coble	Marlenee	(NH)
Combest	McCandless	Smith, Robert
Craig	McCollum	(OR)
Crane	McEwen	Solomon
Daniel	Miller (OH)	Spence
Dannemeyer	Monson	Stenholm
DeLay	Montgomery	Strang
Dickinson	Moorhead	Stump
Dornan (CA)	Myers	Sundquist
Dreier	Nielson	Sweeney
Eckert (NY)	Oxley	Swindall
Emerson	Packard	Taylor
Fields	Parris	Vander Jagt
Hall, Ralph	Porter	Whittaker
Hammerschmidt	Quillen	Young (FL)
Hendon	Ritter	
	Rogers	

NOT VOTING—46

Ackerman	Frost	Owens
Aspin	Gephardt	Pepper
Atkins	Grotberg	Rangel
Boner (TN)	Hansen	Rudd
Boucher	Hartnett	Schroeder
Boxer	Huckaby	Snyder
Breaux	Jones (OK)	St Germain
Brooks	Livingston	Stratton
Brown (CA)	Loeffler	Synar
Burton (CA)	Lundine	Thomas (CA)
Campbell	Markey	Towns
Carney	McDade	Whitehurst
Chappie	McKinney	Wright
Coelho	Michel	Young (AK)
Crockett	Moore	
Early	Mrazek	

□ 1225

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Hansen against.
Mr. McKinney for, with Mr. Loeffler against.

So the motion was agreed to.

The result of the vote was announced as above recorded.

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 in which to revise and extend their remarks on the motion just agreed to.

The SPEAKER pro tempore (Mr. DIXON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 548, House Resolution 549 is considered as having been adopted.

The text of House Resolution 549 is as follows:

Resolved, That in passing the bill, H.R. 4868, as amended by the Senate, it is not the intent of the House of Representatives that the bill limit, preempt, or affect, in any fashion, the authority of any State or local government or the District of Columbia or of any commonwealth, territory, or possession of the United States or political subdivision thereof to restrict or otherwise regulate any financial or commercial activity respecting South Africa.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unavoidably detained earlier today. Had I been present I would have voted "yes" on rollcall No. 379; and I would have voted "yes" on rollcall No. 380 providing for consideration of the Senate amendment to H.R. 4868, the Anti-Apartheid Act of 1986.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5313, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS ACT 1987

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 532 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 532

Resolved, That during the consideration of the bill (H.R. 5313) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1987, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 8 through page 7, line 9; beginning on page 7, line 22 through page 9, line 11, beginning on page 10, line 1 through page 13, line 21; beginning on page 14, lines 13 through 16; beginning on page 15, line 21 through page 16, line 9; beginning on page 16, line 23 through page 18, line 4; beginning on page 18, line 10 through page 19, line 12; beginning on page 20, line 10 through page 25, line 3; beginning on page 26, line 1 through page 29, line 4; beginning on page 29, line 13 through page 33, line 8; beginning on page 35, line 20 through page 36, line 9; and beginning on page 39, line 7 through page 41, line 22. It shall be in order to consider an amendment to the bill printed in section two of this resolution, if offered by Representative Boland of Massachusetts, and all points of order against said amendment for failure to comply with the

provisions of clause 2 of rule XXI are hereby waived.

SEC. 2. On page 26, line 14, insert at the end of the sentence: "Provided further, That of the funds appropriated under this heading, not to exceed \$160,000,000 shall be provided for space station phase C/D development and such funds shall not be available for obligation until the enactment of a subsequent appropriations Act authorizing the obligation of such funds."

The SPEAKER pro tempore. (Mr. ANTHONY). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 532 is the rule waiving certain points of order against consideration of H.R. 5313, the Department of Housing and Urban Development and independent agencies appropriations for fiscal year 1987.

Since general appropriation bills are privileged under the rules of the House, the rule does not provide for any special guidelines for the consideration of the bill. Provisions related to time for general debate are not included in the rule.

