

## **SUMMARY OF THE COMPREHENSIVE ANTI-APARTHEID ACT**

Comprehensive Anti-Apartheid Act of 1986 - Title I: Policy of the United States with respect to ending apartheid - Requires U.S. policy toward South Africa to be designed to bring about the establishment of a nonracial democracy in South Africa. Sets forth actions that the United States shall encourage South Africa to take, including releasing Nelson Mandela and establishing a timetable for the elimination of apartheid laws. Requires the United States to adjust its actions toward South Africa to reflect the progress made by South Africa in establishing a nonracial democracy.

Declares that U.S. 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. Requires the United States to work toward this goal by encouraging such organizations, through diplomatic and political measures, to: (1) suspend terrorist activities; (2) make known their commitment to a free and democratic post-apartheid South Africa; (3) agree to enter into negotiations for the peaceful solution to South Africa's problems; and (4) reexamine their ties to the South African Communist Party. Requires the United States to adjust its actions toward South Africa not only to reflect progress or lack of progress made by South Africa in establishing a nonracial democracy but also to reflect progress or lack of progress made by such organizations in bringing about a suspension of violence.

Declares that U.S. policy toward the victims of apartheid is to use economic, political, diplomatic, and other means to remove the apartheid system and to assist the victims of apartheid to overcome the handicaps imposed on them by apartheid. Sets forth actions the United States will take to help the victims of apartheid.

Declares that U.S. policy toward the other countries in the region shall be designed to encourage democratic forms of government, respect for human rights, political independence, and economic development. Sets forth actions the United States will take toward such countries.

Expresses the sense of the Congress that the President should discuss with the African "frontline" states the effects of disruptions in economic links through South Africa.

Declares that it is U.S. policy to promote negotiations among representatives of all citizens of South Africa to determine a future political system.

Expresses the sense of the Congress that high-level U.S. officials should meet with leaders of opposition organizations in South Africa and should, in concert with other interested parties, try to bring together opposition political leaders with South African Government leaders for negotiations to achieve a transition to the post-apartheid democracy envisioned in this Act.

Declares that the United States will encourage all participants in the negotiations to respect the right of all South Africans to participate in the political process without fear of retribution. Requires the United States to work for an 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.

Expresses the sense of the Congress that the achievement of such an agreement could be promoted if the United States and its major allies would meet to develop a plan to provide multilateral

assistance for South Africa in return for South Africa implementing: (1) an end to the state of emergency and the release of political prisoners; (2) the unbanning of 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 a third party to bring about negotiations to establish power-sharing with the black majority.

Urges the President to seek cooperation among all individuals, groups, and nations to end apartheid.

Expresses 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.

Expresses the sense of the Senate that the U.S. Ambassador should request a meeting with Nelson Mandela.

Expresses the sense of the Congress that U.S. employers operating in South Africa are obliged both generally to oppose apartheid and specifically to recruit and train black and colored South Africans for management responsibilities.

**Title II: Measures to Assist Victims of Apartheid** - Amends the Foreign Assistance Act of 1961 to earmark a specified amount of the education and human resources development assistance funds for each of FY 1987 through 1989 to finance education, training, and scholarships for the victims of apartheid. Authorizes the use of Economic Support Fund monies for such purposes in lieu of an equal amount made through the education and human resources development assistance.

Requires the use of Economic Support Fund monies, in addition to the funds used for purposes described in the preceding paragraph, to finance scholarships for students pursuing secondary school education in South Africa. Requires the selection of such scholarship recipients to be by a nationwide panel or by regional panels appointed by the U.S. chief of diplomatic mission to South Africa. Authorizes the use of up to \$1,000,000 of Economic Support Fund assistance for such purposes for each of FY 1987 through FY 1989.

Requires assistance to be provided for inservice teacher training programs in South Africa through nongovernmental organizations. Authorizes the use of up to \$500,000 for FY 1987 and up to \$1,000,000 for FY 1988 for such purposes.

Requires priority to be given, in providing assistance for disadvantaged South Africans, 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.

Earmarks a specified amount of the funds available for human rights assistance for FY 1986 for anti-apartheid nongovernmental organizations in South Africa. Earmarks a specified amount of the funds made available to such organizations to provide assistance to political detainees and prisoners and their families.

Limits the amount of any such human rights grant to \$100,000. Requires the average of such grants not to exceed \$70,000. Earmarks a specified amount of such grants for each fiscal year to aid: (1) the families of victims of violence such as "necklacing" and other such inhumane acts; and (2) black

groups in South Africa which are actively working toward a multi-racial solution to the sharing of power in that country through nonviolent, constructive means.