Customarily, Mr. Speaker, general debate time is limited by a unanimous-consent request by the chairman of the Appropriations Subcommittee prior to the consideration of the bill.

Mr. Speaker, the rule protects specified provisions of the bill against points of order for failure to comply with the provisions of clause 2 of rule XXI. Clause 2 of rule XXI prohibits unauthorized appropriations and legislative provisions in an appropriations bill. The specific provisions of the bill for which the waiver is provided are detailed in the rule by page and line.

Also, Mr. Speaker, the rule makes in order an amendment offered by Representative BOLAND of Massachusetts. The amendment is printed in section 2 of the rule. The rule waives points of order against the amendment under clause 2 of rule XXI which, as I stated earlier, prohibits the inclusion of unauthorized appropriations and legislative provisions in general appropriation bills.

Mr. Speaker, H.R. 5313 contains \$54.6 billion in new budget authority for the Department of Housing and Urban Development and for 17 independent agencies in fiscal year 1987. The bill would provide \$13.2 billion to the Department of Housing and Urban Development, which includes \$8.1 billion for the assisted housing programs—sufficient to provide for 98,000 units. The committee has appropriated \$3 billion for community development block grants, and \$275 million for urban development action grants.

In addition to providing funding for HUD, this bill appropriates \$26.1 billion for all of the programs of the Veterans' Administration. Of this total, the bill provides \$14.4 billion for com-

pensation and pensions, \$9.5 billion for medical care and treatment, and \$355 million for construction projects.

Finally, Mr. Speaker, H.R. 5313 appropriates funds for several other independent agencies including \$34.5 million for the Consumer Product Safety Commission, \$7.65 billion for NASA, and \$1.6 billion for the National Science Foundation. The bill also would provide \$1.2 billion for salaries, abatement and buildings for the Environmental Protection Agency and \$2.4 billion for waste water grants administered by that agency.

Mr. Speaker, the rule would allow the House to fully consider the action of the Appropriations Committee on an important bill as we approach the beginning of the new fiscal year. I urge its adoption so that we can move expeditiously to consideration of the issues.

□ 1235

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

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

Mr. QUILLEN. Mr. Speaker, at the outset I would like to say that I support the rule in its present form. I want to advise the Membership, however, that there will be an effort made to defeat the previous question, which I do not support.

The purpose of the effort to defeat the previous question will be to make in order a line-item veto amendment which is only applicable to this bill. As much as I favor a line-item veto, it should be across the board and no individual appropriation should be singled out.

Mr. Speaker, this is an important measure, coming here on Friday in the closing days of this session, but there is no more important appropriation bill than this one appropriating for HUD and some independent agencies of this Government, including the Veterans' Administration and NASA.

We know how valuable the Veterans' Administration is to the veterans of this country, their health care and their well-being. Even though it is above the request of the administration, it will be possible to offer an amendment to reduce that amount. I support the rule. I support the measure. I urge a yes vote on the previous question.

Mr. Speaker, I do have two or three requests for time.

At this time, I yield 5 minutes to my friend, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding. I appreciate his generosity in giving me this time. I think it is reflective of the quality of people we have here that we are so generous in giving time to one another, even when we are in disagreement with each other.

Mr. Speaker, at the end of this debate when the previous question is moved, I will be asking for a recorded vote. Of course as the Members of this body approach that vote, they are going to wonder why somebody asked for a recorded vote in a manner that is not within our regular proceedings here.

The reason I do that, Mr. Speaker, is if I am successful, then, in defeating the previous question under the rules of the House I will be able to offer an amendment to the rule that will allow and protect against points of order, an amendment to the appropriations bill that will grant to the President a line-item veto authority.

I take this action not because I am disappointed in or lack any regard for the work done by the Appropriations Subcommittee on this HUD appropriations bill. I think it is very clear that we in this body must understand and appreciate the hard work and the sincere work done by the Appropriations Committee in fulfilling the limits of their 302(b) allocations, and even indeed in some cases going beyond.

The fact of the matter is we are about to close out a fiscal year with a \$230 billion deficit despite what has been in effect good efforts of this body to control spending, the deficit stays out of control.

The American people have indicated in poll after poll that we must get this spending under control; and indeed, as you know, there have been efforts made on each appropriation bill that we have dealt with on this floor to amend the bill and reduce spending on a line item basis by Members of this body.

Some 26 amendments have been offered, and all but 2 or 3 have been voted down, giving us a clear indication that the body is not prepared to make these extra necessary cuts on a line item basis.

Realizing that, I hit upon the strategy to try then to give the President that authority which he requested in his State of the Union Message when he said, "Give me the authority to make the cuts; I'll take the heat."

If we cannot pass the cut amendments, we have got to pass the buck; but in one way or another, Mr. Speaker, we have got to gain control of this spending.

It is for that reason that I went to the Committee on Rules and requested, carrying with me a letter signed by over 90 Members of this body. I asked for a rule that would allow me to make this amendment to the HUD appropriations bill and I was denied.

Consequently, I am compelled, then, if I am to pursue this, to take this extraordinary action and ask the Members of this body to join me in voting no when the previous question is ordered; so that as we defeat the previous question, we can then bring that amendment to the floor and let the Members of this body work their will with an up or down vote that will

allow line-item veto authority for the President of the United States.

I must remind the Members of the body that not only have the people of this Nation spoken in poll after poll about their concern about the spending, but they overwhelmingly support this kind of authority to be granted to the President.

I might also point out that in my peculiar amendment, we are by and large replicating the language of the Budget Impoundment Control Act of 1974 where indeed this kind of authority did exist for the President where, if indeed this body does not approve of his specific line item cuts, they can override him with a 50-percent or majority veto.

So it does not have the stringent two-thirds requirement of the regular veto power. We have given this body every opportunity to work its will, we ask now for the opportunity to give the President the power and the authority to assist us in this difficult business of cutting spending, while reserving for us in this body the right to override.

Finally, Mr. Speaker, I ask the Members of the body to vote no on the previous question.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. WYLIE].

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

Mr. WYLIE. Mr. Speaker, I rise in support of the rule and in support of the bill, which this rule makes in order, H.R. 5313, the HUD-independent agencies appropriations bill for 1987.

In particular, I want to applaud the efforts of the gentleman from Massachusetts, Chairman BOLAND, and the gentleman from New York [Mr. GREEN], the ranking minority member of this Subcommittee on Appropriations as they relate to the housing and community development sections of the bill.

These programs fall under the authorization of the Committee on Banking, and I have had an opportunity to discuss the bill with both of these gentlemen, and think they have done a good job.

This past June, the House considered H.R. 1, the Housing Act of 1986. As an alternative to that, I offered a substitute, H.R. 4756, which I believe was a balanced, well-rounded legislative approach which stayed within the bounds of reality as dictated by the rather substantial budget deficit that we now face.

Although at that time I did not receive a majority of the Members votes in support of my substitute, I am pleased to see the HUD appropriations figures before us today for assisted housing do reflect the cornerstone of that substitute which I offered at that time.

□ 1245

That is a belief that it is necessary to set a new standard of priorities in order to provide the greatest amount of assistance for the least amount of money, or the amount of money which is realistically available for housing. The primary example of this is the issue of new construction units versus modernization of existing public housing units. In this regard the appropriations bill does provide no appropriation for new public housing units with the agreed-upon exception of Indian housing units.

The primary example of this is the issue of new construction units versus modernization of existing public housing units. In this regard, the appropriations bill provides no appropriation for new public housing units with the agreed upon exception of Indian public housing units. Such funds that would have gone to new construction have been used to increase funding for the public housing modernization program. This reflects a significant redirection in Federal housing policy and is consistent with the Bartlett amendment which overwhelmingly passed the House during consideration of H.R. 1.