Requires the Secretary of State (the Secretary) and any other head of a Federal agency carrying out activities in South Africa to try, in procuring goods and services, to assist businesses having more than 50 percent beneficial ownership by nonwhite South Africans.

Amends the Export-Import Bank Act of 1945 to require the Export-Import Bank to take active steps to encourage the use of its guarantee, insurance, and credit facilities in connection with South African businesses that are majority owned by nonwhite South Africans. Exempts from a specified certification requirement exports to or purchases from such businesses.

Expresses the sense of the Congress that the labor practices used by the U.S. Government in South Africa should represent the best of U.S. labor practices and should serve as a model for U.S. nationals in South Africa. Requires the Secretary and the heads of other agencies carrying out activities in South Africa to ensure that the labor practices used in South Africa are governed by a specified Code of Conduct.

Requires the Secretary to acquire residential properties in South Africa that shall be made available to assist victims of apartheid who are U.S. employees in obtaining adequate housing. Requires such property to be acquired only in neighborhoods open to other U.S. employees. Authorizes appropriations for FY 1987 for such housing.

Requires any U.S. national who employs more than 25 persons in South Africa to insure that the Code of Conduct is implemented. Prohibits U.S. intercession with any foreign government or foreign nation on behalf of any U.S. national employing more than 25 persons in South Africa if such U.S. national does not implement the Code of Conduct.

Declares that the Code of Conduct is as follows: (1) desegregating employment facilities; (2) providing equal employment opportunity for all employees; (3) assuring that the pay system is applied to all employees; (4) establishing a minimum wage and salary structure; (5) increasing the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by apartheid; (6) taking reasonable steps to improve the quality of employees' lives outside the work environment; and (7) implementing fair labor practices by recognizing the right of all employees to unionize.

Expresses the sense of the Congress that, in addition to the Code of Conduct, U.S. nationals in South Africa should seek to take reasonable measures to extend the scope of influence on activities outside the workplace.

Authorizes the President to issue guidelines and, upon request, advisory opinions on compliance with such principles.

Authorizes the President to require all U.S. nationals employing more than 25 persons in South Africa to register with the Federal Government.

Prohibits providing assistance under this Act to any group that maintains within its ranks any individual who has been found to engage in gross violations of human rights.

Authorizes the President to use the Emergency Reserve for African Famine Relief to provide food assistance and transportation for that assistance whenever the President determines that such action is necessary to meet food shortages in southern Africa.

Prohibits providing assistance to any group that advocates or approves the practice of execution by fire known as "necklacing".

Authorizes the Secretary of Agriculture to permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels and under similar terms as other countries that have traditionally purchased U.S. agricultural commodities.

Title III: Measures by the United States to Undermine Apartheid - Prohibits importing from South Africa: (1) any gold coin minted in South Africa or sold by its Government; and (2) arms, ammunition, or military vehicles or any manufacturing data for such articles. Prohibits the importation of any article grown, produced, or manufactured by a South African parastatal organization (an organization owned or controlled by the South African Government other than an organization that received start-up funding from the South African Industrial Development Corporation but is now privately owned) except for: (1) agricultural products during the 12 months following enactment; (2) certain strategic minerals; and (3) articles to be imported pursuant to a contract entered into before August 15, 1986, provided no shipments may be received by a U.S. national under such contract after April 1, 1987.

Prohibits exporting computers, computer software, or computer technology to or for the use of: (1) the South African military, police, prison system, national security agencies; (2) ARMSCOR and its subsidiaries or the weapons research activities of the South African Council for Scientific and Industrial Research; (3) the administering authorities for apartheid; (4) any apartheid enforcing agency; or (5) any governmental entity which performs any of the above functions.

Permits exports of computers, computer software and technology to South Africa for other purposes 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 of the entities listed above.

Prohibits any U.S. national from making or approving any loan to the South African Government or to any entity owned or controlled by such government. Exempts from such prohibition: (1) loans for any education, housing, or humanitarian benefit which is available to all persons on a nondiscriminatory basis or is available in a geographic area accessible to all population groups; or (2) loans entered into before enactment of this Act.