Finally, for assisted housing the appropriations bill reflects the administration's request for 50,000 housing vouchers. Housing vouchers can be the key to alleviating some of the problems associated with low-income housing assistance at a much less expensive and faster rate than costly production programs.

The appropriations bill also contains credit limits of \$80 billion for FHA and \$132.5 billion for GNMA. In view of this past years FHA activity and a continued decline in mortgage rates I fear that the 1987 FHA credit limit of \$80 billion will not be enough. I believe the level should be \$100 billion and I will support efforts to raise the FHA figure to that level. I remind my colleagues these are credit limits only and do not represent increased Federal outlays. In fact, with regard to FHA we have negative outlays meaning that the Government collects receipts via premiums which technically reduces the deficit, rather than adding to the deficit.

The bottom line is that I hope the FHA credit limit contained in H.R. 5313 can be resolved so as not to repeat the fiscal year 1986 experience of having to increase the limit on two occasions. The lack of credit authority along with the short-term reauthorizations of FHA, were very disruptive to the American homebuyer and the home finance industry in general, as I'm sure my colleagues remember.

Finally, although I am in general support of the appropriations bill, I do have some concern over certain authorizing language which amends a provision I added to the 1983 housing authorization bill. That provision prohibits rent controls from being placed

on projects funded under the Rental Rehabilitation Grant Program, if rent control ordinances were put in effect after November 30, 1983. The language in H.R. 5313 would negate this anti-rent control language and allow rent controls to be placed on projects that are assisted through State programs where the amount of the State assistance exceeds the amount of assistance provided under the Rental Rehabilitation Program.

I understand that this language was included in the bill because the State of New York established a housing trust fund after passage of the 1983 housing bill. Instead of the State changing their statute to conform to the Federal rental rehab statute, the State sought relief by seeking to change the Federal statute.

Mr. Speaker, in view of the legislative history on the issue of rent control with regard to the Rental Rehabilitation Program I do not believe an appropriation bill is the proper vehicle to modify our previously established position. While I will not contest the provision at this time, I would hope that this issue could be deferred until the committee with authorizing jurisdiction has had an opportunity to conduct hearings and review the issue of rent control, as well as other issues, that may be raised with regard to multifamily rental housing by the pending tax reform legislation.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the gentleman.

Mr. Speaker, I probably will not take all of those 3 minutes. I appreciate having the time in order to discuss two amendments that I will be bringing to the HUD appropriations bill.

The first one will be a strict limitation that any of the funds so expended under title I be used specifically for domestic goods, products and services. It is, I guess, the buy-American clause. I think it is necessary. I am hoping for support on it.

One of the conditions will be that it will not be able to be offered until the conclusion of the bill in its entirety. At that particular time if the committee, in objection to these particular two amendments, would decide to rise, I would try to have the motion to rise defeated. I would prefer not to do that. This is Friday afternoon, people want to leave. I certainly do not want to belabor this House. But I would like to say this; I think it is high time when you have a situation where we are able to get \$4.5 million for the Youngstown Metropolitan Housing Association to refurbish existing low-income housing and they buy heating radiators from Sweden and pipe from Sweden and an LTV pipe factory 5 miles down the road ends up closing, then there is something intrinsically wrong with the thinking of Congress.

I do not want to keep anybody here, but I want to bring this issue and the awareness of these dynamics to the floor of the House.

The second one deals specifically with a parochial issue that I think is of great interest. We have only a part-time outpatient veterans clinic in my district. We have been noticed and notified that they will close down. We have 125,000 veterans who will have to travel at least 60 to 80 miles on an average to get reasonable medical care.

I am going to ask that no money in this particular HUD appropriation bill be used to transport, transfer or transport any of the items or other equipment in that clinic out. I want your help. Our mills helped us when those bombs were flying in the Second World War, and now our people, many of them retired or veterans, now even are being denied these basic types of services.

I will not be able to offer these if the committee says "no." I do not want to have to fight the motion to rise. That is the dilemma that I am in. I am going to be asking for your help. I would appreciate those of you who would support them, hopefully we will not have to go to the term with a contested vote to approve these two amendments; that is not the case. I would hope that there would be that empathy in the House to consider these two issues and, with resolve, give a firm hand of support.

I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

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

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding. I rise to urge my colleagues, as did the gentleman from Texas, to vote "no" on the previous question so that we can grant the Members another opportunity to debate an issue long desired by the general population, by the public, by our constituents, by the President of the United States, by many Members of Congress and a debate on this issue which has never been granted us on the floor of this House, namely, the line item veto.

We deserve a chance to record our sentiments on this vital piece of budgetary discipline and budgetary theme which we have never had the opportunity to do before.

I myself am contemplating, in the pattern just outlined by the gentleman from Ohio in his concerns, that if we should lose, if the previous question is not defeated, later on when the time comes on the motion to have the committee rise, to oppose that motion and I hope to introduce my own version of a limited line-item veto which would occur within the confines of the HUD appropriation itself and not beyond, but which will break the ice, open the door for an eventual contemplation by this body of the entire

structure of a line-item veto to be granted to the President of the United States.

The public wants scrutiny line by line, not only by the Congress but by the President of the United States, whoever he may be.

I might say that whatever we may do in the exercise of trying to promote the line-item veto may not inure to the benefit, if that is what you want to call it, of this current President.

So we are not simply interested in furthering Ronald Reagan's policies, we want this for budgetary control into the next century, whoever may be the President, whoever may have the right to exercise it.

So let us vote down the previous question, give the gentleman from Texas the right to bring the line-item veto within the context of this appropriation and, failing that, I will have to consider very strongly opposing the motion to rise later on to bring in this limited line-item veto that would pertain and obtain to HUD appropriations alone.

I thank the gentleman for the time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I rise in support of the rule and urge Members to vote for the previous question and for the rule. I think the HUD and independent agencies appropriation bill would be a particularly futile place to experiment with the line-item veto. The fact of the matter is that those parts of the HUD appropriation of which the President disapproves are well known to this House. The administration earlier this year sought to impound some of those funds and defer others. This House did not go along with that. We specifically overrode the deferrals. We allowed the impoundments to expire. It seems foolish to go through that same exercise again in another form, a form, in my opinion, of dubious constitutionality when the mechanism is there in the Budget Impoundment and Control Act of 1974.

It was used by the President. This House and this Congress overruled the President on those issues. You are only going to tie this appropriation bill into knots by going that route.

There are many important policy issues that have to be resolved in this appropriation bill, particularly issues relating to NASA. I think it would be a terrible mistake if we do something which will almost certainly force this bill into a continuing resolution and will destroy any hope we have that we can move forward with this bill without regard to the continuing resolution.

So I would urge my colleagues do not get us in that quagmire. Please vote for the previous question and for the rule.

Mr. QUILLEN. Mr. Speaker, I urge a "yes" vote on the rule, a "yes" vote on

the previous question, and a "yes" vote on the bill itself. It is an important measure that we must pass soon if we are to avoid funding these agencies through a continuing resolution.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

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

Mr. FRENZEL. Mr. Speaker, I rise in support of the ArmeY amendment, which can only be made if the previous question on the rule is defeated. I, therefore, urge a vote against the previous question when that vote occurs in the House of Representatives.

With all due respect to my good friend from New York, Mr. GREEN, it is about time that the Congress experimented, stuck its toe, a tiny bit, into the waters of fiscal responsibility, and gave this good idea of the line item veto a chance to work in a cost center which is small compared with our whole Government spending program.

The gentleman suggested that a vote for the ArmeY amendment would throw the bill into the continuing resolution.

I suggest that the bill is already in the continuing resolution, and it is going to take a miracle to handle it otherwise. Give us a chance to vote once on the line item veto in one small place, and give those Members of the House, who want to stand for fiscal responsibility, a chance to vote for it.

I urge a vote against the previous question.