Requires the President to notify South Africa of the intention to suspend the rights of any air carrier designated by South Africa under the 1947 air services agreement between the United States and South Africa to service the routes provided in the agreement. Directs the President, within ten days of enactment of this Act, to direct the Secretary of Transportation to: (1) revoke the right of any South African carrier to provide service pursuant to the agreement; and (2) prohibit any U.S. carrier from providing service between the United States and South Africa.

Requires the Secretary to terminate the 1947 air services agreement between South Africa and the United States. Requires the Secretary of Transportation upon termination of such agreement, to prohibit any aircraft of a foreign air carrier owned by South Africa or by South African nationals from engaging in air transportation with respect to the United States. Requires the Secretary of Transportation to prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned or controlled by a U.S. national or U.S. corporation.

Prohibits, unless the Secretary certifies to the Speaker of the House and the chair of the Senate Foreign Relations Committee that South Africa maintains certain international nuclear safeguards: (1) the Nuclear Regulatory Commission from issuing a license for the export to South Africa of certain nuclear facilities, material, technology, or components; (2) the Secretary of Commerce from issuing a license for the export to South Africa of certain goods or technology that may be of significance for nuclear explosive purposes; (3) the Secretary of Energy from authorizing any person to engage in the production of special nuclear material in South Africa; and (4) any executive branch agency or the NRC from approving the retransfer of nuclear goods or technology to South Africa. Exempts certain exports, retransfers, or other activities from such prohibition if specified conditions are met.

Prohibits a U.S. depository institution from accepting, receiving, or holding a deposit account from the South African Government or from any entity owned or controlled by South Africa.

Prohibits importing into the United States from South Africa any uranium ore, uranium oxide, coal, or textiles.

Prohibits any U.S. national from making any new investment in South Africa, effective 45 days after enactment of this Act. Exempts firms owned by black South Africans.

Terminates the sanctions contained in title III of this Act and certain sanctions contained in title V of this Act if South Africa: (1) releases political prisoners and Nelson Mandela from prison; (2) repeals the state of emergency and releases all detainees held under such state of emergency; (3) forbids political parties and permits political freedom for all races; (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.

Authorizes the President, unless the Congress enacts a joint resolution of disapproval, to suspend or modify such sanctions after the President determines and reports to the Speaker of the House and the chair of the Senate Foreign Relations committee that South Africa has: (1) released Nelson Mandela and other political prisoners; (2) taken three of the four actions listed in phrases (2) through (5) in the preceding paragraph; and (3) made substantial progress toward dismantling apartheid and establishing a nonracial democracy.

Declares that it is U.S. policy to support negotiations with the representatives of all communities. Declares that the United States will support negotiations which do not include the African National Congress, the Pan African Congress, or other organizations if the: (1) 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; and (2) African National Congress, the Pan African Congress, or other organizations refuse to participate or if such organizations refuse to abandon unprovoked violence during such negotiations and refuse to commit themselves to a free and democratic post-apartheid South Africa.

Declares that U.S. policy toward violence in South Africa shall be designed to end such violence and to promote negotiations. Declares that the United States shall work through diplomatic and other measures, to isolate those who promote terrorist attacks on unarmed civilians and those who provide assistance to such individuals.

Directs the Secretary to terminate the tax treaty between the United States and South Africa.

Prohibits any U.S. Government entity from entering into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

Prohibits using U.S. funds to promote U.S. tourism in South Africa.

Prohibits using U.S. funds for any assistance to investment in, or any subsidy for trade with, South Africa.

Prohibits the export to South Africa of items contained in the U.S. Munitions List which are subject to U.S. jurisdiction except for items not covered by United Nations Security Council Resolution 418. Requires the President to notify the Congress of intent to issue a license for the export of such an article and to report to the Congress every six months on any such articles licensed for export to South Africa. Provides that the Congress shall have 30 days to disapprove by joint resolution any such sale.

Prohibits the importation from South Africa of: (1) any agricultural product; (2) any article that is fit for human consumption; and (3) iron or steel.

Prohibits exporting crude oil or refined petroleum from South Africa .

Prohibits any U.S. entity from engaging in any form of cooperation with the South African armed forces except for activities which are reasonably designed to facilitate the collection of necessary intelligence.

Prohibits importing sugars, sirups, and molasses from South Africa. Grants to the Philippines the South African share of the aggregate import quota on sugars, sirups, and molasses. Makes conforming amendments to the Tariff Schedules of the United States.