Mr. BEILENSEN. Mr. Speaker, I have no further requests for time, but I do want to just close debate, taking 1 minute to respond to some of the comments in opposition to ordering the previous question. However, I do want to pause briefly before that to express appreciation to the able gentleman from Texas for his courtesy in advising the committee of his intentions here today. We appreciate that very much.

Mr. Speaker, the gentleman urges the House to defeat the previous question so that he can offer an amendment to the rule to make in order a line-item veto amendment to the HUD appropriation.

I must note that the amendment of the gentleman from Texas is clearly legislative in character, and requires a waiver of clause 2 of rule XXI. I also have some doubt as to whether the amendment is germane.

Mr. Speaker, there are better, much better, vehicles than the HUD appropriation bill for rewriting the Budget Act or, for that matter, the Constitution.

The people of this country have elected the Members of Congress to write the laws, including appropriations. The Founding Fathers viewed legislative control of the power of the purse as one of the most important safeguards of liberty, and vested it in Congress absolutely in the Constitu-

tion. I don't know if we can give away a responsibility that 200 years of history have won for us. But I have no doubt that we should not, and especially not under these circumstances.

Mr. Speaker, this resolution and the rules of the House give each Member a right to offer an amendment to the spending numbers in the bill. If the gentleman from Texas or any other Member of this august body feels that any amounts in the bill are too high, his rights or her rights are protected by the rule.

Mr. Speaker, in concluding I urge the House to order the previous question and to adopt the resolution. I thank my friends on the other side, Mr. WYLIE, Mr. GREEN, and Mr. QUILLLEN for supporting us in these efforts, and after yielding to the gentleman from Texas I will move the previous question.

Mr. ARMEY. I thank the gentleman for yielding.

I just want to clarify one point because I think it is an important point. We have researched our effort, we checked with the Parliamentarian. If we should defeat the previous question, then we will be offering not only an amendment the rule that allows an amendment to the bill but a protection waiver against rule XXI which is commonly given quite frequently by the Rules Committee, quite in conformity with that practice and which could have been granted to me and my 92 cosigners by the Rules Committee and was turned down. So I think we have covered these kinds of parliamentary bases. I appreciate the time of the gentleman.

Mr. BEILENSEN. Mr. Speaker, I appreciate the clarification of the gentleman from Texas.

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

Mr. BEILENSEN. I would be happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

The gentleman is quite correct that this is not the best vehicle to rewrite the Budget Act or to set overall fiscal policy. The gentleman has done great work in this area, and I only wish that some of his ideas could have gotten before us. While it is not the best vehicle, all the other vehicles are in a locked barn upon blocks with no air in their tires, their battery disconnected. This remains the only one in sight. I thank the gentleman for his good work on the Budget Act.

Mr. BEILENSEN. We thank the gentleman for his kind comments. We understand that there are problems and frustrations which the gentleman has.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. 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 226, nays 137, not voting 68, as follows:

[Roll No. 382]