Title IV: Multilateral Measures to Undermine Apartheid - Declares that is is U.S. policy to seek international cooperative agreements with other industrialized democracies to end apartheid. Declares that: (1) negotiations to reach such agreements should begin promptly and should be concluded within 180 days of enactment of this Act; and (2) the President should convene an international conference of the other industrialized democracies in order to reach such agreements. Requires the President to report to the Congress on such efforts.

Authorizes the President to modify specified sanctions imposed under title III of this Act to conform with such an agreement. Declares that each such agreement shall enter into force and effect if: (1) the President, at least 30 days before entering into such agreement, notifies the Congress of the intention to enter into such agreement and publishes such notice; (2) after entering into the agreement, the President sends a copy of the agreement and certain other materials to the Congress; and (3) the Congress does not adopt a joint resolution of disapproval within 30 days of transmittal of such documents.

Expresses the sense of the Congress that the President should propose that the United Nations impose the same type of measures against South Africa as are imposed by this Act.

Authorizes the President to limit the importation into the United States of any product or service of a foreign country to the extent that such country benefits from restrictions imposed on U.S. nationals by this Act.

Creates a private right of action for U.S. nationals who are required to terminate or curtail business in South Africa against anyone who benefits or takes commercial advantage of such termination or curtailment.

Title V: Future Policy Toward South Africa - Declares that it is U.S. policy to impose additional measures against South Africa if substantial progress has not been made within 12 months of enactment of this Act in ending apartheid and establishing a nonracial democracy.

Requires the President to report annually to the Speaker of the House and the chair of the Senate Foreign Relations Committee beginning one year after enactment of this Act on the extent to which significant progress has been made toward ending apartheid. Requires the report to contain a recommended additional measure if the President determines that South Africa has not made significant progress in ending apartheid and establishing a nonracial democracy. Provides for expedited congressional consideration of a joint resolution which would enact such additional measures.

Authorizes the President to lift any prohibition against South Africa contained in this Act if the President reports to the Congress, after six months from the date of the imposition of such prohibition, that such prohibition would increase U.S. dependence upon member or observer countries of the Council for Mutual Economic Assistance for coal or any strategic and critical material by a specified amount. Requires the Secretary of Commerce to report to the Congress on the imports of such coal and materials. Requires the President to submit periodic reports on such imports to the Congress.

Requires the Secretary to report to the Congress by December 1, 1986, on the health condition and extent of starvation and malnutrition in the "homelands" areas of South Africa.

Requires the President to report to the Congress, within 90 days of enactment of this Act, on the extent to which the United States is dependent on imports from South Africa of chromium, cobalt, manganese, platinum group metals, ferroalloys, and other strategic and critical materials. Requires the President to develop a program which reduces the U.S. dependence on such imports.

Directs the President to report to the Congress, within 180 days of enactment of this Act, on the role of American assistance in southern Africa describing 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.

Directs the President to report to the Speaker of the House and the chairman of the Senate Foreign Relations Committee, within 180 days of enactment of this Act, on the economic and other relationships of other industrialized democracies with South Africa.

Requires the Secretary of the Treasury to report to the Speaker of the House and the chairman of the Senate Foreign Relations Committee, within 180 days of enactment of this Act, on the feasibility of prohibiting any depository institutions from accepting, receiving, or holding deposits from any South African national.

Requires the President to report to the Speaker of the House and the chairman of the Senate Foreign Relations Committee, within 179 days of enactment of this Act, on the extent to which the international embargo on the sale and exports of arms and military technology to South Africa is being violated.

Requires the President to submit to specified congressional officials, within 90 days of enactment of this Act, a report on the activities of the Communist Party in South Africa.

Prohibits any person from importing any gold coin minted in, or offered for sale by, the Soviet Union.

Amends the Foreign Assistance Act of 1961 to earmark a specified amount of Economic Support monies for assistance for disadvantaged South Africans, with a specified amount of such earmarked funds allocated for training programs for South Africa's trade unionists. Requires the Secretary to report to the Congress, within 90 days of enactment of this Act, on the President's strategy for the next five years on assistance to such South Africans.

Requires the Attorney General, within 180 days of enactment of this Act, to report to the Congress on actual and alleged violations of the Foreign Agents Registration Act of 1938 by representatives of governments or opposition movements in sub-Saharan Africa.

Title VI: Enforcement and Administrative Provisions - Provides for enforcement and administration of this Act. Provides for expedited consideration by the Congress of certain joint resolutions relating to sanctions against South Africa.

Prohibits the Federal Government from imposing any penalty on any State or local government because 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 enactment of this Act.

---