YEAS—226

Akaka	Ford (MI)	Oakar
Alexander	Frank	Oberstar
Anderson	Fuqua	Obey
Andrews	Garcia	Olin
Annunzio	Gaydos	Ortiz
Anthony	Gejdenson	Panetta
Applegate	Gilman	Pashayan
AuCoin	Glickman	Pease
Barnard	Gonzalez	Perkins
Barnes	Gordon	Pickle
Bates	Gray (IL)	Price
Bedell	Gray (PA)	Quillen
Beilenson	Green	Rahall
Bennett	Guarini	Ray
Bentley	Hall (OH)	Reid
Berman	Hamilton	Richardson
Bevill	Hammerschmidt	Rinaldo
Biaggi	Hatcher	Robinson
Boehliert	Hayes	Rodino
Boggs	Hefner	Roe
Boland	Horton	Rose
Bonior (MI)	Howard	Rostenkowski
Bonker	Hoyer	Roukema
Borski	Hubbard	Rowland (GA)
Bosco	Hughes	Russo
Bruce	Hutto	Sabo
Bryant	Jeffords	Savage
Bustamante	Jenkins	Schneider
Byron	Jones (NC)	Schulze
Carper	Jones (TN)	Schumer
Carr	Kanjorski	Seiberling
Chapman	Kaptur	Sikorski
Chappell	Kastenmeier	Sisisky
Clay	Kildee	Skelton
Coleman (MO)	Kleczka	Smith (FL)
Coleman (TX)	Kolter	Smith (IA)
Collins	LaFalce	Smith (NJ)
Conte	Lantos	Smith, Robert
Conyers	Leath (TX)	(OR)
Cooper	Lehman (CA)	Solarz
Coughlin	Lehman (FL)	Spratt
Coyne	Leland	Staggers
Daniel	Levin (MI)	Stallings
Darden	Levine (CA)	Stenholm
Daschle	Lewis (CA)	Stokes
Davis	Lipinski	Studds
de la Garza	Lloyd	Swift
DeLums	Long	Taylor
Derrick	Lowry (WA)	Thomas (GA)
Dicks	Luken	Torricelli
Dingell	MacKay	Traficant
DioGuardi	Manton	Traxler
Dixon	Matsui	Valentine
Donnelly	Mavroules	Vento
Dowdy	McCloskey	Visclosky
Downey	McCurdy	Volkmer
Duncan	McGrath	Waldon
Durbin	McHugh	Walgren
Dwyer	McMillan	Watkins
Dymally	Mica	Waxman
Dyson	Mikulski	Weaver
Eckart (OH)	Miller (CA)	Weiss
Edgar	Mineta	Wheat
Edwards (CA)	Mitchell	Whitley
Edwards (OK)	Molinaro	Whitten
English	Mollohan	Williams
Erdreich	Montgomery	Wilson
Evans (IL)	Moody	Wirth
Fascell	Morrison (CT)	Wise
Fazio	Mrazek	Wolpe
Feighan	Myers	Wyden
Fish	Natcher	Wylie
Flippo	Neal	Yates
Florio	Nelson	Yatron
Foglietta	Nichols	Young (MO)
Foley	Nowak	

NAYS—137

Archer	Henry	Petri
Arney	Hertel	Porter
Badham	Hiler	Pursell
Bartlett	Hillis	Regula
Barton	Holt	Ridge
Bateman	Hopkins	Ritter
Bereuter	Hunter	Roberts
Billirakis	Hyde	Roemer
Bliley	Ireland	Rogers
Boulter	Jacobs	Roth
Broomfield	Johnson	Rowland (CT)
Brown (CO)	Kasich	Saxton
Burton (IN)	Kindness	Schafer
Callahan	Kolbe	Sensenbrenner
Chandler	Kostmayer	Sharp
Cheney	Kramer	Shaw
Clinger	Lagomarsino	Shumway
Coats	Latta	Shuster
Cobey	Leach (IA)	Skeen
Coble	Lent	Slaughter
Combest	Lewis (FL)	Smith (NE)
Courter	Lightfoot	Smith, Denny
Craig	Lott	(OR)
Crane	Lowery (CA)	Smith, Robert
Dannemeyer	Lujan	(NH)
DeLay	Lungren	Snowe
DeWine	Madigan	Solomon
Dickinson	Marlenee	Spence
Dorgan (ND)	Martin (IL)	Stangeland
Dornan (CA)	Martin (NY)	Strang
Dreier	Mazzoli	Stump
Eckert (NY)	McCaïn	Sundquist
Emerson	McCandless	Sweeney
Evans (IA)	McCollum	Swindall
Fawell	McEwen	Tauke
Fiedler	McKernan	Tauzin
Fields	Meyers	Vander Jagt
Franklin	Miller (OH)	Vucanovich
Frenzel	Miller (WA)	Walker
Gallo	Monson	Weber
Gekas	Moorhead	Whittaker
Gingrich	Morrison (WA)	Wolf
Goodling	Nielson	Wortley
Gradison	Oxley	Young (FL)
Gunderson	Packard	Zschau
Hall, Ralph	Parris	
Hendon	Penny	

NOT VOTING—68

Ackerman	Grotberg	Rangel
Aspin	Hansen	Roybal
Atkins	Hartnett	Rudd
Boner (TN)	Hawkins	Scheuer
Boucher	Huckaby	Schroeder
Boxer	Jones (OK)	Schuetz
Breaux	Kemp	Shelby
Brooks	Kennelly	Siljander
Brown (CA)	Livingston	Slattery
Burton (CA)	Loeffler	Snyder
Campbell	Lundine	St Germain
Carney	Mack	Stark
Chappie	Markey	Stratton
Coelho	Martinez	Synar
Crockett	McDade	Tallon
Daub	McKinney	Thomas (CA)
Early	Michel	Torres
Ford (TN)	Moakley	Towns
Fowler	Moore	Udall
Frost	Murphy	Whitehurst
Gephardt	Murtha	Wright
Gibbons	Owens	Young (AK)
Gregg	Pepper	

□ 1310

The Clerk announced the following pairs:

On the note:

Mr. McDade for, with Mr. Daub against.
Mr. McKinney for, with Mr. Schuette against.

Mr. PURSELL and Mr. HERTEL of Michigan changed their votes from "yea" to "nay."

Messrs. WALGREN, WHEAT, and YATES changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5313, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1987

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5313) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1987, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New York [Mr. GREEN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

□ 1320

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. 5213), with Mr. MACKEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Massachusetts [Mr. BOLAND] will be recognized for 30 minutes, and the gentleman from New York [Mr. GREEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I yield myself such time as I might require.

Mr. Chairman, we bring before the Committee today the 1987 appropriations bill for HUD and 17 independent agencies. It is a bill that has the unanimous support of the Subcommittee on

HUD-Independent Agencies and the support of the full Committee on Appropriations.

I want to express my appreciation to all the Members who serve on the subcommittee, particularly the ranking minority member, the gentleman from New York [Mr. GREEN]. His tireless efforts and constant attention at subcommittee meetings have made the job of all the members of this subcommittee a little easier.

May I also express my appreciation to all the Members on the majority side who have given me and the rest of the Members so much help.

Mr. Chairman, the bill this year totals \$54,006,168,700. This amount is about \$10.8 billion above the President's original 1987 budget request—with virtually all of that difference arising from assisted housing.

The recommended amount is some \$4,141 million below the current 1986 level after Gramm-Rudman—the major difference being revenue sharing—for which no funds have been included in 1987. To date, that program has not been reauthorized.

This bill is within the subcommittee's 302(b) allocation for both budget authority and outlays. It was a tight squeeze. There were some tough trade-offs that had to be made to stay within those particular limits. But I think the bill we bring before you today is a fair bill, a balanced bill, and one the House will support.

And let me tell you why you should support it.

This bill, which totals \$54,006,168,700, is about \$5 million below the subcommittee's section 302(b) allocation.

The 1987 discretionary bill total of \$38,895,848,700 is approximately \$4 million below the subcommittee's section 302(b) allocation for discretionary accounts.

The 1987 bill total of \$54,006,168,700 is \$4,141,215,284 below the 1986 enacted level of \$58,147,383,984.

The 1987 bill total of \$54,006,168,700 is about \$294 million below the Senate's section 302(b) allocation of \$54,300 million.

And finally, the 1987 discretionary total of \$38,895,848,700 is approximately \$504 million below the Senate's section 302(b) allocation of \$39,400 million to the HUD Subcommittee.

So by almost any measure, this bill meets all the tests.

Briefly let me give you some of the highlights. First, in the Department of Housing and Urban Development we have added \$8,095 million for assisted housing. This mark is virtually identical to the assumption in the budget resolution for subsidized housing. When the accounting change recommended by the administration is factored in—converting public housing modernization to direct capital grants financing—assisted housing is about \$50 million below the comparable 1986 level.